



Center *for* Research Libraries
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

Rights and usage

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

Center for Research Libraries

Identifier: 90bb101f-f634-410c-bad4-a16a06042255

Range: Scans 001 - 144

Downloaded on: 2022-05-19 16:48:27

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

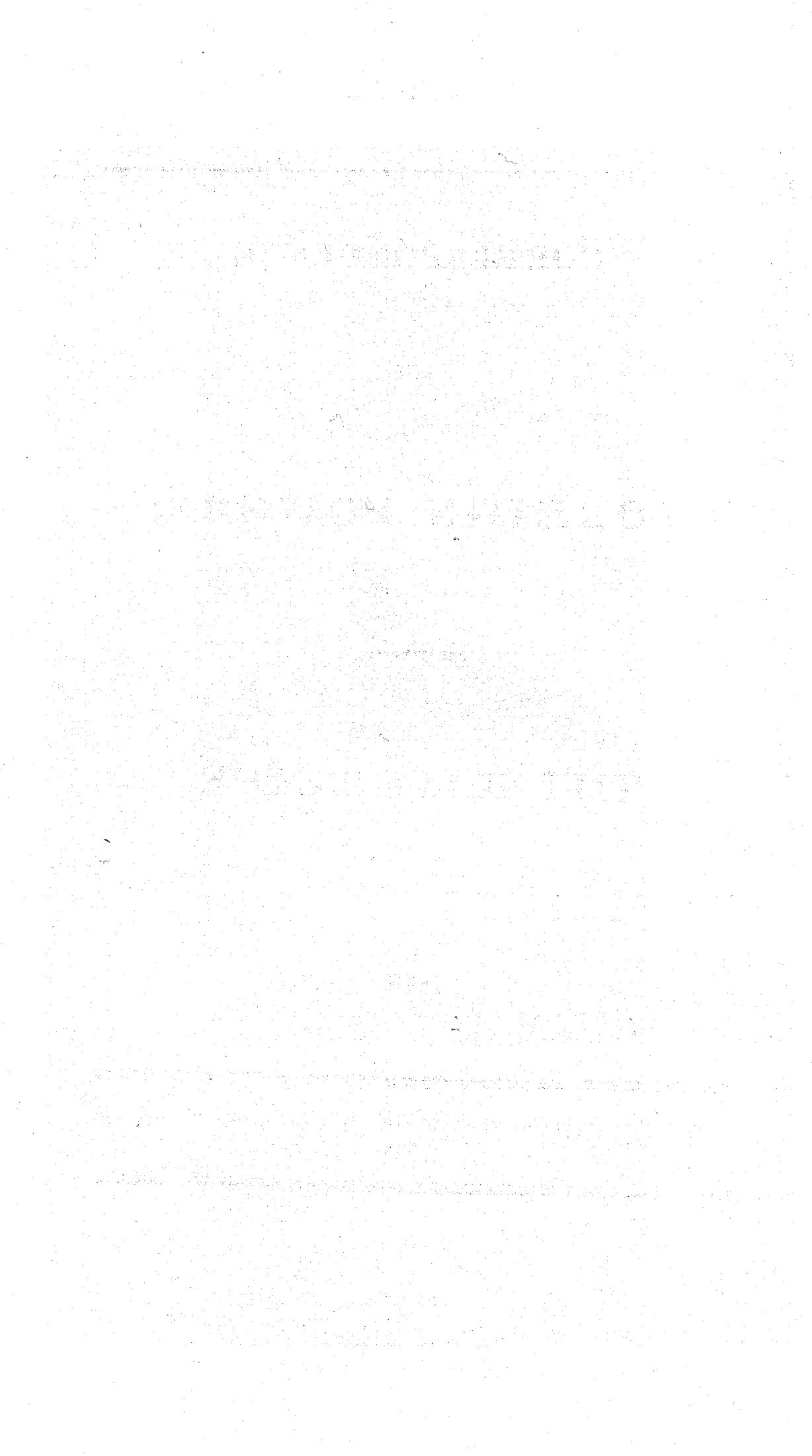
1828.

Presented to both Houses of Parliament, by Command of His Majesty,
1829.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.



Class B.

LIST OF PAPERS.

SPAIN.

No.	Date & Receipt.	SUBJECTS.	Page.
1.	The Earl of Dudley to The Conde de Ofalia - D. Jan. 10, 1828.	Removal of Commissions to Fernando Po - -	1
2.	The Conde de Ofalia to The Earl of Dudley - D. Jan. 19, -- One Enclosure	Ditto. Ditto. - -	2
3.	G. Bosanquet, Esq. to The Earl of Dudley - D. Jan. 7, -- R. Jan. 31, -- One Enclosure	Slave-trade at Cuba. — "Tres Manuelas" - -	4
4.	G. Bosanquet, Esq. to The Earl of Dudley - D. Jan. 16, -- R. Jan. 22, -- One Enclosure	"Fama of Honduras" ("Fama of Cadiz") fitting out at Cadiz	6
5.	The Earl of Dudley to The Conde de Ofalia - D. Feb. 21, -- Four Enclosures	Removal of Commissions to Fernando Po - -	6
6.	The Earl of Dudley to G. Bosanquet, Esq. - D. Feb. 21, -- Four Enclosures	Ditto. Ditto. - -	9
7.	The Earl of Dudley to G. Bosanquet, Esq. - D. Feb. 29, --	Slave-trade at Cuba - -	13
8.	The Earl of Dudley to G. Bosanquet, Esq. - D. Feb. 29, --	"Guerrero" - - - -	14
9.	The Earl of Aberdeen to G. Bosanquet, Esq. - D. March 30, --	Lord Aberdeen, Secretary of State - - - -	14
10.	G. Bosanquet, Esq. to The Earl of Dudley - D. March 17, -- R. April 3, --	Removal of Commissions to Fernando Po - -	15
11.	G. Bosanquet, Esq. to The Earl of Dudley - D. April 10, -- R. April 28, -- Four Enclosures	"Fama of Cadiz," fitting out at Cadiz - - - -	15
12.	G. Bosanquet, Esq. to The Earl of Dudley - D. April 19, -- R. May 4, -- One Enclosure	Slave-trade at Cuba - -	17
13.	The Earl of Aberdeen to G. Bosanquet, Esq. - D. July 9, --	Papers laid before Parliament -	19
14.	The Earl of Aberdeen to G. Bosanquet, Esq. - D. Aug. 30, --	"Tres Manuelas" - - - -	19
15.	The Earl of Aberdeen to The Conde de Ofalia - D. Sept. 13, --	Removal of Commissions to Fernando Po - -	20
16.	The Conde de Ofalia to The Earl of Aberdeen - D. Sept. 15, --	Ditto. Ditto. - -	20
17.	G. Bosanquet, Esq. to The Earl of Aberdeen - D. Oct. 10, -- R. Oct. 21, -- One Enclosure	"Tres Manuelas" - - - -	21
18.	The Conde de Ofalia to The Earl of Aberdeen - D. Dec. 8, --	Removal of Commissions to Fernando Po - -	22
19.	The Earl of Aberdeen to G. Bosanquet, Esq. - D. Dec. 31, --	Ditto. Ditto. - -	23
20.	The Earl of Aberdeen to G. Bosanquet, Esq. - D. Dec. 31, --	Slave-trade at Cuba.—"Esperanza" - - - -	24

LIST OF PAPERS.

BRAZIL.

No.		Date & Receipt.	SUBJECTS.	Page.
21.	Visct. d'Itabayana to The Earl of Dudley	- D. Feb. 26, 1828.	Appointment of Commissioners at Sierra Leone, under the Convention with Brazil	- 26
22.	The Right Hon. R. Gordon to The Earl of Dudley	D. Dec. 24, 1827. One Enclosure R. March 4, 1828.	Illegal Licences granted in Brazil.—Proposed Additional Article	- 26
23.	Visct. d'Itabayana to The Earl of Dudley	- D. March 3, — One Enclosure	Claim, in the Case of the "Activo"	- 28
24.	Visct. d'Itabayana to The Earl of Dudley	- D. March 3, — One Enclosure	Claim, in the Case of the "Perpetuo Defensor"	- 32
25.	Visct. d'Itabayana to The Earl of Dudley	- D. March 3, — One Enclosure	Claim, in the Case of the "Hiroina"	- 35
26.	Visct. d'Itabayana to The Earl of Dudley	- D. March 3, — One Enclosure	Claim, in the Case of the "Cerqueira"	- 37
27.	Visct. d'Itabayana to The Earl of Dudley	- D. March 3, — One Enclosure	Claim, in the Case of the "Crepla"	- 40
28.	The Earl of Dudley to the Right Hon. R. Gordon	- D. March 6, —	Appointment of British Commissioners under the Convention with Brazil	- 43
29.	The Earl of Dudley to Visct. d'Itabayana	- D. March 6, —	Appointment of British Commissioners under the Convention with Brazil	- 43
30.	Visct. d'Itabayana to The Earl of Dudley	- D. March 13, —	Appointment of Brazilian Commissioners at Sierra Leone	- 44
31.	Visct. d'Itabayana to John Backhouse, Esq.	- One Enclosure D. March 28, —	Appointment of M. de Paiva as Brazilian Commissary Judge	- 45
32.	The Earl of Dudley to the Right Hon. R. Gordon	- D. March 31, —	"St. Joao Voador"	- 46
33.	Visct. d'Itabayana to John Backhouse, Esq.	- D. April 15, —	Appointment of Brazilian Commissioners at Sierra Leone	- 47
34.	The Earl of Dudley to Visct. d'Itabayana	- D. April 25, —	Appointment of Brazilian Commissioners at Sierra Leone	- 48
35.	The Right Hon. R. Gordon to The Earl of Dudley	D. June 18, — Two Enclosures R. Aug. 17,	"St. Joa Voador"	- 49
36.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Aug. 23, — One Enclosure	Commission of Appointment of M. de Paiva as Brazilian Commissary Judge	- 51
37.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Aug. 26, —	Proposed prolongation of the period of abolition of Brazilian Slave-trade; and revision of Sentences	- 52
38.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Sept. 15, —	Renewal of the said Propositions	53
39.	The Earl of Aberdeen to Visct. d'Itabayana	- D. Sept. 15, —	Proposed prolongation of the period of abolition of Brazilian Slave-trade, and revision of Sentences	- 54
40.	The Right Hon. R. Gordon to The Earl of Aberdeen	D. July 27, — One Enclosure R. Sept. 22,	Infractions at Maranham of the Treaty with Brazil. "Carolina" "Pedro Primeiro"	- 55
41.	The Earl of Aberdeen to Visct. d'Itabayana	- D. Sept. 26, —	Commission of Appointment of M. de Paiva	- 56
42.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Nov. 17, — One Enclosure	Proposed prolongation of the period of abolition of Brazilian Slave-trade, and revision of Sentences	- 56
43.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Nov. 24, — Two Enclosures	Claim, in the Case of the "Tentadora"	- 60
44.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Nov. 24, — Two Enclosures	Claim, in the Case of the "Venturoso"	- 64
45.	Visct. d'Itabayana to The Earl of Aberdeen	- D. Nov. 24, — One Enclosure	Claim, in the Case of the "Bahia"	- 70

LIST OF PAPERS.

v

No.		Date & Receipt.	SUBJECTS.	Page.
46.	Visct. d'Itabayana to The Earl of Aberdeen Two Enclosures	D. Nov. 24, 1828.	Claim, in the Case of the "Minnerva" - - -	72
47.	Visct. d'Itabayana to The Earl of Aberdeen Two Enclosures	D. Nov. 24, -	Claim, in the Case of the "Trajano" - - -	76
48.	Visct. d'Itabayana to The Earl of Aberdeen Two Enclosures	D. Nov. 24, -	Claim, in the Case of the "Eclipse" - - -	81
49.	Visct. d'Itabayana to The Earl of Aberdeen One Enclosure	D. Nov. 24, -	Claim, in the Case of the "Tres Amigos" - - -	85
50.	Visct. d'Itabayana to The Earl of Aberdeen Two Enclosures	D. Nov. 24, -	Claim, in the Case of the "Carlota" - - -	88
51.	Visct. d'Itabayana to The Earl of Aberdeen Two Enclosures	D. Nov. 24, -	Claim, in the Case of the "Independencia" - - -	92
52.	Visct. d'Itabayana to The Earl of Aberdeen	D. Nov. 24, -	Complaint of capture of Brazilian Vessels - - -	96
53.	The Earl of Aberdeen to Visct. d'Itabayana	D. Nov. 29, -	On proposed prolongation of the period of abolition of Brazilian Slave-trade, and revision of Sentences - - -	98
54.	The Earl of Aberdeen to Visct. d'Itabayana	D. Dec. 1, -	Claims, in the Cases of the "Activo" and "Perpetuo Defensor" - - -	100
55.	The Earl of Aberdeen to Visct. d'Itabayana	D. Dec. 2, -	Claim, in the Case of the "Hiroina" - - -	101
56.	Visct. d'Itabayana to The Earl of Aberdeen	D. Dec. 4, -	Renewal of Propositions in Nos. 42 and 52 - - -	103
57.	The Earl of Aberdeen to The Right Hon. Lord Ponsonby	D. Dec. 6, -	On proposed prolongation of the period of abolition of Brazilian Slave-trade, and revision of Sentences - - -	103
58.	Mr. Vice Consul Heatherly to J. Bidwell, Esq. One Enclosure	D. Jan. 15, R. March 15,	Return of Slaves imported at Rio de Janeiro, Second Half Year, 1827 - - -	105
59.	Mr. Vice Consul Heatherly to The Earl of Dudley	D. March 13, R. May 27,	Brazilian Slave-vessels with Mercantile Passports - - -	106
60.	Mr. Vice Consul Heatherly to J. Bidwell, Esq. One Enclosure	D. April 26, R. June 24,	Return of Slaves imported at Rio de Janeiro, January to March, 1828 - - -	106
61.	Mr. Consul Pennell to The Earl of Dudley	D. Dec. 1, 1827. R. Feb. 13, 1828.	Increase of Slave-trade - - -	108
62.	Mr. Consul Pennell to The Earl of Dudley Three Enclosures	D. Dec. 24, 1827. R. April 9, 1828.	Admeasurement of the Brig "Tejo" - - -	108
63.	Mr. Consul Pennell to The Earl of Dudley One Enclosure	D. Jan. 14, R. April 9,	"Adelaide" - - -	110
64.	Mr. Consul Pennell to The Earl of Dudley Two Enclosures	D. Feb. 12, R. May 6,	Excessive importation of Slaves in the "Felicidade" - - -	111
65.	Mr. Consul Pennell to The Earl of Dudley	D. Feb. 14, R. May 6,	Admeasurement of the "Tres Amigos" - - -	112
66.	Mr. Acting Consul Weiss to The Earl of Dudley Four Enclosures	D. April 28, R. June 17,	Brazilian Slave-vessels with Mercantile Passports, the "General Almeida," "Victoria," "Cooperador," and "Aguia da Bahia" - - -	112
67.	Mr. Consul Hesketh to The Earl of Dudley One Enclosure	D. Feb. 4, R. May 11,	Return of Slaves imported at Maranham in 1827 - - -	114
68.	Mr. Consul Hesketh to The Earl of Dudley	D. May 27, R. July 16,	Brazilian Slave-vessels with Mercantile Passports - - -	116
69.	Mr. Consul Parkinson to John Bidwell, Esq.	D. July 19, R. Sept. 23,	Brazilian Slave-vessels with Mercantile Passports - - -	116

LIST OF PAPERS.

PORTUGAL.

No.	Date & Receipt.	SUBJECTS.	Page.
70.	The Earl of Dudley to Mr. Consul Goodwin - D. May 24, 1828.	General Instructions -	117

NETHERLANDS.

71.	The Earl of Dudley to Sir Charles Bagot - D. April 25, 1828.	Treatment of emancipated Negroes at Surinam -	118
72.	Sir Charles Bagot to The Earl of Dudley - D. April 29, R. May 5,	— Treatment of emancipated Negroes at Surinam -	118
73.	Sir Charles Bagot to The Earl of Dudley - D. May 2, R. May 6, One Enclosure	— Treatment of emancipated Negroes at Surinam -	119
74.	Sir Charles Bagot to The Earl of Dudley - D. May 16, R. May 26, One Enclosure	— Treatment of emancipated Negroes at Surinam -	119
75.	The Earl of Aberdeen to Sir Charles Bagot - D. June 17,	— Vessels furnished with Instructions - -	121
76.	The Earl of Aberdeen to Sir Charles Bagot - D. June 17,	— Treatment of emancipated Negroes at Surinam -	121
77.	Sir Charles Bagot to The Earl of Aberdeen - D. June 20, R. June 24,	— Receipt of Nos. 75 and 76 -	121
78.	Sir Charles Bagot to The Earl of Aberdeen - D. June 23, R. June 29, One Enclosure	— Vessels furnished with Instructions - -	122
79.	Sir Charles Bagot to The Earl of Aberdeen - D. July 28, R. Aug. 4,	— Receipt of Parliamentary Papers	123

FRANCE.

80.	The Earl of Dudley to Visct. Granville - D. Jan. 25, 1828. Two Enclosures	French Slave-trade, Coast of Africa - -	123
81.	The Earl of Dudley to Visct. Granville - D. Feb. 2, One Enclosure	— French Slave-trade, Coast of Africa - -	125
82.	Visct. Granville to The Earl of Dudley - D. Feb. 1, R. Feb. 4,	— French Slave-trade, Coast of Africa - -	126
83.	Visct. Granville to The Earl of Dudley - D. Feb. 8, R. Feb. 11,	— French Slave-trade, Coast of Africa - -	126
84.	Visct. Granville to The Earl of Dudley - D. Feb. 15, R. Feb. 18, One Enclosure	— French Slave-trade, Coast of Africa - -	126
85.	The Earl of Aberdeen to Visct. Granville - D. June 17, Two Enclosures	— Decision respecting Slaves removed from Mauritius to Bourbon - -	127
86.	Visct. Granville to The Earl of Aberdeen - D. June 20, R. June 22,	— Receipt of Ditto - -	129
87.	Lord Stuart de Rothesay to The Earl of Aberdeen - D. July 25, R. July 28, One Enclosure	— Capture of French Slave-vessels	129
88.	Lord Stuart de Rothesay to The Earl of Aberdeen - D. Aug. 22, R. Aug. 25, One Enclosure	— Condemnation of "Le Céron"	130
89.	The Earl of Aberdeen to Lord Stuart de Rothesay - D. Aug. 30, Two Enclosures	— French Slave-trade, Coast of Africa - -	131
90.	Lord Stuart de Rothesay to The Earl of Aberdeen - D. Sept. 15, R. Sept. 18, Two Enclosures	— French Slave-trade, Coast of Africa - -	133

DENMARK.

No.	<i>Date & Receipt.</i>	SUBJECTS.	Page.
91.	The Right Hon. H. W. W. Wynn to The Earl of Aberdeen	D. Aug. 26, 1828. Receipt of Parliamentary Papers. - R. Sept. 2,	134

SWEDEN.

92.	The Hon. J. Bloomfield to The Earl of Aberdeen	D. Aug. 8, 1828. Receipt of Parliamentary Papers. - R. Aug. 23,	135
-----	--	--	-----

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

The Earl of Dudley to The Conde de Ofalia.

Foreign Office, January 10, 1828.

THE Undersigned, &c. has received the 2 Notes which the Conde de Ofalia, &c. under the dates of the 10th of September, and the 10th of December, 1827,* did The Earl of Dudley the honour to address to him, on the subject of the intention, which had been intimated to the Spanish Government, of removing to the Island of *Fernando Po*, the united British and Foreign Slave-trade Commissions, now established at Sierra Leone.

This intimation was made to the Spanish Government, through Mr. Lamb, His Majesty's Envoy at Madrid, so far back as the Month of February, 1826.

The Duke del Infantado, in his Answer of the 3d of April, of the same Year, stated, "that The King, his Master, was only waiting for detailed information as to the possibility of realizing the plan in question, before he should accede to the proposal which formed the subject of Mr. Lamb's Note."

On Mr. Lamb's application to the Duke del Infantado, to learn from whom he expected the further circumstantial details which he demanded, and to what points these details related, the Duke answered, "that he expected these details from the British Government; that they related to the Agreements to be made with the Inhabitants, and to the possibility of erecting habitations;" and the Duke added, that whenever Mr. Lamb could notify to him, that the Commission could be lodged on the Island, His Catholick Majesty would name a Commissioner to proceed there.

Upon these grounds, as well as upon the accession of the other Powers concerned in the proposed Arrangement, Captain Owen has been sent out, for the purpose of making the necessary Agreements with the Inhabitants of *Fernando Po*, and, when made, to erect habitations on the Island for the Commission.

* See Enclosures in No. 6.

From the Notes of the Conde de Ofaia, however, it now appears, that the Spanish Government wish to qualify their expressions of coincidence in this Arrangement, and, setting up a right to the property and possession of the Island, make objections to the Arrangement, unless under terms of purchase from the Crown of Spain. His Majesty's Government have had no other view in the plan, but that which they expressed at the time of its proposal; namely, the carrying into effect of the suggestion repeatedly made by the Courts of Madrid and Lisbon, for the removal of the Commissions from Sierra Leone to a more healthful Spot.

His Majesty's Government, therefore, little expected, when this plan was half completed, such a reclamation from the Crown of Spain, in obstruction of a plan to which it was supposed that they had given their consent, which was proposed as mutually advantageous to all the Parties concerned, and in which considerable expence has been unwarily incurred by this Country from the implied consent of the Crown of Spain. If, however, the Spanish Government persist in their objection to the establishment of the Commission at Fernando Po, His Majesty's Government will instantly, in the same spirit in which the plan was proposed, dispatch orders to stop the whole proceedings of Captain Owen, and to bring away the materials which have been there disembarked for the construction of the residence of the Commissions; but the Undersigned must, at the same time, frankly state to the Conde de Ofaia, for the information of his Court, that His Majesty's Government cannot agree to enter into any negociation for the purchase of the Island. The consent of the Crown of Spain, to the establishment there of the Sierra Leone Commission, must either be given gratuitously, or altogether withheld.

The Undersigned avails himself, &c.

The Conde de Ofaia,
&c. &c. &c.

(Signed) DUDLEY.

No. 2.

The Conde de Ofaia to The Earl of Dudley.

(Translation.)

London, January 19, 1828.

THE Undersigned, &c. has received the Note which His Excellency The Earl of Dudley, &c. did him the honour of addressing to him, under date the 10th Instant, in reply to those of the 10th September, and 10th December, in which the Conde de Ofaia, by express order of his Government, had requested some explanations, and made reclamations, concerning the Appointment of Captain Owen, as *Governor of Fernando Po*, and concerning what, on more or less authority, had been stated, both in the publick Journals and in some Letters, relative to a plan of *military occupation and colonization* of that Island, which is the property of *Spain*, in virtue of the Treaty of 1778, and of which the *Portuguese* Government, with solemn formality, gave possession to that of *Spain*, on the Territory itself, October 24th of that Year.

Lord Dudley's Note chiefly purports, that, from the Reply given by the Duke del Infantado, the Spanish Minister of State, to Mr. Lamb, on the 3d of April 1826, His Britannick Majesty's Government had imagined, that the Spanish Government had conceded the necessary permission for effecting the transfer of the Mixed Commission from Sierra Leone to Fernando Po; but, whatever latitude it might be attempted to give to the expressions of the Duke del Infantado, to which Lord Dudley refers, the perusal of that Reply will convince every one, that, though it evinces a *favourable disposition*, as to the desired transfer, there still does not appear a real and formal *concession* of the permission on the part of Spain, in her capacity of Mistress of the Territory, to make the transfer in question.

What, however, deserves to be fully appreciated, and what the Spanish Government will not fail to consider in its proper light, is the honourable and frank offer of Lord Dudley, to give orders to Captain Owen to desist from the undertaking, and to withdraw the materials disembarked for constructing the

residence of the Mixed Commission, in case the Spanish Government should manifest any opposition to the establishment of it in the Island of Fernando Po; and the Undersigned has not lost a moment in communicating it to his Government, with all the other particulars contained in His Excellency's Note; for, though the Conde de Ofaia is authorized by his Instructions to propose to the Government of His Britannick Majesty, the cession, on the part of Spain, of the property and Sovereignty of the Islands of *Annabon* and *Fernando Po*, upon just and reasonable conditions, he is not instructed to treat, separately, on the subject of the transfer of the Mixed Commission distinctly from the proposed alienation.

If the Question be confined solely to the point of permitting the transfer, and even if the Spanish Government be disposed to concede it, such permission, it would seem, cannot be yielded, unless it be either preceded, or accompanied, by some Arrangement, for reconciling the desire of His Catholick Majesty to gratify His Britannick Majesty, with the preservation of the rights of Property, acquired in virtue of the Treaty of 1778, and with the possession, formally and solemnly given to His Catholick Majesty, by the Portuguese Government, by the Act which the Undersigned does not deem it irrelavant to enclose a Copy to Lord Dudley.

The concession of the permission itself, on the part of Spain, though it should have taken place, would by no means dispense with the necessity for explanations, as to the *character of Governor*, said to have been conferred upon Captain Owen, and to the plan supposed to exist of *military occupation and colonization*; these being points totally distinct from the transfer of the Mixed Commission; as is likewise the subject of *the exercise of Local Authority in that Quarter*, which, it would appear, cannot be exercised, except in the name of the Proprietor of the Territory.

All these explanations would be rendered unnecessary, if England acquired the Property and Sovereignty of the above-mentioned Islands, in the manner proposed by the Spanish Government; but as Lord Dudley, in the conclusion of his Answer, leaves no opening to such an arrangement, the Conde de Ofaia cannot omit to call to His Excellency's mind, that the explanations in question are both desirable and necessary, and with regard to them, he refers to his above Notes of the 10th of September, and the 10th of December last.

The Undersigned, &c.

(Signed)

THE CONDE DE OFALIA.

The Right Hon. The Earl of Dudley,

&c. &c. &c.

Enclosure in No. 2.

(Translation.)

Act of Cession, on the part of Portugul, of the Island of Fernando Po, to Spain. October 24, 1778.

IN the Year, from the Birth of our Lord Jesus Christ, 1778, on the 24th of October, in this Island of *Fernando Po*, there being present, commissioned by the Most Faithful Queen, our Lady, the Most Illustrious Dom Fro. Luis Caetano de Castro, Gentleman of the Household of the same Sovereign Lady, Knight of the Order of Malta, and Captain of Sea and War, Commander of the Ship of "Our Lady of the Grace," and, on the part of the Catholick King, the Most Illustrious, the Conde de Argelexos, likewise commissioned by his Sovereign, and besides these two, there being also present those who accompanied them; it was declared before me, the Clerk of the above Ship, that he, Dom Fro. Luis Caetano de Castro, in virtue of the Orders of, and of the Commission which he had received from, the Most Faithful Queen, our Lady, and by the best form and mode of right, did cede and resign all the Jurisdiction, Royalties, Dominion, Demand, and right, which his Sovereign Lady had in this Island of Fernando Po, to the Person of the Catholick King, for that Sovereign and his Successors, to enjoy and possess it as their

own, and as an appurtenance annexed to the Kingdom of Spain, to which end, by virtue of the powers he possessed, he declared the Island to be dismembered from the Kingdom of Portugal; and, pursuant to the above Commission, the Most Illustrious, the Conde de Argelexos declared, that he accepted, on the part of his Sovereign, the cession just mentioned, and, in virtue of the same, and of the power conferred upon him, he scattered some earth into the air, plucked some branches from trees, and performed all the other acts of Occupation; proclaiming in a loud voice, which all distinctly heard, that, in fulfilment of the Commission which he held from the Catholic King, his Sovereign, he took possession of this Island of Fernando Po, as appertaining to the Kingdom of Spain; to the end that, from this day forward, the Inhabitants of it should acknowledge the said Sovereign for their Sovereign King, with full and supreme power: and I, Joao Ramos de Silva Mallos, Clerk to the Ship, "Our Lady of the Grace," took the same down in writing, by order of the Most Illustrious Dom Fro. Luis Caetano de Castro; the whole being witnessed by all the Undersigned, who subscribed it together with myself, and the 2 Commissioners, in this Bay of Fernando Po, on the 24th of October 1778.

(Signed) FR. LUIS CAETANO DE CASTRO.
CONDE DE ARGELEXOS.

The Clerk of the Ship "Our Lady of Grace,"
JOAO RAMOS DE SA. MALLOS.
(And 8 more Signatures.)

No. 3.

George Bosanquet, Esq. to The Earl of Dudley.—(Received January 31.)

(Extract.)

Madrid, January 7, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 13th of December 1827, (Slave-trade,) with its several Enclosures, and have in consequence addressed the enclosed Note to M. Salmon. Upon a subject already completely exhausted, I did not consider that any additional observations on my part were called for, and have therefore contented myself with merely communicating the facts related in the Reports from His Majesty's Commissioners, without comment.

It would have been a great satisfaction to me, to have been enabled to announce to His Majesty's Government, at the commencement of the present Year, that the efforts of His Majesty's Legation at this Court, in the cause of the abolition of the African Slave-trade, had been more successful than they have been, and that a fair prospect existed of any measures being adopted by the Spanish Government, to put an end to this great and encreasing evil. I regret, however, to say, that appearances do not seem to indicate any such intention on their part at present; and that, either from indolence or some other cause, the Representations which have been made to them, during the course of last Year, appear to have been totally neglected. I have not failed, on various occasions, to call M. Salmon's attention to the subject, but have received from him nothing but vague and unsatisfactory answers; and when, a few days since, I observed to His Excellency, that Mr. Lamb's Note of June 12th, 1827, still remained unanswered, and enquired whether it had yet been taken into consideration, he replied in such a way as to convince me that it had not, though a period of more than 6 Months had elapsed since it was written. It would be impossible to bring the question of our complaints before this Government in a more complete and detailed form than has been done in that Note, or to use stronger arguments in support of the necessity of some alteration in the existing Laws and Regulations for the prevention of the Slave-trade in the Spanish Colonies; neither can more decisive and incontestable evidence than that which has been obtained in the Case of the "Tres Manueles," be furnished, in corroboration of all that is therein stated.

If the Spanish Government really intended to execute the Treaty of 1817 in spirit, it would not be difficult to devise effectual measures for this purpose, and, even if it might be felt dangerous to exercise too great a severity in the Colony of Cuba itself, there exist other means of repression, to which the same objection would not apply, and which might perhaps, in the end, be more efficacious than Royal Orders, of which the execution is entrusted to Persons who must be expected to give to them that interpretation which best suits their own interest.

(Signed)

GEO. BOSANQUET.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 3.

George Bosanquet, Esq. to The Chevalier de Salmon.

Madrid, December 31, 1827.

WITH reference to former Communications made to the Government of His Catholick Majesty, upon the subject of illicit Slave-trading, carried on at the Island of Cuba, the Undersigned, His Britannick Majesty's Chargé d'Affaires, has the honour to transmit to His Excellency the Chevalier de Salmon, a List, lately received from the Havana, of 7 Vessels which have publickly sailed from that Port to the Coast of Africa, during the Month of September last.

The first of these, the "*Tres Manuelas*," is the very same Vessel respecting which the Undersigned had the honour of addressing M. Salmon on the 5th Instant, and His Majesty's Government have observed with concern, that, although His Majesty's Commissioners had 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 Spanish Slave-vessel, and had witnessed the disembarkation of a Cargo of Slaves in a Port of that Island, and had 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.

If any doubts can be entertained by the Government of His Catholick Majesty, as to the justice of the complaints, respecting the conduct of the Spanish Authorities in Cuba, and the facilities afforded to the Slave-traders, these remarkable facts must surely remove them. They require no comment, and the Undersigned is merely directed to lay them before the Government of His Catholick Majesty, in confirmation of the statements already made to them.

His Majesty's Government feel convinced, that the subject will meet with that early and serious consideration which it calls for.

The Undersigned, &c.

(Signed)

GEO. BOSANQUET.

His Excellency The Chevalier de Salmon,
 &c. &c. &c.

No. 4.

George Bosanquet, Esq. to The Earl of Dudley.—(Received January 22.)

MY LORD,

Madrid, January 16, 1828.

I HAVE the honour to enclose the Copy of a Note which I have addressed to the Spanish Minister, in consequence of information received from His Majesty's Consul at Cadiz, that a Vessel is now fitting out in that Port, which he suspects is destined to be employed in the Slave-trade.

I have, &c.

(Signed) GEO. BOSANQUET.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 4.

George Bosanquet, Esq. to The Chevalier de Salmon.

Madrid, January 15, 1828.

THE Undersigned, His Britannick Majesty's Chargé d'Affaires, has the honour to inform His Excellency the Chevalier de Salmon, that he has received information, which induces him to suspect that a Vessel, named the "*Fama of Honduras*," is now fitting out at Cadiz, for a Voyage to the Coast of Africa for Slaves. He requests, therefore, that Instructions may be sent to the Spanish Authorities at Cadiz, to watch the proceedings of the Owners of this Vessel, in order that their unlawful designs (if they really exist) may be frustrated.

He avails himself, &c.

(Signed) GEO. BOSANQUET.

His Excellency The Chevalier de Salmon,
 &c. &c. &c.

No. 5.

The Earl of Dudley to The Conde de Ofalia.

Foreign Office, February 21, 1828.

THE Undersigned, &c. has had the honour to receive the Note which was addressed to the Undersigned, on the 19th of January 1828, by the Conde de Ofalia, His Catholick Majesty's Minister Extraordinary, expressive of the desire of the Government of His Catholick Majesty, for some further explanations of the intentions of His Majesty's Government, with regard to the proposed Establishment on the Island of *Fernando Po*.

His Majesty's Government feel, that they cannot act more candidly towards the Government of His Catholick Majesty, than by transmitting, *in extenso*, to the Conde de Ofalia, for communication to his Government, the Correspondence which has passed upon this subject between the several Departments of His Majesty's Government.

The principles by which His Majesty has been guided in this arrangement, are contained in the Instructions which have been given to Captain Owen, the Officer who was charged with the execution of the plan for the removal of the

Mixed Commission; and the Undersigned again takes the opportunity of repeating, that this arrangement has solely been undertaken with a view to the mutual accommodation of the several Contracting Parties to the Treaties, under which the Commissions were formed; and who had complained of the unhealthiness of the present Seat of the Commission.

The Undersigned avails himself, &c.
 (Signed) DUDLEY.
The Conde de Ofalia,
 &c. &c. &c.

First Enclosure in No. 5.

R. W. Hay, Esq. to Joseph Planta, Jun. Esq.—January 22, 1827.

(See Enclosure in No. 5, Class A. 1827.)

Second Enclosure in No. 5.

R. W. Hay, Esq. to John Backhouse, Esq.

SIR,

Downing-Street, June 22, 1827.

WITH reference to the Letter which I addressed to Mr. Planta, on the 22d of January last, upon the subject of the Establishment, which it was propose to form at *Fernando Po*, for the réception of the Courts of Mixed Commission, which are now residing at Sierra Leone, under the provisions of the Treaties with Portugal, Spain, and the Netherlands; I am now directed by Viscount Goderich to acquaint you, for the information of Viscount Dudley, that Captain Owen, of His Majesty's Ship "Eden," having been selected to proceed to *Fernando Po*, for the purpose of superintending the formation of a suitable Establishment for the reception of the Courts, is about to take his departure from this Country; and I am to request that you will move his Lordship to cause a Communication to be made to the Ministers of the Powers in question who reside at this Court, with the view of suggesting to them the expediency of inviting the Commissioners of their respective Governments, who will have to remove themselves to *Fernando Po*, to hold themselves in readiness to proceed to that Island, so soon as it shall be notified to them that Captain Owen has completed his arrangements for their reception.

I am, &c.

John Backhouse, Esq.
 &c. &c. &c. (Signed) R. W. HAY.

Third Enclosure (A.) in No. 5.

R. W. Hay, Esq. to Lord Howard de Walden.

MY LORD,

Downing-Street, January 31, 1828.

HAVING laid before Mr. Secretary Huskisson your Letter of the 22d Instant, in which you enclose Copies and Translations of a Correspondence which has passed between the Foreign Office and the Conde de Ofalia, respecting the Island of *Fernando Po*, and request that the Earl of Dudley may be

furnished with Copies of the Instructions which were given to Captain Owen, upon this Officer being sent to the Island in question; I am directed by Mr. Huskisson to transmit to you accordingly, for Lord Dudley's information, a Copy of the Instructions which were given to Captain Owen, with respect to the formation of the proposed Establishment at *Fernando Po*.

I am, &c.

Lord Howard de Walden,
&c. &c. &c.

(Signed)

R. W. HAY.

Third Enclosure (B.) in No. 5.

Instructions to Captain Owen, respecting the proposed Establishment at Fernando Po.

By His Royal Highness the Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

WHEREAS by a Letter, dated the 19th of January last, the Earl Bathurst, late one of His Majesty's Principal Secretaries of State, signified to the then Lords Commissioners of the Admiralty, The King's Pleasure that a Naval Officer, of experience and discretion, should be selected to proceed in a Vessel of War to the Island of *Fernando Po*, on the Coast of Africa, 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, and for making all other arrangements and preparations for the transfer of such Establishments as are to be removed from Sierra Leone to *Fernando Po*; and whereas I think fit that the execution of the said service should be entrusted to your care and management; I herewith transmit to you a Copy of the Letter from Earl Bathurst, abovementioned; and I hereby require and direct you to take under your charge the "Diadem," Transport (now at Chatham), which has been prepared for the purpose of accompanying you; and, so soon as the Ship you command, and the said Transport, shall be in every respect ready, you are to proceed with them to Plymouth, where the Company of the "Eden" are to be paid advance, and where you will receive on board her, or the Transport, some Artificers, who have been procured by the Navy Board for the Service at *Fernando Po*.

Having so done, you are again to put to Sea with the 2 Vessels, and proceed with all convenient expedition to Sierra Leone, for the purpose of conferring with the Governor of that Colony, on the subject of the arrangements to be adopted for the execution of the service entrusted to you, and of taking on board such Detachment of the Royal African Corps, and such number of Artificers and Labourers as may be appointed to proceed to *Fernando Po*, and receiving such assistance, in building materials and stores, as the Governor may give you, agreeably to the directions mentioned in Lord Bathurst's Letter. You are then to make the best of your way to *Fernando Po*, and proceeding, in the first instance, to the Bay at the Northern extremity of that Island, which is to be preferred for the contemplated Establishment, if found suited for it; but if not, and any other part of the Island prove more eligible for it, you will consider yourself at liberty to remove there, and, after deciding on the Spot to be selected, you are to proceed, without loss of time, to execute the service set forth in the said Letter, observing the directions contained therein, and reporting your proceedings and your progress in the formation of the Settlement, from time to time, as opportunities may occur, to my Secretary for my information; and when the houses shall be completed, and the new Settlement be fit for the reception of the liberated Negroes, you are to report the same to the Governor of Sierra

Leone, and also to the Commodore commanding His Majesty's Ships on the African Station.

You are not to detain the "Diadem" Transport longer than may be deemed necessary for the accommodation and the safety of the Persons sent out to form the Establishment, and when she is no longer wanted for these objects, and she has delivered all the stores she has on board for the Island, you are to order her to return, without loss of time, to England, directing her to bring home such returned stores and Invalids as may be desired by the Naval and Military Commanders on the Station.

I herewith enclose, for your information, a Copy of a Letter from Commodore Bullen, dated the 10th of November last, reporting some observations made by him at the Island of Fernando Po, and accompanied by Copies of Surveys, made under his orders, of 2 Bays in the said Island.

Whilst employed in the service herein mentioned, you are to avoid, as much as possible, interfering with the Ships or Vessels stationed on the Coast of Africa; Commodore Collier having likewise received directions to avoid interfering with the Ship you command, except in case of necessity.

And although, under the possibility of your falling in with Ships employed in the Slave-trade, I deem it expedient that you should be furnished with the enclosed Copy of the Act (5 Geo. 4. cap. 113.) for the consolidation of the Laws relating to the Abolition of the Slave-trade, and with the accompanying signed Instructions, authorizing you, in conformity with the Treaties with Spain, Portugal, and the Netherlands, to search Vessels bearing those Flags, suspected of being engaged in an illicit Traffick in Slaves, you will understand that you are not on any account to deviate from the execution of the special service at Fernando Po, hereby entrusted to your care, for the purpose of looking after Vessels employed in the Slave-trade.

Given under my hand, 27th June 1827. (Signed) WILLIAM.
By Command of His Royal Highness. (Signed) J. W. CROKER.

*Wm. F. W. Owen, Esq. Captain of His Majesty's
Ship "Eden," at Woolwich.*

No. 6.

The Earl of Dudley to George Bosanquet, Esq.

SIR,

Foreign Office, February 21, 1828.

IN reference to the Despatches from Mr. Lamb, and to the other Correspondence which you will find in the Archives of the British Mission at Madrid, on the subject of the proposed removal of the Mixed Courts of Commission, now established at Sierra Leone, unto the Island of *Fernando Po*; I transmit to you herewith the Copies of Correspondence which has passed between the Spanish Ministers at this Court and myself upon this subject.

The principles and objects of the British Government, in the proposed measure, are so clearly laid down in the Correspondence, of which you will now be in possession, that I have no observation to make to you upon it, further than that it is transmitted to you, for your information and guidance, and for communication to the Government of His Catholick Majesty.

I am, &c.

*George Bosanquet, Esq.
&c. &c. &c.*

(Signed) DUDLEY.

First Enclosure in No. 6.

Viscount Dudley to The Conde de la Alcudia.—June 28, 1827.

(See Class B. 1827, No 17.)

Second Enclosure in No. 6. (Translation.)

The Conde de la Alcadia to The Earl of Dudley.

34, *Portland-Place*, July 10, 1827.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has the honour to acknowledge the receipt of the Note, dated the 28th Ultimo, which His Excellency Lord Viscount Dudley, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, has addressed to him, relative to the removal of the Commissions, now established at Sierra Leone, for the repression of the illegal Traffick of Slaves, to the Island of *Fernando Po*, and in conformity with His Excellency's wishes, he has immediately transmitted it to his Court.

The Undersigned repeats, &c.

(Signed) THE CONDE DE LA ALCUDIA.

His Excellency Lord Viscount Dudley,
 &c. &c. &c.

Third Enclosure in No. 6. (Translation.)

The Conde de Ofalia to Viscount Dudley.

64, *Wimpole-Street*, September 10, 1827.

THE Undersigned, Minister Extraordinary of His Catholick Majesty, has the honour, by the express command of his Court, dated the 29th Ultimo, to state to His Excellency Viscount Dudley, Principal Secretary of State for Foreign Affairs, that the Spanish Government has received certain information of there having sailed from the Port of Plymouth, on the 29th of July last, an Expedition, under the command of Captain Owen, with the view of making a Settlement in the Island of *Fernando Po*, and that there was no doubt of his having had the title and character of *Governor* conferred on him.

His Britannick Majesty's Government is fully aware, that the Island of *Fernando Po*, and that of *Annabon*, in the Gulf of Guinea, are Spanish property, acquired under an onerous title, and in exchange for various cessions and restitutions made to The King of Portugal, who, in the way of compensation, ceded those Islands to His Catholick Majesty, by Articles 13, 14, and 15 of the Treaty, concluded, on the 11th of March 1778, in the Pardo; and though the Spanish Government, as the Conde de Ofalia, in his Note of the 28th of July last, declared to His Excellency Viscount Dudley, be disposed to enter into negotiation with that of England, with the view of alienating and ceding to it, upon just and honourable terms, the property and Sovereignty of the above-mentioned Islands, yet, until such negotiation be terminated, and the cession realized, it cannot consent, without derogating from its own dignity, that, under the auspices of another Government, Establishments should be formed, Local Authority be exercised, and Titles of Governor, or of any other description, over that Territory, be granted, in prejudice of the rights inherent in the Crown of Spain.

The Spanish Government makes no doubt that the Establishment in question can have no other design than that of the contemplated removal to that Island, as a more salubrious region, of the Mixed Commission residing at

Sierra Leone; but, even independently of the question, whether or not it be compatible with the tenour and spirit of the Treaty, concerning that Commission, to establish it in two points of the Spanish Dominions, such as the Islands of Cuba, and Fernando Po, notwithstanding *it had been stipulated, that it should be fixed in two Places, one of which was to belong to Spain, and the other to England*; it can admit of no doubt that, previously to effecting such transfer, it was necessary to take steps of a twofold description with the Spanish Government, namely; in the first place, to consider Spain as an integral part of the Mixed Commission, in the same manner as would be done, with respect to Holland, and the other Powers concerned; and, in the second place, to consider her as Mistress of the Territory to which it was intended to make the transfer, in order to obtain the corresponding sanction, by means of a solemn and authentick act, emanating from His Catholick Majesty. It is not known that any step has yet been taken in this latter respect, and it would also appear that the Title of Governor, or any other importing jurisdiction or authority, could only originate with the Lord Paramount of the Territory.

If even it were supposed that the above Title of Governor denotes merely *a domestick authority*, and such as is confined to the exclusive concerns of the Mixed Commission, and the Persons depending on it, the common acceptation and meaning of the word *Governor* will not warrant such an interpretation. On the other hand, it ought to be borne in mind, that a Foreigner can exercise no manner of jurisdiction in another Territory, not even over his own Countrymen, without the express and formal consent and approbation of the Territorial Lord; to which must be added the circumstance that as, in case the Mixed Commission were to be established in that Island, a Spanish Commissioner must constitute a part of it, it would assuredly seem more fitting and natural, that while Fernando Po is under the Supreme Authority of Spain, he in whose Territory the Establishment is situated, should exercise every kind of jurisdiction.

As the accounts above referred to, relating to the circumstances of the expedition, its departure, and the title and character attributed to Captain Owen, have reached His Catholick Majesty, through the medium of publick Journals and private Letters, which may, in a great measure, be incorrect, the Undersigned has been ordered to address himself to Viscount Dudley, with a view of requesting of His Excellency the needful explanations on the subject, in the hope that His Excellency will be pleased to acquaint him what truth there is in the accounts respecting the just-mentioned Settlement, its nature and organization, as well as respecting the title with which Captain Owen may be invested, inasmuch as it is not consistent with the dignity of His Catholick Majesty, that, without his express permission and authority, any Foreign Subject should form establishments, or should exercise jurisdiction or authority, in a Territory belonging to His Majesty's Crown.

While the Conde de Ofalia is commanded to make this Communication to Viscount Dudley, he is at the same time instructed to refer to the contents of his Note of the 28th of July last, and to manifest, that if England, from any political or commercial object, should find it convenient to acquire the property or sovereignty of the Islands of Fernando Po and Annabon, in the Gulf of Guinea, the Spanish Government will make no difficulty in ceding them to Great Britain, on such just and reasonable conditions as may be stipulated, and for which the Undersigned is fully authorized.

The Undersigned avails himself, &c.

(Signed) THE CONDE DE OFALIA.

His Excellency Viscount Dudley,
 &c. &c. &c.

Fourth Enclosure in No. 6, (Translation)

The Conde de Ofalia to The Earl of Dudley.

London, December 10, 1827.

THE Undersigned, Minister Extraordinary of His Catholick Majesty, has the honour to state to His Excellency the Earl of Dudley, &c. that, subsequently to the motives which prompted the Spanish Government to request, on the 10th of September last, from that of His Britannick Majesty, some explanations concerning the Expedition, which sailed from Plymouth, under the command of Captain Owen, with the view of effecting a Settlement on the Island of *Fernando Po*, there have been received additional accounts and data relative to that Expedition, which render the necessity of the explanations just mentioned more evident.

It is considered as certain, that, in the middle of last September, the English Ship, called the "Eden," accompanied by a Steam-vessel and a Transport, were preparing at the English Colony of Sierra Leone, to conduct to, and disembark in, *Fernando Po*, 200 troops. Should these preparations at Sierra Leone, (supposing them to be founded in fact, as it would appear they are) have for their object a wish to be in readiness for departing to that Possession of the Crown of Spain, as soon as the arrangement proposed for it shall have been completed, by virtue of which, upon just and reasonable terms, His Catholick Majesty would be disposed to cede to England the Islands of *Fernando Po* and *Annabon*, then the Spanish Government would view those preparations, only as a preliminary step, which would acquire the character of legitimacy and propriety for its execution, the moment that, in consequence of the realization of the said cession, by means of a Convention between the two Governments, England should be justified in proceeding to take possession of the new acquisition.

But, this case alone excepted, His Catholick Majesty could not consider as legitimate any other project of occupying a Point belonging to his Crown, which had been acquired by means of an onerous title, and in exchange for other cessions and restitutions, pursuant to a Treaty with the Government of His Most Faithful Majesty. The plan of transferring the Mixed Commission to *Fernando Po*, can by no means supply a motive for the military occupation of that Island; inasmuch as, up to this moment, the Spanish Government has not only not been applied to, for the indispensable permission, in a solemn and authentick form, for effectuating that transfer to a Point of its Dominions, but, that Island is even not yet known to have been desired with that view, for Spain has only, on account of the insalubrity of Sierra Leone, and of the goodness of the Climate of *Fernando Po*, received a mere invitation, such as would be addressed to the other Powers interested in the Mixed Commission, but which have no share in the dominion over the Island of *Fernando Po*.

It was, on the other hand, indispensably necessary to have previously agreed, by concert, on the explicit abrogation of Article 12 of the Treaty concluded the 23d September 1817, by which it was stipulated, *that the Mixed Commissions should reside at two points, one of which should absolutely be in the English, and the other in the Spanish Dominions*; and though it be very certain, that, by the mutual consent of the High Contracting Parties, the Article in question might be either altered or modified, yet, until this be done with the usual forms, the Stipulation alluded to cannot but be considered as in force.

Neither does it seem probable, that the other Powers interested in the Mixed Commission will, on their part, concur in the transfer, until they shall be informed, *that Spain, as Mistress of the Island of Fernando Po, has given her consent and granted permission for the occupation of her Territory*; and, consequently, the very object of the transfer would be exposed to difficulty in the outset, and the progress of the business, instead of being expedited, would be retarded.

In this state of the question, the Undersigned has received fresh Orders from his Court, to call to Lord Dudley's recollection the contents of the Note of the Undersigned, dated the 10th of September last, and to repeat to His Excellency, that, although His Catholick Majesty cannot consent, that, without his express and formal authority, any Establishment should be formed, any Governors appointed, any Jurisdiction exercised; or any Troops despatched to occupy a Territory belonging to His Crown, He will, nevertheless, always be disposed to enter into a negotiation with the Government of His Britannick Majesty, for ceding to it the Islands of Fernando Po and Annabon, upon just and reasonable conditions.

In objecting to any occupation of the Island of Fernando Po, without its express consent, in virtue of a solemn Convention, the Spanish Government fulfils a duty imposed upon it, by its dignity, and by the necessity of preserving the Rights of the Crown of Spain; and by spontaneously offering to cede those Islands to His Britannick Majesty, on just and reasonable terms (if this should suit the political and commercial interests of England), His Catholick Majesty considers that he affords a new proof of his desire, to gratify His Britannick Majesty, and to draw closer the bonds of amity which happily unite them.

The Conde de Ofalia hopes that Lord Dudley, so understanding it, will be pleased to give him, in answer, the explanations requested in the Note of the 10th September last, to which he has not yet received any Reply.

The Undersigned avails himself &c.

(Signed) THE CONDE DE OFALIA.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

No. 7.

The Earl of Dudley to George Bosanquet, Esq.

SIR,

Foreign Office, February 29, 1828.

NOTWITHSTANDING the fruitlessness of the repeated Representations, addressed by His Majesty's Government to the Government of His Catholick Majesty, upon the subject of the flagrant violation, in the Island of Cuba, of the Treaty for the Abolition of African Slave-trade; and notwithstanding the failure of late to obtain any more satisfactory Answer to such Representations, than a simple acknowledgment of their receipt; it is my duty, in obedience to His Majesty's Command, to persevere in the endeavour to awaken the attention of His Catholick Majesty's Ministers to a sense of what is due to the solemn stipulations of Treaty, and to the rights of humanity.

You will accordingly transmit, for the consideration of the Spanish Government, the accompanying Copy of a Despatch from His Majesty's Commissioners at the Havana,* shewing the unchecked progress of illicit Slave-trade in the Island of Cuba.

You will urge them to take, at length, some efficient step to redeem the solemn pledge of The King of Spain, given in the Treaty of 1817.

You will remind them of the several Communications which have passed from time to time, on this subject, between His Majesty's Representatives at Madrid, and His Catholick Majesty's Ministers, and, amongst others, of the hopes held out to Mr. Lamb, that the Spanish Government would transmit to the Colonies of Spain, such Orders as should ensure the strict execution of the Treaty, in spirit, as well as in letter, by the rigorous punishment of those who should be detected in the violation of it.

* See Class A. No. 70.

And, especially, you will urge the fulfilment of the expectation which His Majesty's Government have been authorized to entertain, that The King of Spain would conclude with His Majesty, for the more efficient execution of the Treaty of 1817, Additional Articles, similar to those which have been concluded with The King of the Netherlands, for the more efficient execution of the Slave-trade Abolition Treaty with that Country.

I am, &c.

George Bosanquet, Esq.
&c. &c. &c.

(Signed)

DUDLEY.

No. 8.

The Earl of Dudley to George Bosanquet, Esq.

SIR,

Foreign Office, February 29, 1828.

WITH reference to my other Despatch, of this date, upon the subject of illicit Slave-trade in the Island of Cuba, I transmit to you, for your information, and for communication to the Spanish Government, the accompanying Copy of a Despatch, and of its Enclosures, which I have received from His Majesty's Commissioners at the Havana,* giving an account of an illicit Slave-trade transaction, in the Case of the Spanish Brig "*Guerrero*," which was wrecked off Cuba, and of which the greater part of the Cargo, consisting of human beings, was afterwards landed in the Island of Cuba, in violation of the Treaty of 1817, between this Country and Spain.

I am, &c.

George Bosanquet, Esq.
&c. &c. &c.

(Signed)

DUDLEY.

* See Class A. No. 71.

No. 9.

The Earl of Aberdeen to George Bosanquet, Esq.

SIR,

Foreign Office, March 30, 1828.

I HAVE the honour to acquaint you, that The King has been pleased to accept of the Earl of Dudley's resignation of the Office of His Majesty's Principal Secretary of State for Foreign Affairs, and to confide to me the Seals of that Department.

I am accordingly to desire, that you will in future address to me your Despatches and Letters on Publick Business, to be laid before The King.

And you will receive from me such Orders and Instructions as His Majesty shall think proper to give for your guidance and direction.

I am, &c.

George Bosanquet, Esq.
&c. &c. &c.

(Signed)

ABERDEEN.

No. 10.

George Bosanquet, Esq. to The Earl of Dudley.—(Received April 3.)

(Extract.)

Madrid, March 17, 1828.

THE first time that I saw the Spanish Minister for Foreign Affairs, after the receipt of your Despatch of the 21st Ultimo, I mentioned to His Excellency the affair of the removal of the Mixed Commission from Sierra Leone to *Fernando Po*, informing him, at the same time, that I had received the Correspondence which had passed upon the Subject between your Lordship and the Count Ofalia; and I endeavoured to prove to His Excellency, by a reference to the former Communications upon this Question, between Sir Frederick Lamb and the Duke of Infantado, that the Spanish Government had, in fact, given their consent to the proposed Establishment. M. Salmon did not appear at all disposed to admit this, but as he informed me that Count Ofalia had lately received fresh Instructions upon the subject, I considered that it would be superfluous for me to discuss the matter any further with him.

From the little which passed, I collect, however, that the Government of His Catholick Majesty will not easily be persuaded to agree to the establishment of the Commission at *Fernando Po*, on any other condition than, either its purchase by His Majesty's Government, or the acknowledgment of the Right of Spain to the Sovereignty of it, that is to say, as I understand M. Salmon, its being under the superintendence of a Spanish Governor. His Excellency asserted, that Spain had formally taken possession of the Island, and that the 12th Article of the Treaty of 1817, must be altered, if the proposed plan be carried into execution; or, he observed, if the removal of the Commission from Sierra Leone were considered essential, this difficulty might also be got over, by changing the place of residence of the one established in the West Indies, from a Spanish Colony to an English one. Upon this latter suggestion I made no remark.

(Signed) GEORGE BOSANQUET.

The Right Hon. The Earl of Dudley,
&c. &c. &c.

No. 11.

George Bosanquet, Esq. to The Earl of Dudley.—(Received April 28.)

MY LORD,

Madrid, April 10, 1828.

I HAVE the honour to enclose a Copy of a Correspondence which has passed, between His Majesty's Legation at this Court and the Spanish Government, upon the subject of a Slave-vessel supposed to be fitting out at Cadiz. Owing to an unfortunate, but trifling, mistake, respecting the name of the Vessel, which was called the "*Fama of Cadiz*," instead of the "*Fama of Honduras*," and of which I did not receive intimation in time, it has been impossible to take any notice of the negligence shewn by the Spanish Authorities at Cadiz on this occasion. It will no doubt, however, appear somewhat singular to your Lordship, that, in their Report, they should have mentioned the names of 2 other Vessels preparing for Sea, besides the "*Fama of Honduras*," and should have carefully omitted all mention of the "*Fama of Cadiz*," a Vessel fitting out, at the same time, and which fact could not be known to them.

The Vessel in question sailed from Cadiz on the 2d of March, as appears

by the enclosed Extracts from the "Diario de la Vigia," her name having first been changed to the "*Nueva Diana*." I am assured there is very little doubt of her being destined for the Coast of Africa.

I have, &c.

(Signed)

GEORGE BOSANQUET.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

First Enclosure in No. 11.

George Bosanquet, Esq. to The Chevalier de Salmon.

Madrid, January 15, 1828.

THE Undersigned, His Britannick Majesty's Chargé d'Affaires, has the honour to acquaint His Excellency the Chevalier de Salmon, that he has received information which induces him to suspect that a Vessel, named the "*Fama of Honduras*," is now fitting out at Cadiz, for a Voyage to the Coast of Africa for Slaves. He requests, therefore, that Instructions may be sent to the Spanish Authorities at Cadiz, to watch the proceedings of the Owners of this Vessel, in order that their unlawful designs, if they really exist, may be frustrated.

He avails himself, &c.

(Signed)

GEORGE BOSANQUET.

His Excellency The Chevalier de Salmon,
 &c. &c. &c.

Second Enclosure in No. 11.

(Translation.)

The Chevalier de Salmon to George Bosanquet, Esq.

SIR,

Palace, January 20, 1828.

HAVING laid the Note which you did me the honour to write to me on the 15th Current, before The King, my august Master; His Majesty has been pleased to command me to communicate its contents to the Secretary of the Department of Marine, in order that he may prevent the sailing of the "*Fama of Honduras*" from Cadiz, should the suspicions you entertain be found correct, inasmuch as the Slave-trade is prohibited by virtue of the Treaty concluded with His Britannick Majesty, for the abolition of such a detestable traffick.

This I have done under this date, and I inform you thereof; availing myself, &c.

(Signed)

M. G. SALMON.

The English Chargé d'Affaires.

Third Enclosure in No. 11.

(Translation.)

The Chevalier de Salmon to George Bosanquet, Esq.

SIR,

Palace, March 2, 1828.

ON the 20th of last January, I informed you that, by order of His Majesty, I had directed the Secretary of the Department of Marine to prevent the departure from Cadiz, of the Ship "*Fama of Honduras*," which, according to intelligence that had been conveyed to you, was fitting out to sail for the Coast of Africa, there to employ itself in the Slave-trade.

The said Secretary of Marine gave the necessary Orders in consequence, and he now transmits to me the result of the investigation, instituted by the Authorities controuling the Marine at Cadiz.

From them it appears that, in the Bay of that Harbour, there is but one Schooner, called the "*Fama of Honduras*," which is at present the Packet, No. 2, which came from the Havana, whither it was again to sail, on the same errand, on the 15th February last; that there are fitting out for sailing: the Brig "*Gavilan*," destined to the Havana, and the Port of Puerto Rico; the Frigate "*Socorro*," for Manilla; and the "*Diana*," to cruize as a Privateer against the Insurgents: so that there are no grounds on which to found the suspicions which you, Sir, have conceived; inasmuch as all the said Ships obviously belong to Persons of known credit, who not only give security for the Voyage, and the proper use of the Royal Patents, but also become responsible, as is ordained, not to employ them in the Slave-trade.

This I lay before you, in reply to your Note of the 15th of January, and avail myself of this occasion, &c.

(Signed) M. G. SALMON.

The English Chargé d'Affaires.

Fourth Enclosure in No. 11. (Translation.)

Extracts from the "Diario de la Vigia."

Shipping List, Cadiz, March 2, 1828.

SAILED.—The Spanish Schooner "*Fama of Cadiz*," Captain Don Miguel Igartua, on a Cruize.

Shipping List, March 4, 1828.

NOTICE.—The Spanish Schooner which was announced to have sailed on a Cruize on the 2d of this Month, is called the "*Nueva Diana*," and not the "*Fama of Cadiz*," as therein stated, which she was formerly called.

No. 12.

George Bosanquet, Esq. to The Earl of Dudley.—(Received May 4.)

MY LORD,

Madrid, April 19, 1828.

I AVAILED myself of the earliest opportunity, after the receipt of your Lordship's Despatches of the 29th February last, to speak to the Spanish Minister of State, upon the subject of the illicit Slave-trade, carried on in the Colonies of Spain, and the protection afforded by the Authorities at the Havana, to the Persons engaged in it; enquiring of His Excellency, whether any Measures of repression had yet been thought of, in consequence of the repeated Representations addressed upon this subject to the Government of His Catholick Majesty, and remarking particularly, that expectations had been held out to His Majesty's late Minister at this Court, that His Catholick Majesty would consent to the signature of Additional Articles, similar to those concluded with The King of the Netherlands, and that he had actually applied for, and received a Full Power to that effect. The Answers I received from M. Salmon upon this occasion, were not more satisfactory than usual, and did not appear to indicate that any very cordial disposition exists, on the part of the Spanish Government, to meet the wishes of His Majesty's Government upon this question. They appear to me, in fact, to have become quite indifferent about the matter, and, unless roused by a sense of the danger arising to their

Colonies, from the increasing numbers of emancipated Negroes, I have very little hope of their adopting any decisive Measure to check the trade, and ensure a fair execution of the Treaty. M. Salmon having requested that I would transmit him, in writing, the details received from the Commissioners at the Havana, I addressed him the enclosed Note.

I have the honour to be, &c.

(Signed) GEO. BOSANQUET.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 12.

George Bosanquet, Esq. to The Chevalier de Salmon.

Madrid, April 9, 1828.

THE Undersigned, His Britannick Majesty's Chargé d'Affaires, has the honour to transmit to His Excellency The Chevalier de Salmon, His Catholick Majesty's Principal Secretary of State, by command of his Government, Copies of 2 Despatches, with their several Enclosures, lately received from His Majesty's Commissioners residing at the Havana, under the Treaty for the suppression of the Slave-trade*: the 1st, a General Report upon that traffick, as carried on at Cuba, during the Year 1827; the 2d, containing an account of a Slave-trade transaction which occurred in the Case of the Spanish Brig "*Guerrero*," which was wrecked off that Island, and the greater part of the Cargo of which, consisting of human beings, was afterwards landed there, in violation of the Treaty of 1817, between England and Spain.

Both these Reports contain abundant and incontestible evidence of the immense extent to which the Slave-trade continues to be carried on in Cuba; and both shew that, notwithstanding the repeated complaints made by His Majesty's Government to the Government of His Catholick Majesty, of the total inefficacy of the Royal Order of January, 1826, and the frequent denunciations made by His Majesty's Commissioners to the Publick Authorities at the Havana, either no new measures have been as yet adopted by the Government of His Catholick Majesty, for putting a stop to this evil, or, if any such have been communicated to those Authorities, that they have been treated by them with the same disregard as all the former Orders of His Catholick Majesty upon this subject.

The Commissioners state, that the notoriety with which this abominable traffick is now carried on, is, if possible, greater than ever,—that no concealment whatever is found necessary,—and that publick Brokers are as openly employed in obtaining purchasers for newly imported Negroes, and Persons to take shares in Slave-trade adventures, as in any business whatever. Such, in short, is this notoriety, that it is morally impossible that the Publick Authorities of the Island can be ignorant of what is passing every day under their eyes;—and as, notwithstanding, no disposition has been manifested on their part to check the evil, and as their conduct, in all cases which have been denounced to them, has been, on the contrary, such as to shew that they wish rather to make it appear to the publick, that when they do interfere, it is solely at the instigation of the Commissioners, and not of their own accord,—the natural result of this has been, to produce an universal impression amongst the people of the Island, that their proceedings are approved by the Government at home.

Be this as it may,—and notwithstanding the fruitlessness of the repeated Representations addressed by His Majesty's Government to the Government of His Catholick Majesty, upon the subject of this flagrant violation, in the Island of Cuba, of the Treaty for the Abolition of the African Slave-trade, and the failure of late to obtain any more satisfactory Answer to such Representations, than the simple acknowledgment of their receipt,—it is the duty of

* See Class A. Nos. 70 and 71.

His Majesty's Government, in obedience to the Commands of their Sovereign, to persevere in the endeavour to awaken the attention of that of Spain, to a sense of what is due to the solemn Stipulations of Treaty and the rights of humanity.

The Undersigned is instructed, therefore, in transmitting the enclosed Reports to His Excellency the Chevalier de Salmon, to urge, in the strongest manner, the necessity of taking some immediate and efficient steps, to redeem the solemn pledge of The King of Spain, given in the Treaty of 1817,—to remind the Government of His Catholick Majesty of the several Communications, which have passed from time to time upon this subject, between His Majesty's Representatives at Madrid and His Catholick Majesty's Ministers;—and, amongst others, of the hopes held out to Mr. Lamb, that the Spanish Government would transmit to the Colonies of Spain, such Orders as should insure the strict execution of the Treaty, in spirit as well as in letter, by the rigorous punishment of those who should be detected in the violation of it; and, especially, to urge the fulfilment of the expectation which His Majesty's Government have been authorized to entertain, that The King of Spain would conclude with His Majesty, for the more efficient execution of the Treaty of 1817, Additional Articles, similar to those which have been concluded with The King of the Netherlands, for the more efficient execution of the Slave-trade Abolition Treaty with that Country.

The Undersigned avails himself, &c.

(Signed) GEO. BOSANQUET.

His Excellency The Chevalier de Salmon,
 &c. &c. &c.

No. 13.

The Earl of Aberdeen to George Bosanquet, Esq.

SIR,

Foreign Office, July 9, 1828.

I HEREWITH transmit to you, for your information, 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 am, &c.

George Bosanquet, Esq.
 &c. &c. &c.

(Signed) ABERDEEN.

No. 14.

The Earl of Aberdeen to George Bosanquet, Esq.

SIR,

Foreign Office, August 30, 1828.

WITH reference to the Correspondence, in November and December last, upon the subject of the Spanish Vessel, the "*Tres Manuelas*," charged with having been concerned in illegal Slave-trade, I herewith transmit to you the Copies of two Despatches from His Majesty's Commissioners at the Havana,* shewing that, for the third time within the short space of a twelvemonth, this Vessel, notoriously a Slaver, has been engaged in Voyages to the Coast of Africa.

You will again bring this Case to the notice of the Government of His Catholick Majesty, with the expression of the earnest hope of the British Government, that the Government of His Catholick Majesty may, at length, be induced to give such Instructions to the Local Authorities in Cuba, as may prevent them from persevering in a course of conduct, wholly inconsistent

* See Class A. Nos. 79 and 85.

with the repeated assurances of His Catholick Majesty, of his determination to carry into real effect the Stipulations between this Country and Spain, for the suppression of African Slave-trade.

George Bosanquet, Esq.
 &c. &c. &c.

I am, &c.
 (Signed)

ABERDEEN.

No. 15.

The Earl of Aberdeen to The Conde de Ofofia.

Foreign Office, September 13, 1828.

THE Undersigned, &c. with reference to former Correspondence, on the subject of the proposed removal of the Slave-trade Commissions from the Settlement of Sierra Leone to the Island of *Fernando Po*, and especially with reference to the Note of his Predecessor, of the 21st of February last, in which the intentions of His Majesty's Government, in the proposed removal, were clearly explained, and Copies of the Correspondence which had passed on the subject, between the different Departments of His Majesty's Government, were transmitted to the Conde de Ofofia, for communication to the Government of His Catholick Majesty; has the honour to request that the Conde de Ofofia will acquaint him, whether His Majesty's Government are to consider the Government of His Catholick Majesty as consenting to the temporary Settlement in the Island of *Fernando Po*, for the objects already so fully explained to the Conde de Ofofia.

The Undersigned avails himself, &c.

(Signed)

ABERDEEN.

The Conde de Ofofia,
 &c. &c. &c.

No. 16.

The Conde de Ofofia to The Earl of Aberdeen.

(Translation.)

London, September 15, 1828.

THE Undersigned, Minister Extraordinary of His Catholick Majesty, has received the Note which His Excellency the Earl of Aberdeen, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, has done him the honour to address to him, under date of the 13th Instant, respecting the establishment of the Mixed Commission for the suppression of Slave-trade, in the Island of *Fernando Po*, and calling to his recollection the Correspondence which had passed on this subject, some Months ago, with Lord Dudley, and the Copies of the Documents which that Minister had transmitted to the Conde de Ofofia, in his Note of the 21st of February last.

The Conde de Ofofia, as he informed Lord Dudley, under date of the 19th January, was only authorized to propose to the Government of His Britannick Majesty the cession, by Spain, of the property and Sovereignty of the Islands of *Fernando Po* and *Annabon*, upon reasonable terms; but had no Instructions to treat separately for the removal of the Mixed Commission, unconnected with the proposed alienation. He, however, lost no time in transmitting to his Court the Copies of the Documents which Lord Dudley had enclosed in the Note alluded to.

Now that Lord Aberdeen has been pleased to remind him of the circumstance, he will again write to Madrid, by the first Packet, in order to obtain an Answer, which he will not fail to communicate to His Excellency so soon as it arrives.

The delay in answering the same may, perhaps, have arisen from the Government of His Catholick Majesty having imagined that His Britannick Majesty's Ministers, having possessed themselves of fresh and more recent data, relative to the Islands of Fernando Po and Annabon, might resolve to purchase and acquire them in full property and Sovereignty; in which case there would be no necessity to enter into the details of an Arrangement, which otherwise might become indispensable, for the preservation of the rights of property and possession acquired by His Majesty, and for determining the manner of exercising the local Authority in that Territory, belonging to the Crown of Spain.

The Undersigned avails himself, &c.

(Signed) THE CONDE DE OFALIA.

The Right Hon. The Earl of Aberdeen,
&c. &c. &c.

No. 17.

George Bosanquet, Esq. to The Earl of Aberdeen.—(Received Oct, 21.)

MY LORD,

Madrid, October 10, 1828.

IN compliance with the Instructions, conveyed to me in your Lordship's Despatch of the 30th of August last, on the subject of the repeated Voyages made by the "*Tres Manuelas*," from the Havana to the Coast of Africa; I addressed the Spanish Minister, the Note of which I have the honour to enclose a Copy, calling the attention of His Excellency to this very glaring infraction of the Treaty of 1817, and pointing out the expediency of taking Measures for preventing the Traders from carrying on their proceedings as they have done hitherto.

I have no expectation, however, that this Representation is likely to be more successful than former ones. The Spanish Government have had abundant Evidence laid before them, of the mode in which the Treaty is evaded, and if they sincerely wished for the suppression of the Traffick in Slaves, which is now openly carried on, they would ere this have made an attempt, at least, to ensure a more effectual execution of its provisions.

I am, &c.

(Signed) GEO. BOSANQUET.

The Right Hon. The Earl of Aberdeen,
&c. &c. &c.

Enclosure in No. 17.

George Bosanquet, Esq. to The Chevalier de Salmon.

Madrid, September 24, 1828.

IN the Note which the Undersigned, His Britannick Majesty's Chargé d'Affaires, addressed to the Chevalier de Salmon, under date the 5th of December 1827, he had the honour of calling His Excellency's attention to a very glaring violation of the Treaty for the suppression of Slave-trading, committed by a Vessel, named the "*Tres Manuelas*," in which, by an accidental circumstance, not likely to occur again, the British Commissioners at the Havana had been enabled to prove the fact beyond a doubt, and though the Evidence against the Captain was of such a nature, (being derived from the testimony of some shipwrecked Sailors, who owed their lives to his humanity) that it was impossible for the British Government to ask for the institution of any proceedings against him, the particulars of it were communicated to the Spanish Authorities at Cuba, as furnishing strong corroborated

tive proof in support of the Evidence before adduced, respecting the mode in which the Vessels, which constantly sail from the Port of Havana, for the Coast of Africa, are employed.

In a subsequent Communication, the Undersigned acquainted His Excellency the Chevalier de Salmon, that this Vessel had made a second Voyage to the Coast of Africa, from which, as will be seen by a Despatch from the British Commissioners, herewith enclosed, she returned again in ballast on the 19th March, it being notorious that she had landed a Cargo of Slaves at the back of the Island; and by another Despatch from the same Commissioners, which is likewise enclosed, it appears further, that, on the 15th May, she again set sail, with several other Vessels, for the same destination as before.

Thus, for the third time, during the short space of one twelvemonth, has this Vessel, notoriously a Slaver, been engaged in Voyages to the Coast of Africa, and, if her guilt had not been sufficiently proved by the Evidence of the Sailors abovementioned, the very fact of her returning in ballast, would be a sufficient proof of the nature of the trade in which she is engaged; as it is impossible to suppose that a Merchant Ship should make so many Voyages to one particular Quarter, without bringing back any returns, or deriving any apparent profit from such excursions. This circumstance alone might very justly give rise to suspicion, and, when these suspicions were confirmed, by the positive knowledge of her having on one occasion landed Slaves on her return from Africa, no doubt could remain in the mind of any unprejudiced person, that the real object of all these Voyages was Slave-trading.

It is superfluous, however, for the Undersigned to make any comments upon evidence so clear and positive, of the open and notorious manner in which this traffick is permitted to be carried on by the Authorities in Cuba. If the Government at home do not approve of this conduct, and sincerely wish for the abolition of this detestable Commerce, the best and most acceptable proof they can give, of their sincerity on these points, will be, the adoption of more effectual measures against the Traders, and the transmission of such Instructions to the Local Authorities in Cuba, as may prevent them from persevering in a course of conduct, wholly inconsistent with the repeated assurances of His Catholick Majesty, of his determination to carry into real effect the Stipulations between England and Spain, for the suppression of the African Slave-trade.

The Undersigned avails, &c.

(Signed)

GEO. BOSANQUET.

His Excellency the Chevalier de Salmon,
&c. &c. &c.

No. 18.

The Conde de Ofaia to The Earl of Aberdeen.

(Translation.)

London, December 8, 1828.

THE Undersigned, Minister Extraordinary of His Catholick Majesty, has the honour to inform His Excellency The Earl of Aberdeen, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, that The King, his august Master, being desirous to give every day fresh proofs of his solicitude to draw closer the friendly relations subsisting between his Government and that of His Britannick Majesty, is disposed to concede the permission requested on the part of the latter Government, for the removal of the Mixed Commission for the suppression of Slave-trade, from the English Colony of Sierra Leone to the Island of *Fernando Po*, belonging to the Crown of Spain; and that that permission shall be carried into effect by means of the corresponding Royal *Cedula*, which will be issued with due solemnity; but the sacred obligations

which His Catholick Majesty has, of preserving intact the rights and pretensions of his Crown, render it necessary, at the same time, to demand, that the Government of His Britannick Majesty should put forth an authentick Document, formally and explicitly acknowledging the incontrovertible rights of Sovereignty, and those of property and possession, vested in Spain, upon the said Island of *Fernando Po*, and which were acquired under an onerous title by Article 13 of the Treaty of the 11th of March 1778, concluded with His Most Faithful Majesty, and by the solemn possession which the Portuguese Government gave of the Island itself, to the Spanish Commandant General, the Conde de Argelexos, on the 24th of October 1778, of which solemn Act the Conde de Ofalia transmitted a literal Copy to Lord Aberdeen's Predecessor, in his Note dated the 19th of January of the present Year.

The Government of His Catholick Majesty is of opinion, that the declaration contained in the Note of Lord Dudley, dated the 10th of January last, upon this subject, is not sufficiently explicit for the object in question; for which reason the Undersigned has been directed to request the Document above-mentioned, while, at the same time, the Spanish Government will promulgate the Royal *Cedula* relative to the grant of the permission.

The Undersigned avails himself, &c.

(Signed) THE CONDE DE OFALIA.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

No. 19.

The Earl of Aberdeen to George Bosanquet, Esq.

SIR,

Foreign Office, December 31, 1828.

WITH reference to former Correspondence, respecting the removal of the Mixed Commission, under the Slave-trade Restriction Treaties, from the Colony of Sierra Leone to the Island of *Fernando Po*, I have to transmit to you the accompanying Copy of a Note, dated the 8th Instant, which I have received from the Conde de Ofalia, recently charged with a Special Mission from His Catholick Majesty to The King; in which it is stated, that His Catholick Majesty is disposed to concede the permission requested, for the removal of the Mixed Commission from Sierra Leone to *Fernando Po*, provided that England will formally and explicitly acknowledge the rights of Sovereignty, and those of property and possession, over the Island of *Fernando Po*, which the Conde de Ofalia states to be incontrovertibly vested in Spain.

His Majesty's Government have no hesitation in meeting the wishes of the Government of His Catholick Majesty in this respect, by engaging, in the most ample and unequivocal manner, that no danger will ever result to the rights of Spain, whatever they may be, to the Sovereignty of *Fernando Po*, from the Establishment forming in that Island, for the simple object of executing the existing Treaties for the suppression of Slave-trade.

With the view, indeed, of satisfying every possible doubt of the Government of His Catholick Majesty on this subject, a statement was long since furnished to them, of the reasons which led to the proposition for the Establishment in question at *Fernando Po*:—Copies *in extenso* of the Instructions given to the British Superintendent were communicated;—and His Catholick Majesty's Government were apprized, without any reserve, of the steps which were taken, from time to time, or were in contemplation, towards the formation of the Establishment in question.

You will, however, recapitulate to the Spanish Government the principal facts of this proceeding; so that the whole may now be brought in one view before them, and that this already protracted discussion may be finally and satisfactorily closed.

The first idea of the plan, for removing the Mixed Commission Court from Sierra Leone, originated in the complaints which were made of the unhealthi-

ness of that Settlement, and in the urgent Representations which were forwarded on this subject by the Courts of Madrid and Lisbon.

Had an eligible Spot presented itself in any of the British Possessions on the Western Coast of Africa, it would have been fixed upon for the proposed transfer; but no such Situation has been yet discovered; and the attention of the British Government was directed to Fernando Po, not only by the reported salubrity of the Island, as compared with other Places in the same Latitude, but from the circumstance of its having been abandoned by Spain, after an attempt at a Settlement upon the Island, upwards of 40 Years ago.

There were, moreover, other important considerations which pointed out this Island as peculiarly calculated for the object in view; among the chief of which were, its position near the Mouths of those Rivers flowing into the Bights of Benin and Biafra, where the Slave-trade is still supposed to be carried on with the greatest activity, and a humane desire to shorten the sufferings to which the unfortunate victims of this inhuman traffick are exposed on Ship-board, by establishing the Court for their adjudication as near as possible to the place of their Capture.

These combined reasons induced His Majesty's Secretary of State for the Colonial Department to suggest the expediency of obtaining the concurrence of Spain, in the project of removing the Mixed Commission Court to Fernando Po, and the steps which have been taken for its establishment there, were only such as were absolutely required to carry into effect, in that Island, the common object of the Treaties for the suppression of the Slave-trade.

The Superintendent who has been sent out, to prepare the way for the Members of the Court of Mixed Commission, is directed to limit his operations to that object alone; and to provide for the future disposal of such of the captured Africans as may be liberated by the adjudication of the Court. He is furnished with no powers of command, beyond what are absolutely necessary for the maintenance of good order within the precincts of the Establishment which he is to form, and to preserve those who are employed under him from the attacks of the Natives; and he is invested with no authority, nor is it intended to supply him with any, which can in any way interfere with the rights of the Sovereign of the Island, whoever he may be.

To this plain statement nothing can be well added, further than the declaration of His Majesty's Government, which you are accordingly authorized to make, that Great Britain has no private object in view, in the proposed measure, nor any end to answer by it, in which Spain, as a Party to the Treaties for the Abolition of the Slave-trade, ought not to participate.

You will conclude your Communication to the Spanish Government, by expressing a hope, on the part of His Majesty, that the acquiescence of Spain in this Arrangement may now be formally and explicitly expressed to Great Britain, in order that definitive steps may be taken for the removal of the Commission.

I am, &c.

George Bosanquet, Esq.
&c. &c. &c.

(Signed) ABERDEEN.

No. 20.

The Earl of Aberdeen to George Bosanquet, Esq.

SIR,

Foreign Office, December 31, 1828.

NOTWITHSTANDING the failure of so many Representations, addressed by His Majesty's Government to that of His Catholick Majesty, on the total inefficacy of the Orders which have hitherto been issued to the Colonial Authorities of Spain, for carrying into effect the Stipulations of the Treaty of 1817, for the abolition of Spanish Slave-trade; the Case which it is now my duty to state to you, to be laid before the Government of His Catholick Majesty, is one which I trust will at length convince that Government, of the indispensable necessity of taking further and efficient measures, for the vindication of its good faith, and for the effective fulfilment of the obligations contracted by His Catholick Majesty under the abovementioned Treaty.

You will have seen from former Correspondence, how urgently His Majesty's Government have pressed upon the attention of the Government of His Catholick Majesty the fact, that the Laws of Spain, in regard to Slave-trade, and in particular the Royal Cedula of December 1817, by which a Ship, in which Negroes were transported, incurred the penalty of confiscation, and the Crew that of transportation to the Phillipines, remained without effect, in consequence of the impediments which official forms and other circumstances threw in the way of its fair execution.

The effect of these Representations, as you are already aware, was the issue of the Royal Order of Madrid of the 2d of January 1826, by which the Captain General of Cuba, was authorized and commanded to cause the examination of every Case of a Vessel arriving in that Island, suspected to have landed Negroes clandestinely in the Colony; in order to the punishment of every such offence by the Laws in force.

The Order further directed, that to the Governor alone, with the advice of his Assessor, should belong the cognizance of all such Cases.

The authority with which the Governor General of Cuba was thereby invested, would, as the British Government were told, remove all occasion for further remonstrance on their part, by producing a rigorous application of the Laws of Spain to the punishment of Spanish Slave-trade.

Unhappily the event has been directly the contrary. The instances have been numerous, and are even increasing in frequency, in which His Majesty's Commissioners are compelled to complain to the Colonial Authorities of Spain, of infractions of the Treaty, committed with impunity, in that Colony. In the Month of July last, credible information was conveyed by His Majesty's Commissioners at the Havana, to the Captain General, that the Spanish Vessel "*Esperanza*," which had just arrived in that Port, had landed about 270 Slaves on the Coast of the Island.

Upon this information the Vessel was formally put under seizure by the Court of Admiralty; and a species of investigation ensued, which ended in a Report from the Fiscal, in which he alleged, as a sufficient ground for the release of the Vessel, the fact that no Slaves had been actually found on board.

It is hardly necessary to observe, that this fact was expressly admitted, by the very terms of the information furnished by His Majesty's Commissioners, which imported, that the Vessel had clandestinely landed her Cargo of Slaves before she entered the Port of the Havana. This, however, is not the point to which I have now particularly to direct your attention.

In the course of the argument contained in his Report, the Fiscal states, that, even if Slaves had actually been found on board the "*Esperanza*," the Case would not have been matter for his cognizance; that the Vessel must, in that case, have been delivered over to the Mixed Commission; whereby the Fiscal in effect declares, that no case of the kind, however flagrant, or with whatever circumstances accompanied, could be an object of prosecution under the Colonial Laws of Spain;—that those Laws were to be considered by him, in any Case brought before him, to be in fact utterly powerless for the punishment of illegal Slave-trade.

This declaration was alone wanting to complete the proof of the nullity of the Orders issued by The King of Spain to His Colonial Authorities; by whom His Catholick Majesty's repeated assurances of his determination to put down the Slave-trade are set at nought; and whose conduct tends to the direct violation of the solemn Compact entered into by His Catholick Majesty with The King, for the extinction of that inhuman traffick throughout His Catholick Majesty's Dominions.

You will communicate the facts of this Case to the Spanish Minister, accompanied with an urgent appeal, on the part of His Majesty, to The King of Spain, to the end that efficient measures may at length be adopted for putting an end to a system on the part of the Colonial Authorities of Spain, equally inconsistent with the obligations of Treaty, and with the beneficent intentions of His Catholick Majesty.

I am, &c.

(Signed) ABERDEEN.

George Bosanquet, Esq.

&c. &c. &c.

BRAZIL.

No. 21.

The Viscount d'Itabayana to The Earl of Dudley.

MY LORD,

Park Crescent, ce 26 Février 1828.

J'AI l'honneur de m'adresser aujourd'hui à votre Excellence, pour la prier de vouloir bien me faire connoître les noms des personnes que le Roi, en conformité de l'Article 4^{me} de la Convention, signée à Rio de Janeiro, le 23 Novembre 1826, pour l'abolition finale de la Traite des Nègres, a daigné nommer pour siéger, de sa part, à la Commission Mixte de Sierra Leone.

Veuillez agréer, Mylord, les assurances, &c.

Son Excellence Le très Hon. Lord Dudley, (Signé) ITABAYANA.
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, February 26, 1828.

I HAVE the honour to address myself to your Excellency, to request you to inform me of the names of the Persons whom The King, in conformity with the 4th Article of the Convention, signed at Rio de Janeiro, on the 23d of November 1826, for the final abolition of the Slave-trade, has been pleased to appoint to act on his behalf in the Mixed Commission at Sierra Leone.

I pray your Lordship to accept the assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

No. 22.

The Right Hon. R. Gordon to The Earl of Dudley.—(Received March 4, 1828.)

MY LORD,

Rio de Janeiro, December 24, 1827.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave-trade, of the 31st August last, forwarding Copies of Despatches from His Majesty's Commissioners at Sierra Leone, relating to the attempts which have been made, under the form of *Passports* granted in Brazil, to import Slaves from the Coast of Africa, Northward of the Equator.

In compliance with your Lordship's Instructions, I have addressed a Note to the Marquis of Aracaty, of which a Copy is enclosed, proposing to His Excellency, that, with a view to prevent similar abuses, an Article should be concluded between Great Britain and Brazil, to the effect of that concluded with The Netherlands in 1823, and with Sweden of the 6th November, in the following Year.

I have the honour to be, &c.

The Right Hon. The Earl of Dudley, (Signed) R. GORDON.
 &c. &c. &c.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, ce 3 Mars 1828.

LE Capitaine James Murray, Commandant de la Frégate de Sa Majesté Britannique "Athol" en croisière sur la Côte Méridionale d'Afrique, a capturé, le 11 Février 1826, le Brick Brésilien, "l'Activo," chargé d'Esclaves, et commandé par le Sieur Jozé Pinto de Araujo. Cette saisie ayant été faite au Sud de l'Equateur, en contravention à l'Article 4me des Instructions annexées à la Convention signée à Londres, entre le Brésil, le Portugal, et la Grande Bretagne, le 28 Juillet 1817, la Commission Mixte de Sierra Leone a ordonné la restitution de la Prise, et conformément à l'Article 8me de son Règlement, a condamné le Capteur au paiement de la somme de £10,893. 17s. 8d. pour frais de justice, dommages, intérêts et prix des Esclaves affranchis, comme il est constaté par la Copie ci-jointe du Jugement rendu sur cette affaire, le 9 Mai 1826.

Et puisque le paiement de cette somme doit être fait à Londres par le Gouvernement de Sa Majesté Britannique, conformément à l'Article 10me de la susdite Convention, ainsi que du 8me du Règlement additionnel, j'ai l'honneur de m'adresser aujourd'hui à votre Excellence pour la prier de vouloir bien donner les ordres nécessaires, pour que ce paiement soit effectué aux termes de l'Article 8me du Règlement susmentionné, qui alloue aux Réclamans l'intérêt de 5 pour Cent. sur le montant des respectives indemnités.

En faisant droit à cette juste demande, vous ajouterez, Mylord, de nouveaux titres à la haute considération avec laquelle j'ai l'honneur d'être, &c.

(Signé) LE VICOMTE D'ITABAYANA.

Son Excellence le Très Hon. Lord Dudley,

&c.

&c.

&c.

(Translation.)

MY LORD,

Park Crescent, March 3, 1828.

CAPTAIN JAMES MURRAY, commanding His Britannick Majesty's Frigate "Athol," when cruising off the South Coast of Africa, captured, on the 11th February 1826, the Brazilian Brig "Activo," loaded with Slaves, and commanded by the Sieur Jozé Pinto de Araujo. This Capture having been made to the South of the Equator, in contravention of the 4th Article of the Instructions annexed to the Convention, signed at London, on the 28th July 1817, between Brazil, Portugal, and Great Britain, the Mixed Commission of Sierra Leone ordered the restitution of the Prize, and, in accordance with the 8th Article of its Regulations, condemned the Captor to the payment of the sum of £10,893. 17s. 8d. for legal costs, damages, interest, and value of the liberated Slaves, as appears by the annexed Copy of the Sentence passed in this affair, on the 9th May 1826.

And as the payment of this sum ought to be made in London, by the Government of His Britannick Majesty, agreeably to the 10th Article of the beforementioned Convention, as well as to the 8th Article of the Regulation annexed thereto; I have now the honour to address myself to your Excellency, and to request that you will be so good as to give the necessary directions, that this payment may be effected, according to the provisions of the 8th Article of the abovementioned Regulation, which allows 5 per Cent. interest to the Claimants, upon the amount of their respective indemnities.

In giving effect to this just demand, your Lordship will add a fresh claim to the high consideration with which I have the honour to be, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,

&c.

&c.

&c.

Enclosure in No. 23.

Sentence of the Mixed Commission at Sierra Leone, in the Case of the Brazilian Brig "Activo."

I, the Undersigned, Edward Clanfield Brickwood, of Doctors' Commons, London, Notary Publick, do hereby certify, that the Writings hereunto annexed, do contain a true and faithful Transcript of an authenticated Copy, under the Seal of the British and Portuguese Court of Mixed Commission established at Sierra Leone, of the Original Decrees or Sentences made in the said Court, in the Cause therein mentioned, namely, the Brig "*Activo*," Jozé Pinto de Araujo, Master, the same having been by me carefully collated with the said authenticated Copy, and found entirely to agree therewith. In witness whereof I have hereunto set my Hand and Seal, this 15th day of December, in the Year of our Lord 1827.

(Signed) E. C. BRICKWOOD, Notary Publick

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before John Tasker Williams, Esq. and Daniel Molloy Hamilton, Esq. His Britannick Majesty's Commissary Judge, and Commissioner of Arbitration, (acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.)

PRESENT, WILLIAM SMITH, Esq. Registrar.

Tuesday, the 9th day of May, in the Year of our Lord 1826.

Brig "*Activo*," Joze Pinto de Araujo, Master.

Our Sovereign Lord The King, against the Brig or Vessel called the "*Activo*," whereof Joze Pinto de Araujo was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize, and Slaves, on board the same, and therewith seized and taken by His Majesty's Ship "*Athol*," James Arthur Murray, Esq. Commander, and brought to Sierra Leone, and against all Persons in general.

William Henry Savage, Proctor, on behalf of Claimant, prayed the Claim by him given to be admitted, and the said Brig, Cargo, and Slaves to be restored as claimed, with Costs, Damages, and Expences; John Dean Lake, Proctor, on behalf of the Captors, prayed the said Claim to be rejected, and the said Brig and Cargo to be condemned, and the Slaves to be emancipated.

The said Commissary Judge and Commissioner of Arbitration, having heard the said Claim and proofs read, admitted the said Claim, pronounced the said Brig, Cargo, and Slaves 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 the Costs, Damages and Expences incurred, in consequence of the aforesaid Seizure, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Commission.

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before John Tasker Williams, Esq. and Daniel Molloy Hamilton, Esq. His Britannick Majesty's Commissary Judge, and Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq. Registrar.

Thursday, the 8th day of June, in the Year of our Lord 1826.

Brig "*Activo*," Joze Pinto de Araujo, Master.

William Henry Savage, Proctor, on behalf of the said Joze Pinto de Araujo, Master, and the Owners and Proprietors of the said Brig "*Activo*,"

prayed the Court to award to the said Claimants the sums stated, in the Report of the Registrar, to be due to them, for the unlawful seizure and detention of the said Vessel, and for the total loss of 163 Slaves.

John Dean Lake, Proctor, on behalf of James Arthur Murray, Esq. the Commander, and the Officers and Crew of His Majesty's Ship "Athol," the Captors, prayed the Court to reject the Claim allowed by the Registrar, for the 163 Slaves, inasmuch as the said Slaves mutinied, and rose upon the Crew in charge of the said Brig "Activo," and forcibly made their way to the Shore, and were afterwards taken charge of by the Collector of Duties, by the order of the Acting Governor.

The Court thereupon directed that the proofs of the circumstance of the escape of the said 163 Slaves from the said Brig should be more particularly detailed and brought before it, together with all Correspondence and Communications that had taken place, between the Proctors in the Cause, and His Majesty's Colonial Authorities on the subject of the said Slaves; supported by Affidavits, and that the same be filed, before it proceeded to make its Award upon the Registrar's Report.

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before John Tasker Williams, Esq. and Daniel Molloy Hamilton, Esq. His Britannick Majesty's Commissary Judge, and Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq. Registrar.

Saturday, the 1st day of July, in the Year of our Lord 1826.

Brig "Activo," Joze Pinto de Araujo, Master.

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

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

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

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

4th.—Letter from William Henry Savage to John Dean Lake. Dated same Day.

5th.—Letter from John Dean Lake to William Henry Savage. Dated same Day.

6th.—Letter from William Henry Savage to John Dean Lake. Dated same Day.

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

8th.—Affidavit of Thomas Cole, Acting Collector. Sworn June 13, 1826. The following Documents, relative to the same subject, were also this day read, viz:

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

2d.—Affidavit of George Springler. Sworn May 4, 1826.

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

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

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

And notwithstanding it appeared to the Commissioners, by the Affidavits and other Documents this day read, that the loss of the Slaves might, in some measure, have been caused by the neglect of the Captor, or his Agent, who had the charge and possession of them, and also of the Brig, in consequence of his not furnishing them with food, on the 29th day of April last, yet the Commissioners could not believe or conclude this to have been either the principal or sole cause of the said Slaves leaving the Vessel and coming on Shore. And although the Commissioners would not attempt to justify the mode in which the Claimant had been deprived of his Slaves, nor the conduct of the Captor, or his Agent, in not taking proper precaution to prevent those Slaves leaving the Vessel, nevertheless they conceived themselves bound to declare their opinion, that the absolute and unconditional confirming the whole of the Registrar's Report, would be contrary to the principles of equity, and would, in point of fact, be rewarding the Claimant, not only for a breach of the Convention between Great Britain and Portugal, for the prevention of the illicit Slave-trade, but also for a breach of the Laws of his own Country.

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

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

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said Joze Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £9,983.15s. sterling money of Great Britain, for the total loss of 163 Slaves, provided, as before, that the British and Brazilian Governments agree and declare, that the said sum ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

And the said Commissioners did further award and decree, that the said James Arthur Murray, Esq. do pay to the said Joze Pinto de Araujo, or his lawful Attorney or Attornies, for his use, the further sum of £150. sterling money of Great Britain, being for interest on the estimated Capital employed in the purchase and maintenance of the Cargo, provided, as before, the British and Brazilian Governments agree and declare, that the said sum

ought to be so paid, according to the true intent and meaning of the Convention aforesaid, but not otherwise.

These are to certify, that the foregoing are just and true Copies of the original Decrees or Sentences, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court at Freetown, in the Colony of Sierra Leone; the 7th day of July, in the Year of our Lord, 1826.

(L.S.)

WM. SMITH, Registrar.

No. 24.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, ce 3 Mars 1828.

LE Brick Brésilien "*Perpetuo Defensor*" chargé d'Esclaves, et appartenant au Sieur Joao Alves da Silva Porto, négociant à Rio de Janeiro, a été pris par le Capitaine Charles Bullen, Commandant de la Frégate de Sa Majesté Britannique la "*Maidstone*," le 18 Avril 1826, et au Sud de l'Equateur, comme le constate la Dépêche adressée par Mr. D. M. Hamilton, Commissaire de Sa Majesté Britannique à Sierra Leone, au feu Mr. Canning le 12 Octobre 1826, et publiée dans la Collection des Pièces Officielles présentées au Parlement dans sa dernière Session.

L'injustice de cette Capture étant de la dernière évidence, Mylord, puisque l'Article 4me des Instructions annexées à la Convention, faite à Londres entre le Brésil, le Portugal, et la Grande Bretagne, le 28 Juillet 1817, défend de la manière la plus absolue la saisie des Bâtimens rencontrés au Sud de l'Equinoxiale, la Commission Mixte, siégeant à Sierra Leone, a ordonné la main-levée de la Prise, et condamné le Capteur au paiement des Sommes de £1,733. 19s. 8d. et Reis 79,716,000, pour frais de justice, dommages, intérêts, et prix des Esclaves affranchis, comme le prouve la Copie authentique (ci-jointe) du Jugement rendu sur cette affaire, le 28 Septembre 1826. Et comme le paiement de ces deux Sommes doit être fait pour le Gouvernement de Sa Majesté Britannique, en exécution de l'Article 10me de la Convention précitée, ainsi que du 8me du Règlement additionnel, j'ai l'honneur de m'adresser aujourd'hui à votre Excellence, pour la prier de vouloir bien donner des ordres nécessaires pour que ce paiement soit effectué, avec l'intérêt de 5 pour Cent. à l'An, stipulé à l'Article 8me du Règlement annexé à la susdite Convention.

La justice de cette demande m'en garantit le succès, Mylord, et dans cette attente je vous prie d'agréer les assurances, &c.

(Signé)

LE VICOMTE D'ITABAYANA.

Son Excellence le très Hon. Lord Dudley,

&c.

&c.

&c.

(Translation.)

MY LORD,

Park Crescent, March 3, 1828.

THE Brazilian Brig, "*Perpetuo Defensor*," laden with Slaves, and belonging to Sr. Joao Alves da Silva Porto, a Merchant at Rio de Janeiro, was captured on the 18th of April 1826, to the South of the Equator, by Captain Charles Bullen, commanding His Britannick Majesty's Frigate,

the "Maidstone," as appears by a Despatch, addressed by Mr. D. M. Hamilton, His Britannick Majesty's Commissioner at Sierra Leone, to the late Mr. Canning, on the 12th of October 1826, and published in the Collection of Official Papers, presented to Parliament during the last Session.

The injustice of this Capture, being, my Lord, clearly evident, (since the 4th Article of the Instructions, annexed to the Convention, concluded at London on the 28th July 1817, between Brazil, Portugal, and Great Britain, prohibits, in the most absolute manner, the Seizure of Vessels fallen in with to the South of the Equinoctial Line) the Mixed Commission, sitting at Sierra Leone, has ordered the release of the Prize, and condemned the Captor to the payment of the Sums of £1,733. 19s. 8d. and 79,716,000 Reis, for legal Costs, Damages, Interest, and value of the liberated Slaves, as proved by the authenticated Copy (herewith enclosed) of the Sentence passed in that Case, on the 28th of September 1826. And as the payment of these two sums should be made by the Government of His Britannick Majesty, in execution of the 10th Article of the beforementioned Convention, as well as of the 8th Article of the Regulation, annexed thereto, I have now the honour to address myself to your Excellency, to request you to give the necessary directions, that this payment may be made, with the Interest of 5 per Cent per Annum, stipulated in the 8th Article of the Regulation annexed to the abovementioned Convention.

The justice of this demand leaves me no doubt of its success, and, in this persuasion, I beg your Lordship will accept, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 24.

Sentence of the Mixed Commission at Sierra Leone, in the Case of the Brazilian Brig "Perpetuo Defensor."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before Daniel Molloy Hamilton, Esq., His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq., His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq., Registrar.

Thursday, the 28th day of September, in the Year of our Lord 1826.

Brig "Perpetuo Defensor," Antonio Mauricio de Mendonça, Master.

The Registrar's Report, amended, as ordered by the Court, on the 26th day of this instant Month of September, being brought in and read, and Proctors on both sides being heard on the same, the Commissioners confirmed, unconditionally, so much of the said Report as the Registrar therein set forth the Claimant was entitled to, for Costs of Suit, and for Special Damages and Expences occasioned to the said Brig, by detention, amounting to £79: they also confirmed, unconditionally, so much more of the said Report as the Registrar stated the Claimant entitled to, for provisioning the Slaves, from the 29th of June to the 6th day of July last, amounting to the sum of £122. 10s.; and it having been represented and proved to the satisfaction of the Court, that the said Ship would be unable to proceed to Sea, unless the Master could raise a further sum of £150., by the Court giving a further unconditional award for that sum; the Commissioners, therefore, did also unconditionally confirm so much of the sum allowed by the Registrar in the said Report, for Demurrage, as amounts to £150. Whereupon the Commissioners did award and decree, that Charles Bullen, Esq., the Captor in this Case, do pay to the said Antonio Mauricio de Mendonça, the Claimant, or his lawful Attorney or Attornies, for his use, unconditionally, the beforementioned Sums, amounting in the whole to £351. 10s.; being for Costs of Suit, Special Damages, and

Expences, provisioning of the Slaves, and for part of the Demurrage, as aforesaid.

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

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

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

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 3d day of October, in the Year of our Lord 1826.

(L.S.)

(Signed)

WM. SMITH, Registrar,

Be it known unto all, that I, William Henry Savage, Notary Publick by Royal Authority, duly admitted and sworn, do certify, that I have copied

the foregoing Document from the Original, left in my Office to be transmitted by me to Messrs. Garry and Curtis, of the City of London, who are nominated Attornies on behalf of the said Antonio Mauricio de Mendonça, and that the same is a true and faithful Copy.

Which I testify. (Signed) W. H. SAVAGE, N. P.

October 10, 1826.

Proctor's Bill for conducting Defence for 3 Months, finally	£.	s.	d.
arranging all Documents, and transacting the Ship's Business,	200	0	0
Total Amount of Supplies, with 5 per Cent. Com.	£220	18	3
Deduct owing to the Captain - - - - -	26	3	0
	<hr/>		
	194	15	3
	<hr/>		
	£594	15	3
Feeding Slaves from Shore - - - - -	122	10	0
	<hr/>		
	£517	5	3
	<hr/>		
Paid by			
A Bond on the Power of Attorney, for Messrs.			
Garry and Curtis to pay or retain in their			
hands - - - - -	£200	0	0
A Bill on Garry and Curtis, to Mr. Gaul, for			
Slaves' feed - - - - -	122	10	0
A Bill on the Owner - - - - -	194	15	3
	<hr/>		
	517	5	3
	<hr/>		
(Signed)	W. H. SAVAGE.		

No. 25.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, ce 3 Mars 1828.

LE Brick Brésilien "*Hiroina*," dont le Propriétaire est le Sieur Manoel Cardozo dos Santos, Négociant à Bahia, ayant été rencontré au Nord de l'Equateur, et sans avoir des Esclaves à bord a été pris par la Frégate de Sa Majesté Britanique la "*Maidstone*," et condamné par la Commission Mixte de Sierra Leone, le 24. Janvier 1827, sous le fondement d'avoir contrevenu au Passeport qui lui avait été délivré pour aller dans les Ports d'Afrique au Sud de l'Equinoxiale.

Ce fait est constaté, Mylord, par la Copie ci-jointe du Jugement rendu par la Commission susmentionnée.

Or, comme le cas de la déviation du voyage indiqué au Passeport ne peut être censé une infraction de la Convention du 28 Juillet 1817, et que l'Article 6me. de cet Acte, ainsi que le 1er. des Instructions additionnelles que je transcrirai ici mot à mot :—

"No British or Portuguese Cruizer shall detain any Slave-ship not having Slaves actually on board."

"Ships on board of which no Slaves shall be found intended for the purpose of traffick, shall not be detained on any account or pretence whatever,"

défendent, de la manière la plus absolue, la capture des Bâtimens Brésiliens et Anglais qui n'eurent pas des Esclaves à bord, l'injustice du Jugement condamatoire est de la dernière évidence, et impose à mon Gouvernement le devoir de réclamer, comme il le fait par mon organe, l'indemnité qui est dûe au Propriétaire du Brick condamné aux termes des §§ 1 er. 2d. et 3 me. de l'Article 8me. du Règlement additionnel à la Convention précitée.

Connoissant la droiture du Ministère de Sa Majesté Britannique, je suis intimement persuadé qu'il fera droit à cette juste réclamation; et dans cette attente, je vous prie, Mylord, d'agréer les assurances, &c.

(Signé) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Dudley.

&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, March 3, 1828.

THE Brazilian Brig, "*Hiroina*," owned by Sr. Manoel Cardozo dos Santos, a Merchant of Bahia, having been met with to the North of the Equator, and without having any Slaves on board, was taken by His Britannick Majesty's Frigate, the "*Maidstone*," and condemned by the Mixed Commission at Sierra Leone on the 24th of January 1827, on the ground of having contravened the Passport granted to it, for the purpose of proceeding to Ports of Africa, South of the Equator.

This fact is confirmed, my Lord, by the Copy, herewith enclosed, of the Sentence passed by the above-mentioned Commission.

Now as the case of the deviation from the Voyage pointed out in the Passport cannot be considered as an infraction of the Convention of the 28th of July 1817, and as the 6th Article of that Act, as well as the 1st of the Additional Instructions, which I here transcribe, word for word:—

"No British or Portuguese Cruizer shall detain any Slave-ship not having Slaves actually on board."

"Ships on board of which no Slaves shall be found intended for the purpose of traffick, shall not be detained on any account or pretence whatever,"

prohibit, in the most absolute manner, the Capture of Brazilian and English Vessels which have not Slaves on board; the injustice of the Sentence of condemnation is very evident, and imposes upon my Government the duty of claiming, as I now do, in its behalf, the indemnity which is due to the Proprietor of the condemned Brig, according to the 1st, 2d, and 3d Sections of the 8th Article of the Regulation annexed to the before-mentioned Convention.

Fully persuaded of the uprightness of His Britannick Majesty's Government, I feel confident that it will do justice to this Claim; and in this persuasion, I beg you, my Lord, to accept, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

 Enclosure in No. 25.

Sentence of the Mixed Commission at Sierra Leone, in the Case of the Brazilian Brigantine "Hiroina."

British and Portuguese Court of Mixed Commission, Sierra Leone.

BEFORE His Excellency Sir Neil Campbell, Knight, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq., His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty, The King of Portugal.

PRESENT, WILLIAM SMITH, Esq., Registrar.

Wednesday, the 24th Day of January, in the Year of our Lord 1827.

Brigantine "*Hiroina*," Miguel Antonio Netto, Master.

Our Sovereign Lord The King, against the Brigantine, or Vessel, called the "*Hiroina*," whereof Miguel Antonio Netto was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized by His Majesty's Ship "*Maidstone*," Charles Bullen, C. B. Commander, and brought to Sierra Leone, and against all persons in general.

William Henry Savage, Proctor on behalf of the Claimant, prayed the Claim given by him to be admitted, and the said Brigantine and Cargo to be restored as claimed.

George Rendall, Proctor on behalf of the Captors, prayed the said Claim to be rejected, and the said Brigantine and Cargo to be condemned.

The said Commissary Judge, and Commissioner of Arbitration, having heard the said Claim and Proofs read, pronounced the said Brigantine "*Hiroina*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been at the time of Capture and Seizure thereof engaged in the illicit Traffick in Slaves, and as such, subject and liable to confiscation, and condemned the said Brigantine, 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 Britannick Majesty's Ship of War "*Maidstone*," Charles Bullen, C. B. Commander, and also that it had been proved, that, at the time of passing the said Sentence, no Slaves were on board, but that the said Brigantine "*Hiroina*," was captured off Lagos, in 6. 10. Latitude North of the Equator, and 4. East of the Meridian of London, in direct opposition to her Imperial Passport, marked No. 17, which obligated 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.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 24th day of February, in the Year of our Lord 1827.

(L. S.)

(Signed) WM. SMITH, Registrar.

No. 26.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, ce 3 Mars 1828.

LE Brick Brésilien "*Cerqueira*," appartenant au Sieur Jozé Cerqueira Lima, Négociant à Bahia, ayant été pris au Port d'Onin le 30 Janvier 1824, par le Commodore Courtenay, Commandant de la Frégate de Sa Majesté Britannique la "*Bann*," a été amené à Sierra Leone, où il fut mis en liberté le 16 Avril 1824, par ordre du dit Commodore et sans que la Commission Mixte eût instruit aucune Procédure ou rendu aucun Jugement sur cette injuste saisie, comme elle devoit l'avoir fait, en exécution de l'Article 8^{me}. de la Convention du 28 Juillet 1817, des Instructions, et du Règlement, additionnels.

La détention arbitraire de ce Brick, ainsi que l'irrégularité de sa restitution, sont constatées, Mylord, par le Procès ci-joint, qui fut fait à Bahia par le Magistrat compétent; et comme par l'omission des formalités établies par l'Article 8^{me}. des Actes précités, le Propriétaire du Brick en question, a été privé de l'indemnité qui lui était dûe en conformité de l'Article 8^{me}. du Règlement

susmentionné, mon Gouvernement m'a chargé de la réclamer du Ministère de Sa Majesté Britannique; et c'est ce que je fais par la présente Note, dans la ferme persuasion que votre Excellence sentira toute la justice de cette réclamation.

Veillez agréer, Mylord, les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Dudley,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, March 3, 1828.

THE Brazilian Brig "*Cerqueira*," belonging to the Sieur Jozé Cerqueira Lima, a Merchant at Bahia, having been captured in the Port of Onim, on the 30th January 1824, by Commodore Courtenay, commanding His Britannick Majesty's Frigate "*Bann*," was carried to Sierra Leone, where it was liberated on the 16th of April following, by order of the said Commodore, and without the Mixed Commission having instituted any Process, or passed any Sentence, on this unjust Seizure, as it ought to have done, agreeably to the 8th Article of the Convention of the 28th July 1817, of the Instructions, and of the Regulation, annexed thereto.

The arbitrary detention of this Brig, as well as the irregularity of its restitution, are confirmed, my Lord, in the accompanying Process, which was instituted at Bahia before the competent Magistrate; and as, by the omission of the formalities established by the 8th Article of the Acts abovementioned, the Proprietor of the Brig in question was deprived of the indemnity due to him, in conformity with the 8th Article of the abovementioned Regulation, my Government has charged me to claim the same of the Government of His Britannick Majesty, which I now do by the present Note, in the firm persuasion, that your Lordship will acknowledge the justice of this demand.

Be pleased to accept, my Lord, the assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 26.

(Abstract.)

Process instituted at Bahia, in the Case of the Brazilian Brig "Cerqueira,"

(1.) CERTIFICATE of the Notary Publick, Antonio Gonz. Gravata, stating that a Protest had been given to him by Jozé Cerqueira Lima, Owner of the Brig "*Cerqueira*," against its unjust Seizure.

(2.) PROTEST of the above Owner, addressed to the Judge of the Customs, stating, that he sailed with the "*Cerqueira*" from Bahia on the 8th November, 1823, bound for Molembo, and that when at anchor in the Port of Onim, his Vessel was seized, without having Slaves on board, or having traded with them in any shape; and that he desires to establish and ratify in the proper Tribunals, and by Law, the Protest made by the Ship's Master against the Captors, and the injustice of their Seizure.

(3.) PROTEST of the Master, Manoel Cardozo dos Santos, against the British Nation, for the amount of £60,000 sterling, on account of the violence done to the "*Cerqueira*," by a British Vessel;—stating that he sailed from Bahia with the "*Cerqueira*" on the 8th of November, 1823, bound to Molembo, and that, partly from stress of weather, and partly from want of provisions, he was forced to put into the Port of Onim, on the 17th of December, where, on account of a war with the people of Badagry, he was forced to remain three weeks, during which time he could not carry on any traffick for the supplies he wanted;—that, on the 25th of the said Month, he was visited by a British Vessel, which found no fault with his Papers;—that he was twice visited by another English Vessel, which departed peaceably;—that on the 30th January, 1824, a Vessel called the "*Bann*," anchored with the British Flag hoisted, from which, on the following day, several Boats were sent full of armed men, which anchored opposite to the house of an Englishman; and on coming on Shore they demanded from the King of the Port the delivery of the Portuguese Captains, who were then dealing for Slaves; that the King told them that the Portuguese Captains were not bartering for Slaves, on which the Officers said that if they were not delivered up the next day they would fire on the Place; that they then proceeded to the Factory where he was, and told him to consider his Vessel as captured for trading in Slaves; he went again to the King for the purpose of proving that he had not dealt in Slaves, whereupon the English spiked three guns in the Harbour, fired on the Town and killed several persons; kept him from communicating with his Vessel, and finally, in his absence, set sail with his Ship, and several other Vessels belonging to Brazil, and that, therefore, he gives up all responsibility, and formally protests.

(4.) JUDICIAL RATIFICATION, enumerating all the particulars of the above Protest in the name of the Owner.

(5.) AFFIDAVIT of Jose Rodriguez, Pilot and Master of the Schooner "*Estrella*," stating that, in the Port of Ajuda, he met with an American Brig, carrying on board, with several others, Manoel Cardozo dos Santos, who recapitulated to him the contents of the Protest (3), and declaring the English Ship's name to be the "*Bann*," Captain Courtenay.

(6.) AFFIDAVIT of Jose Ramos Gomes, Pilot of the Schooner "*Estrella*," to the same effect.

(7.) AFFIDAVIT of Joze de Souza, Sailor on board the "*Estrella*," to the same effect.

(8.) AFFIDAVIT of Manoel Luis Viana, Sailor on board the "*Estrella*," to the same effect.

(9.) AFFIDAVIT of Joze Simoens, Sailor on board the "*Estrella*," to the same effect.

(10.) AFFIDAVIT of Joze Albino Arraia, Mate on board the "*Cerqueira*," to the same effect.

(11.) AFFIDAVIT of Marcellino Antonio, Sailor on board the "*Cerqueira*," to the same effect.

(12.) AFFIDAVIT of Joze Maria de Oliveira, Sailor on board the "*Cerqueira*," to the same effect.

(13.) AFFIDAVIT of Joao da Silva, Sailor on board the "*Cerqueira*," to the same effect.

(14.) AFFIDAVIT of Antonio Joze Pereira Guimaraens, Sailor on board the "Cerqueira," to the same effect.

(15.) AFFIDAVIT of Thomé da Souza da Boeha, Sailor on board the "Cerqueira," to the same effect.

(16.) AFFIDAVIT of Joze Tibureio, Sailor on board the "Cerqueira," to the same effect.

(17.) AFFIDAVIT of Joze Antonio, Sailor on board the "Cerqueira," to the same effect.

(18.) AFFIDAVIT of Joze Lopez, Sailor on board the "Cerqueira," to the same effect.

(19.) AFFIDAVIT of Paulino Pereira, Sailor on board the "Cerqueira," to the same effect.

(20.) AFFIDAVIT of Domingos da Silva, Sailor on board the "Cerqueira," to the same effect.

No. 27.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, ce 3 Mars, 1828.

LE Commodore Courtenay, Commandant de la Frégate de Sa Majesté Britannique la "Bann" a capturé au Port d'Onin, le 30 Janvier 1824, le Bâtiment Brésilien "Créola," appartenant aux Sieurs Antonio Pedroso de Albuquerque et Vicente de Paula Silva, Négociants à Bahia.

Amené à Sierra Leone, cette Prise y a été relachée, le 16 Avril, par ordre du capteur, et sans que la Commission Mixte eût instruit aucun Procès ou rendu aucun Jugement sur cette saisie, comme elle aurait dû le faire, aux termes des Articles 8mes de la Convention du 28 Juillet 1817, des Instructions, et du Règlement, additionnels.

La détention injuste de ce Bâtiment, ainsi que la restitution illégale qui en fut faite au bout de 76 jours, et le pillage qu'il a souffert dans la traversée du Port d'Onin à Sierra Leone, de la part d'un Corsaire, portant Pavillon Espagnol, sont constatés, Mylord, par la Procédure ci-jointe, instruite à Bahia par le Magistrat compétent, et avec assignation du Vice Consul de Sa Majesté Britannique, y résidant.

Et comme par l'omission des formalités prescrites par les Articles 8mes des Actes précités, les Propriétaires du dit Bâtiment furent privés de l'Indemnité qui leur était due d'après l'Article 8me du Règlement sus-mentionné, je suis chargé par mon Gouvernement de la réclamer du Ministère de Sa Majesté Britannique; et tel est, Mylord, l'objet de la présente Note.

J'ose espérer, Mylord, que vous ferez droit à une aussi juste réclamation; et dans cette persuasion, je vous prie d'agréer les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

(Translation.)

MY LORD,

Park Crescent, March 3, 1828.

THE Brazilian Vessel "*Creola*," belonging to Messrs. Antonio Pedroso de Albuquerque, and Vicente de Paula Silva, Merchants at Bahia, was captured in the Port of Onim, on the 30th of January 1824, by Commodore Courtenay, commanding His Britannick Majesty's Frigate "*Bann*."

This Prize was carried to Sierra Leone, where it was liberated on the 16th of April, by order of the Captor, and without the Mixed Commission having instituted any Process, or passed any Sentence, on this Scizure, as it ought to have done, agreeably to the terms of the 8th Article of the Convention of the 28th of July 1817, of the Instructions, and of the Regulation, annexed thereto.

The unjust Capture of this Vessel, as well as the illegal restitution of it after a detention of 76 days, and its pillage by a Corsair, under Spanish Colours, on its passage from the Port of Onim to Sierra Leone, are confirmed, my Lord, in the accompanying Process, which was instituted at Bahia, before the competent Magistrate, and was signed by the Vice Consul of His Britannick Majesty resident at that Place.

As, by the omission of the formalities prescribed by the 8th Article of the beforementioned Acts, the Proprietors of the said Vessel were deprived of the Indemnity due to them, agreeably to the 8th Article of the Regulation abovementioned, I am charged by my Government to claim the same of the Government of His Britannick Majesty; and this, my Lord, is the object of the present Note.

I venture to hope, that your Lordship will do justice to so well founded a Claim; and in this persuasion, I pray you to accept the assurances, &c.

(Signed) THE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 27.

(Abstract.)

Process instituted at Bahia, in the Case of the Brazilian Brig "Creola."

(1.) CERTIFICATE of the Notary Publick, Joao Antonio de Fonseca Lessa, stating that a Protest duly legalized, had been given to him by V. de Paulo Silva, and A. Pedro Albuquerque, Owners of the Brig "*Creola*," against its unjust seizure.

(2.) PROTEST of the above Owners, addressed to the Judge of the Customs, stating that the "*Creola*," while at anchor in the Port of Onim, without having Slaves on board, or trafficking therein, was arbitrarily seized; and that they desire to establish and ratify in the proper Tribunals, and by Law, the Protest made by the Ship's Master against the Captors, and the injustice of their seizure.

(3.) PROTEST of the Master, Andre Pinto da Silveira, against the British Nation for 80 contos of Reis, on account of the violence done to the "*Creola*," by an English Vessel, in the Port of Onim; stating that he sailed from Bahia on the 29th of October 1823, bound for Molembo; and having encountered bad weather, and lost his foremast, and it being impossible to go elsewhere, he made for the Port of Onim, where, on his arrival, the Cerqueira gave him every assistance: that while in that Port, he was joined by a British Ship of War, and visited by her; but that he knows not the Ship's name, or that of

her Commander; after which he laid in fresh supplies and water, and then proceeded to unload the Cargo, consisting of brandy and tobacco, and to make exchanges for cloth, ivory, and oil: that on preparing to quit Onim, on the 30th of January, he was met by an English Ship of War, which anchored, and sent on the 31st several Boats across the Bar, having on board armed men and cannon, which anchored opposite the house of an Englishman; and on coming on Shore, the Officer told him and the Captain of the "Cerqueira" to consider their Vessels as captured, and that he came to seek for Slaves, which he knew we had been purchasing; that the traffick was denied, and no Slaves found in our factory, on which the Boats fired on the Town, and, after killing a number of people, returned to their Vessel, still keeping him, the Master, from communicating with his Crew and Ship, by firing on every Boat which set off for the purpose of going thither, and that, at last, the Brig sailed by force, along with the English Ship, in his absence; and that, therefore, he gives up all responsibility, and protests.

(4.) JUDICIAL RATIFICATION, enumerating all the particulars of the above Protest, in the name of the Owners.

(5.) NOTIFICATION of the above Protests to the English Vice Consul, Mr. Follett.

(6.) AFFIDAVIT of Jose Rodriguez, Pilot and Master of the Schooner "Estrella," stating that, in the Port of Ajuda, he met with an American Brig, carrying on board, along with several others, the Master of the "Creola," who recapitulated to him the contents of the Protest (3).

(7.) AFFIDAVIT of Joze Ramos Gomez, Pilot of the Schooner "Estrella," to the same effect.

(8.) AFFIDAVIT of Jose de Souza, Sailor on board the "Estrella," to the same effect.

(9.) AFFIDAVIT of Manoel Luis Vianna, Sailor on board the "Estrella," to the same effect.

(10.) AFFIDAVIT of Jose Simoens, Sailor on board the "Estrella," to the same effect.

(11.) AFFIDAVIT of Jose Rodriguez Ferreira, Pilot of the Ship "Creola," confirmatory of the contents of the Master's Protest.

(12.) AFFIDAVIT of Joao da Matta de Santa Anna, Sailor on board the "Creola," to the same effect.

(13.) AFFIDAVIT of Manoel de Santa Luzia, Sailor on board the "Creola," to the same effect.

(14.) AFFIDAVIT of Sebastião da Rocha Soares, Sailor on board the "Creola," to the same effect.

(15.) AFFIDAVIT of Francisco Marquez, Sailor on board the "Creola," to the same effect.

(16.) AFFIDAVIT of Jacinto Antonio Pereira Carneiro, Assistant Mate on board the "Creola," to the same effect.

No. 28.

The Earl of Dudley to The Right Hon. Robert Gordon.

SIR,

Foreign Office, March 6, 1828.

I HAVE to acquaint you, for your information, and for communication to the Government of The Emperor of Brazil, that The King, in conformity with the 4th Article of the Convention, signed at Rio de Janeiro on the 23d of November 1826, for the final abolition of the Slave-trade, has been graciously pleased to nominate and appoint Henry Hayne, Esq. to be His Majesty's Commissary Judge, and Alexander Cunningham, Esq. to be His Majesty's Commissioner of Arbitration, to the Mixed British and Brazilian Commission, established at Rio de Janeiro under that Convention; and George Jackson, Esq. to be His Majesty's Commissary Judge, and William Smith, Esq. to be His Majesty's Commissioner of Arbitration, and Joseph Reffell, Esq. to be Secretary or Registrar to the Mixed British and Brazilian Commission, established under the said Convention at one of His Majesty's Settlements on the Coast of Africa.

I am, &c.

The Right Hon. Robert Gordon,
 &c. &c. &c.

(Signed) DUDLEY.

No. 29.

The Earl of Dudley to The Viscount d'Itabayana.

SIR,

Foreign Office, March 6, 1828.

IN answer to your Letter of the 26th of February 1828, I have the honour to acquaint you, that the names of the Gentlemen whom The King, in conformity with the 4th Article of the Convention, signed at Rio de Janeiro on the 23d of November 1826, for the final abolition of the Slave-trade, has been pleased to nominate to reside, on His Majesty's part, in one of the British Settlements on the Coast of Africa, are George Jackson, Esq. as His Majesty's Commissary Judge, and William Smith, Esq. as His Majesty's Commissioner of Arbitration; and Joseph Reffell, Esq. as Secretary or Registrar to the said Commission; and I have the honour further to acquaint you, that His Majesty has been pleased to nominate Henry Hayne, Esq. as His Majesty's Commissary Judge, and Alexander Cunningham, Esq. as His Majesty's Commissioner of Arbitration, to the Mixed British and Brazilian Commission, established at Rio de Janeiro, under the Convention before mentioned.

I am, &c.

Viscount d'Itabayana,
 &c. &c. &c.

(Signed) DUDLEY.

No. 30.

The Viscount d'Itabayana to The Earl of Dudley.

MYLORD,

Park Crescent, le 13 Mars 1828.

INFORME par votre Note, en date du 6 de ce Mois, des noms des Personnes que Le Roi a daigné nommer pour remplir les fonctions de Commissaires aux Commissions Mixtes qui vont être établies à Rio de Janeiro et Sierra Leone, en vertu de l'Article 4me de la Convention du 23 Novembre 1826, je me suis empressé de porter ces nominations à la connoissance de L'Empereur, mon auguste Maître, afin qu'il puisse concourir de sa part à l'exécution de l'Article précité.

Mais comme l'arrivée des Commissaires Brésiliens à Sierra Leone, doit éprouver quelque retard, je crois devoir obvier cet inconvénient en nommant, provisoirement, le Sieur Joseph de Paiva, Vice-Consul du Brésil à Jersey, à la place de Commissaire-Juge, et le Sieur Guillaume Henri Savage, Sujet Britannique et *Proctor* à Freetown, à celle de Commissaire Arbitre, pour la Commission Mixte de cette Colonie. — Je vous prie donc, Mylord, de vouloir bien annoncer ces nominations provisoires aux Autorités de Freetown, pour que les Sieurs Paiva et Savage soient reconnus en leur qualité de Commissaires Brésiliens, et puissent remplir leurs fonctions respectives.

Veuillez en outre, Mylord, recevoir, &c.

(Signé) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Dudley,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, March 13, 1828.

HAVING learnt, by your Note of the 6th Instant, the names of the Persons whom The King has been pleased to appoint, to discharge the duties of Commissioners in the Mixed Commissions about to be established at Rio de Janeiro and Sierra Leone, under the 4th Article of the Convention of the 23d of November 1826, I lost no time in communicating these Appointments to The Emperor, my august Master, in order that he may, on his part, take measures for giving effect to the Article in question.

But, as the arrival of the Brazilian Commissioners at Sierra Leone cannot take place without some delay, I think it my duty to guard against this inconvenience by appointing, provisionally, M. Joseph de Paiva, Vice-Consul of Brazil at Jersey, to the Situation of Commissary-Judge, and Mr. William Henry Savage, a British Subject, and a Proctor, residing at Freetown, to that of Commissioner of Arbitration, in the Mixed Commission in that Colony. I have therefore to request your Lordship to have the goodness to announce these provisional Appointments to the Authorities of Freetown, in order that Messrs. Paiva and Savage may be recognized in their character of Brazilian Commissioners, and may be enabled to fulfil their respective functions.

I pray your Lordship to accept the assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Dudley,
 &c. &c. &c.

No. 31.

The Viscount d'Itabayana to John Backhouse, Esq.

MON CHER MONSIEUR,

Park Crescent, le 28 Mars 1828.

COMPTANT de faire partir incessamment pour Sierra Leone, le Sieur de Paiva, qui doit y remplir provisoirement les fonctions de Commissaire-Juge, je désire recevoir du Ministère de Sa Majesté Britannique, la certitude de ce qu'il a agréé les nominations que je lui ai notifiées par ma Note du 13 de ce Mois. Or comme ces nominations ont besoin d'une espèce d'*Exequatur* de la part du Gouvernement du Roi, je crois que cette formalité pourroit être remplie, au moyen d'une Dépêche adressée par Son Excellence Lord Dudley au Gouverneur de la Colonie en question ; et si vous êtes de cet avis, je vous prierai de me munir d'une Duplicata de cette Dépêche, afin que les nommés puissent la présenter au dit Gouverneur, accompagnée du Brévet que je vais leur délivrer dans les termes de la Minute ci-jointe, que je livre à votre approbation. Si vous croyez que la notification de ces nominations doit être faite autrement, ayez la bonté de le me dire franchement ; car je désire aller toujours d'accord avec vous, étant, comme j'ai l'honneur d'être, &c.

John Backhouse, Esq.
 &c. &c. &c.

(Signé) ITABAYANA.

(Translation.)

MY DEAR SIR,

Park Crescent, March 28, 1828.

AS I propose to despatch immediately to Sierra Leone, M. de Paiva, who is to discharge, provisionally, in that Colony, the duties of Commissary Judge, I am desirous of receiving from the Government of His Britannick Majesty, an assurance of their acquiescence in the Appointments, which I notified to them in my Note of the 13th Instant. As, however, these Appointments will require a species of *Exequatur* on the part of the British Government, I conceive that this formality might be accomplished, by means of a Despatch addressed by Lord Dudley to the Governor of the Colony in question ; and if you are of this opinion, I request you to furnish me with a Duplicate of such Despatch, in order that the Persons appointed may present it to the Governor, together with the Commission with which I propose to furnish them, to be drawn up according to the enclosed Form, which I submit for your approbation. Should you conceive that these Appointments ought to be notified in any other form, have the goodness to tell me so frankly, as I am anxious always to act in concert with you, being, &c.

John Backhouse, Esq.
 &c. &c. &c.

(Signed) ITABAYANA.

Enclosure in No. 31.

Form of Commission of Appointment of M. de Paiva, as Brazilian Commissary Judge at Sierra Leone.

NOUS, Vicomte d'Itabayana, Commandeur de l'Ordre Impérial de la Grande Croix du Sud, du Brésil, et de celui de Léopold d'Autriche, Membre du Conseil de Sa Majesté L'Empereur du Brésil, et Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, &c.

Savoir faisons à tous ceux à qui il appartiendra, qu'au nom de L'Empereur nous avons nommé le Sieur Joseph de Paiva, Sujet Brésilien, pour remplir les

fonctions de Commissaire Juge à la Commission Mixte qui va être établie à Sierra Leone, en exécution de l'Article 4^{me} de la Convention faite à Rio Janeiro, le 23 Novembre 1826, entre Leurs Majestés Impériale et Britannique, pour l'abolition finale de la Traite des Nègres; et nous prions les Autorités de Sierra Leone de reconnoître le Sieur Joseph de Paiva en sa qualité de Commissaire Juge Brésilien, et de l'admettre à l'exercice de ses respectives fonctions.

En foi de quoi, nous avons fait et signé le present Brévet, en y apposant le Cachet de nos Armes.

Donné à Londres, &c.

N. B. Un Brévet semblable sera expédié au Sieur Guillaume Henri Savage, Sujet Britannique, résidant à Sierra Leone.

(Translation.)

WE, Viscount d'Itabayana, Commander of the Imperial Order of the Grand Cross of the South, of Brazil, and of that of Leopold of Austria, Member of the Council of His Majesty The Emperor of Brazil, and His Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty, &c.

Make known to all those whom it shall concern; that we have appointed, in the name of the Emperor, M. Joseph de Paiva, a Brazilian Subject, to discharge the duties of Commissary Judge in the Mixed Commission to be established at Sierra Leone, in execution of the 4th Article of the Convention, signed at Rio Janeiro on the 23d of November 1826, between His Imperial Majesty and His Britannick Majesty, for the final abolition of the Slave-trade; and we request the Authorities of Sierra Leone, to recognize the said M. Joseph de Paiva in his capacity of Brazilian Commissary Judge, and to admit him to the exercise of the duties thereunto appertaining.

In witness whereof we have drawn up and signed the present Commission, and sealed it with the Seal of our Arms.

Given at London, &c.

N. B. A similar Commission will be given to Mr. William Henry Savage, a British Subject, residing at Sierra Leone.

No. 32.

The Earl of Dudley to The Right Hon. Robert Gordon.

SIR,

Foreign Office, March 31, 1828.

I TRANSMIT to you the accompanying Copy of a Despatch, dated the 22d of January last, and of its Enclosures, which I have received from His Majesty's Commissioners at Sierra Leone, containing the details of the Case of the "*St. Joao Voador*," a Brazilian Vessel, which was detained, and carried into Sierra Leone, upon a charge of being so concerned in illegal Slave-trade, as that she was liable to condemnation, under the Compacts existing between Great Britain and Brazil, but, upon adjudication, by the Mixed Commission at Sierra Leone, was declared to be acquitted of that charge, and decreed to be restored to her Owner.

You will communicate these Papers to the Brazilian Government, both as a proof of the scrupulousness with which His Majesty's Commissioners adhere to the Treaty, which is their natural and proper guide, and also of the fitness of concluding an Article, to the effect proposed in my Despatch to you of the 31st August 1827, for defeating the object of the attempts which are made, in every shape, by illegal Traders, to evade the penalties due to enterprizes con-

ducted in opposition to the spirit of the Treaty for putting down illegal Slave-trade.

I transmit to you likewise a Copy of a Despatch, which I have this day addressed upon the subject, to His Majesty's Commissioners at Sierra Leone.

I am, &c.

(Signed) DUDLEY.

The Right Hon. Robert Gordon,
 &c. &c. &c.

No. 33.

The Vicomte d'Itabayana, to John Backhouse, Esq.

MON CHER MONSIEUR,

Park Crescent, ce 15 Avril 1828.

JE m'empresse de vous remercier de la communication que vous venez de me faire à l'égard de la nomination provisoire des Commissaires. Je ne suis pas de l'avis des Magistrats de la Couronne: car, ni dans la Convention du 23 Novembre 1826, ni dans celle du 28 Juillet 1817, il n'est pas dit que les Commissaires seront nommés par des Diplomes des deux Souverains. Mais, désirant éviter toute question, et prendre en même temps les mesures que réclament les intérêts Brésiliens à Sierra Leone, je me propose d'y envoyer, M. de Paiva, en qualité de Vice-Consul, muni d'un Brevet délivré par le Consul Général à Londres (ce qui est tout-à-fait conforme à l'usage); et je vous prie de me faire une courte réponse à ma Note, relative à la sus-dite nomination provisoire des Commissaires, afin que je puisse proposer à Lord Dudley celle du Vice-Consul ci-dessus indiqué.

Veillez recevoir, mon cher Monsieur, les assurances, &c.

John Backhouse, Esq.
 &c. &c. &c.

(Signé) ITABAYANA.

(Translation.)

MY DEAR SIR,

Park Crescent, April 15, 1828.

I HASTEN to thank you for the communication you have just made to me, respecting the provisional Appointment of Commissioners. I do not concur in the opinion of the Law-Officers of the Crown, for neither in the Convention of the 23d of November 1826, nor in that of the 28th of July 1817, is it stipulated, that the Commissioners shall be appointed by Instruments signed by the two Sovereigns. But, anxious to avoid all discussion, and at the same time, to take those measures which the interests of Brazil at Sierra Leone require, I propose to send thither M. de Paiva, as Vice-Consul, furnished with a Commission from the Consul General in London (which is quite in conformity with the established custom); and I request that you will favour me with a short Answer to my Note, relative to the above-mentioned provisional Appointment of Commissioners, in order that I may propose to Lord Dudley that of the Vice Consul, above referred to.

Accept, &c.

John Backhouse, Esq.
 &c. &c. &c.

(Signed) ITABAYANA.

No. 34.

The Earl of Dudley to The Viscount d'Itabayana.

SIR,

Foreign Office, April 25, 1828.

I LOST no time in referring, for the consideration of His Majesty's Law-Advisers, the Letters which you did me the honour to address to me on the 13th and 28th Ultimo, respecting your provisional nomination of a Commissary Judge, and a Commissioner of Arbitration, on the part of The Emperor of Brazil, in the Mixed British and Brazilian Commissions, which, under the Treaties and Conventions between Great Britain, Portugal, and Brazil, are to be established at one of His Majesty's Possessions on the Coast of Africa.

By the 8th Article of the Convention of the 28th of January 1817, between Great Britain and Portugal, which Convention is confirmed by the Treaty of November 23, 1826, between Great Britain and Brazil, it is stipulated that the "Mixed Commissions" under the Convention shall be "formed of an equal number of Individuals of the two Nations, named for this purpose by their respective Sovereigns."

The 14th Article of the Regulations, appended to the Convention, and the 2d Additional Article of the 15th of March 1823, attached to the same Convention, point out the exceptions of death or illness, or unavoidable absence, of the Commissioners, in which cases this formality is to be dispensed with; and stipulate the manner whereby, in such cases, the inconvenience arising from the occurrences in question is to be remedied.

The Law Officers of the Crown have reported it as their opinion, that any authority, short of that stipulated by the Treaty, would be insufficient to invest the Persons appointed with the powers necessary to enable them to discharge the duties intrusted to them; and that, upon this ground, the proposal which you have made to me, for the acceptance, under the circumstances, of your provisional Appointment of Judges under the Treaty, cannot, with propriety, be acceded to by His Majesty.

It does not appear that the circumstance of one of the Gentlemen acting in the character of a Proctor, would have been a sufficient ground of objection to his Appointment as Judge; provided it were distinctly understood that he should not, either directly or indirectly, act in the capacity of Proctor during the time he should hold the Office of Judge, to which it was proposed to appoint him.

The fact, however, that the Gentleman in question is a British Subject, would, it is held, have proved an insurmountable bar to his nomination to be a Brazilian Judge, as it appears that such an Appointment would be at variance both with the words and with the spirit of the Convention, the object of which was to secure an impartial Tribunal, specifically by the stipulated means of a Mixed Commission, composed of an equal number of Individuals of the two Nations.

The mention of the view taken of this part of your application, may not be without its use, by its tendency to prevent the delay and the inconvenience of a nomination, which it might eventually be found could not be carried into effect.

I am, &c.

(Signed) DUDLEY.

The Viscount d'Itabayana,
 &c. &c. &c.

No. 35.

The Right Hon. R. Gordon to The Earl of Dudley.—(Received Aug. 17.)

MY LORD,

Rio de Janeiro, June 18, 1828.

IN obeying the Instructions of your Lordship's Despatch, marked Slave-trade, of the 31st of March last, by communicating to this Government the details of the Case of the "*St. Joao Voador*," a Brazilian Vessel, which was decreed by the Mixed Commission at Sierra Leone to be restored to her Owners; I have availed myself of the opportunity to press for the conclusion of an Article betwixt the two Countries, for more expressly defining what is held to be illegal prosecution of the Slave-trade, as was before required of me by your Lordship.

The Copy of my Note to the Marquis of Aracaty to this effect is herewith enclosed.

I have also the honour to enclose the Copy of a Note which I have received from His Excellency, declaring that the Brazilian Government consider the Sentences which have been pronounced by the Commissioners at Sierra Leone, immediately after the publication of the Convention of the 23d of November 1826, as incompetent and illegal.

It is pretended in this Note, that the above Sentences have been given by an extinct Commission, and that, according to the regulation of the Additional Convention of the 28th of July 1817, they ought to be revised by the newly-created Commission at Sierra Leone, and afterwards referred to the Commission at Rio de Janeiro, upon the Appeal of the Claimants.

As the Marquis of Aracaty simply requests of me to forward his Communication to my Government, I have not thought it necessary to disprove its Claims, until I shall be made acquainted with your Lordship's sentiments upon it.

I am, however, clearly of opinion, that the 14th Article of the Regulations cannot be made to apply to the Cases in question, and, even if it were so applied, according to that same Article, the right of Appeal to the Commission in Brazil can no longer be claimed, a term of more than 6 Months having expired since the appointment of the Brazilian Commissioners ought to have been made at Sierra Leone.

It happens that, if the Brazilian Minister's demand were attended to, the several Cases of condemnation, which are mentioned in your Lordship's Despatch to me of the 31st of August 1827, would have to be brought before the Commission at this Place, in which case I should confidently expect the Appeals to be judged in favour of the Claimants.

I have, &c.

(Signed)

R. GORDON.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

First Enclosure in No. 35.

The Right Hon. Robert Gordon to The Marquis of Aracaty.

Rio de Janeiro, June 9, 1828.

THE Undersigned, &c. has the honour to transmit to His Excellency The Marquis of Aracaty, the Copy of a Despatch, and its Enclosures, addressed to the Earl of Dudley, by His Majesty's Commissioners at Sierra Leone, containing the details of the Case of the "*St. Joao Voador*," a Brazilian Vessel, which was detained and carried into Sierra Leone, as being liable to

condemnation, under the Compacts existing between Great Britain and Brazil. But although, from the evidence filed against this Vessel, there were strong grounds for suspecting that her ultimate object to the Northward of the Equator, was for the purpose of clandestinely shipping a Cargo of Slaves, nevertheless, upon adjudication by the Mixed Commission, she was released and restored to her Owner.

The object of the Undersigned, in communicating these Papers to the Marquis of Aracaty, is to furnish His Excellency with a proof of the scrupulousness with which His Majesty's Commissioners adhere to the Treaty, their natural and proper guide, and also of the fitness of concluding an Article to the effect proposed in the Note of the Undersigned of the 17th of December 1827.

The Undersigned has witnessed with regret, the silence which has been preserved by the Marquis of Aracaty upon the subject of that Note. It was written for the express purpose of proposing to the Brazilian Government to conclude an Article, which is become essential to the maintenance of the spirit, and object of the Treaty, for putting down illegal Slave-trade; an Article which might defeat the attempts of the illegal Trader, by declaring, that Vessels fitted up for the trade, if found to the North of the Line, and on the prohibited parts of the Coast of Africa, should be liable to condemnation, even if no Slaves were actually found on board.

In the same Note was enclosed, a Copy of Instructions from The Earl of Dudley to His Majesty's Commissioners, dated 31st of August 1827, in which they were told, that the British Government considered them as perfectly justified in the decision which they had pronounced, in condemnation of several Brazilian Vessels for infraction of the Treaty, and desiring them to act in future Cases on the same principles upon which that condemnation was grounded.

In recapitulating to His Excellency the Marquis of Aracaty, the contents of his Note of the 17th of December, the Undersigned entertains a confident hope, that they will be taken into immediate consideration, and that His Imperial Majesty will be induced to order the proposed Article to be concluded with the Undersigned; thereby carrying into complete effect the principles which called for the late Treaty between His Majesty The King of England, and His Imperial Majesty, for the abolition of illegal Slave-trade.

The Undersigned, &c.

(Signed)

R. GORDON.

His Excellency the Marquis of Aracaty,
&c. &c. &c.

Second Enclosure in No. 35.

(Translation.)

The Marquis of Aracaty to The Right Honourable. R. Gordon.

Rio de Janeiro, June 4, 1828.

IT having come to the knowledge of His Majesty The Emperor, that the Mixed Commission at Sierra Leone, established in conformity to the Convention of July 28th 1817, between Portugal and Great Britain, has continued to pronounce Sentences against Brazilian Vessels, upon the ground of their carrying on an illicit trade in Slaves, and this after the publication of the Convention of November 23, 1826, between this Empire and Great Britain; the Undersigned, &c. has received orders to signify to the Right Honourable R. Gordon, &c. that the Imperial Government considers those Sentences as incompetent, and illegal, because of their being pronounced by an extinct Commission, and consequently, that it is proper that they be revised by the newly created Commission at Sierra Leone, and be afterwards referred to the Commission, created in the same manner, at Rio de Janeiro, during the first 6 Months, and while there are no Brazilian Commissioners in conformity to the 14th Article of the Regulation of the Additional Conven-

tion of the 28th of July 1817, which Regulation, according to the 2d Article of the said Convention of November 23, 1826, is to continue in force.

The Undersigned, in making this Communication to Mr. Gordon, hopes that he will transmit the same without delay to his Government, who will acknowledge the justice of this measure, which the Imperial Government consider it their duty to take, in favour of Brazilian Subjects, whose properties it is so necessary to protect.

(Signed) MARQUIS OF ARACATY.

The Right Hon. R. Gordon,
 &c. &c. &c.

No. 36.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 23 Aout, 1828.

EN vous transmettant le Diplome ci-joint, par lequel il a plu à L'Empereur, mon Maître, de nommer le Sieur Joseph de Paiva, Son Commissaire Juge à la Commission Mixte, qui va être établie à Sierra Leone, en exécution de l'Article 4me de la Convention du 23 Novembre 1826, j'ai l'honneur de vous prier de vouloir bien solliciter l'Exéquatur de Sa Majesté Britannique, afin que le susdit Commissaire puisse être reconnu en sa qualité, par les Autorités de la dite Colonie, et y exercer les fonctions auxquelles il est appelé.

Veillez agréer, Mylord, les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, August 23, 1828.

IN transmitting to you the enclosed Commission, by which The Emperor, my august Master, has been pleased to appoint Mr. Joseph de Paiva, His Commissary Judge in the Mixed Commission, which is about to be established at Sierra Leone, in execution of the 4th Article of the Convention of the 23d of November 1826, I have the honour to request you to procure the Exequatur of His Britannick Majesty, in order that the abovementioned Commissioner may be recognized in that capacity, by the Authorities of that Colony, and that he may there exercise the functions of the Office to which he is appointed.

Accept, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 36.

(Translation.)

Commission of Appointment of M. de Pavia, as Brazilian Commissary Judge of the Mixed Commission at Sierra Leone.

I, DOM PEDRO I. Constitutional Emperor, and perpetual Defender, of the Empire of Brazil, etc, notify to those to whom the present Alvará shall come, that, it having been arranged by Article 4 of the Convention, concluded the 23d of November 1826, between this Empire and England, for the abolition of the Slave-trade, that there should exist Mixed Commissions, similar to those established in virtue of the Additional Convention of the 28th July 1817, be-

tween Portugal and Great Britain; and it being necessary to nominate the different Brazilian Functionaries for the Commission, which is to reside in Sierra Leone, I think it proper to appoint, as Commissary Judge of the same, Jozé de Paiva, with an annual Salary of 2,400 Milreis; and, by the present Alvará, I authorize him to hold the said Office; to authenticate which I have ordered the present Alvará to be prepared; signed by me, and sealed with the Seal of the Arms of the Empire.

Given in the Palace of Rio de Janeiro the 18th June, in the Year of the Birth of our Lord Jesus Christ, 1828, and the 7th of the Independence of the Empire.

(Signed) THE EMPEROR.

(L. s.)

(Signed)

MARQUESS DE ARACATY.

No. 37.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 26 Août, 1828.

EN faisant une Convention pour l'abolition finale de la Traite des Nègres à l'expiration du terme de trois Ans, l'intention de nos Gouvernements respectifs a été, de terminer dans ce délai les nombreuses affaires relatives aux Indemnités qui sont dûes aux Sujets de L'Empereur, mon Maître, pour des Captures faites sur la navigation Brésilienne par les Croiseurs Anglais en Afrique, en contravention du Traité du 22 Janvier, 1815, et de la Convention du 28 Juillet 1817. Or, comme le Gouvernement de Sa Majesté Britannique n'a pas fait droit jusqu'à ce jour aux justes Réclamations que je lui ai présentées le 3 Mars dernier, et que les deux Hautes Parties Contractantes ont mis du retard à établir les deux Commissions Mixtes, mentionnées à l'Article 4me de la Convention précitée, je suis chargé par Sa Majesté Impériale d'offrir tous ces embarras à la considération du Ministère du Roi, et de lui faire les propositions suivantes:—

1°. Celle de proroger, au moyen d'un Acte additionnel le terme de 3 Ans, fixé par la Convention du 23 Novembre 1826, pour la cessation définitive de la traite.

2°. Celle d'établir, soit à Rio de Janeiro ou à Londres, une Commission Spéciale, à l'instar de celle qui a été créée en vertu de l'Article 9me de la Convention du 28 Juillet 1817, pour procéder à la révision de tous les Jugemens rendus par la Commission Anglaise de Sierra Leone, soit avant la Signature de la Convention du 23 Novembre 1826, ou à partir de cette époque, jusqu'à l'installation formelle des Commissions Mixtes stipulée dans l'Article 4me de cette Convention; ces derniers Jugemens étant manifestement nuls et nonavenus, pour avoir été prononcés par une Autorité qui est devenue incompétente, par suite de la Convention du 23 Novembre 1826, et de l'Acte du Parlement qui en a réglé l'exécution.

Telle est, Mylord, la double proposition que j'ai l'honneur de faire aujourd'hui au Ministère de Sa Majesté Britannique, et j'ai une opinion si avantageuse de sa droiture, que je n'entretiens le moindre doute sur son empressement à l'agréer. Dans cette juste attente, j'ai l'honneur de vous renouveler, Mylord, les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, August 26, 1828.

THE intention of our respective Governments, in concluding a Convention for the final abolition of the Slave-trade, at the expiration of the term of 3 Years, was to terminate, within that period, the numerous Cases of Indemnity due to the Subjects of The Emperor, my Master, for captures of Brazilian Vessels, made by English Cruizers, on the Coast of Africa, in contravention of the Treaty of the 22d January 1815, and of the Convention of the 28th July, 1817. As, however, the Government of His Britannick Majesty has not hitherto satisfied the just Claims which I presented to them on the 3d of March last; and as the High Contracting Parties have delayed to establish the two Mixed Commissions mentioned in the 4th Article of the aforesaid Convention; I am charged by His Imperial Majesty to bring these difficulties under the consideration of His Majesty's Government, and to offer to it the following propositions:—

1st. To extend, by means of an Additional Act, the term of 3 Years, fixed by the Convention of the 23d November 1826, for the final cessation of the traffick.

2dly. To establish, either at Rio de Janeiro, or at London, a Special Commission (similar to that formed under the 9th Article of the Convention of the 28th July 1817,) for the purpose of revising all the Judgments given by the British Commission at Sierra Leone, either before the Signature of the Convention of the 23d November 1826, or between that date and the formal Establishment of the Mixed Commission, stipulated by the 4th Article of the said Convention; the latter Judgments being obviously null and void, as having been pronounced by an Authority which has become incompetent, in consequence of the Convention of the 23d November 1826, and of the Act of Parliament regulating the execution thereof.

Such, my Lord, are the 2 Propositions which I have the honour to make to the Government of His Britannick Majesty; and I entertain such a high sense of its justice, that I have not the smallest doubt of its readiness to accede to them. In this expectation, I have the honour to renew, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
&c. &c. &c.

No. 38.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 15 Septembre, 1828.

COMME la justice de la proposition que je vous ai faite par ma Note du 26 Août dernier, m'en garantit l'agrément de la part du Ministère éclairé de Sa Majesté Britannique, et que je suis désireux d'en donner la certitude à mon Gouvernement, par le Paquebot qui va partir incessamment pour Rio de Janeiro et Buenos Ayres; j'ai l'honneur de m'adresser aujourd'hui à votre Excellence, pour la prier de vouloir bien faire une réponse à la Note précitée, et me mettre par là en mesure de porter à la connoissance de L'Empereur le résultat de la susdite proposition.

En même temps, je vous prie, Mylord, d'agréer les assurances, &c.

(Signed) ITABAYANA.

Son Excellence Lord Aberdeen,
&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, September 15, 1828.

AS the justice of the proposition which I made to you, in my Note of the 26th August last, convinces me that it will obtain the assent of the enlightened Ministry of His Britannick Majesty, and as I am desirous of communicating that fact to my Government, by the Packet which is on the point of sailing for Rio de Janeiro and Buenos Ayres; I have now the honour to request that your Excellency will favour me with an Answer to that Note, and thereby enable me to acquaint The Emperor with the result of the above-mentioned proposition.

In the mean time, &c.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

(Signed) ITABAYANA.

No. 39.

*The Earl of Aberdeen to the Viscount D'Itabayana.**Foreign Office, September 15, 1828.*

THE Undersigned, &c. has the honour to acknowledge the receipt of the Note of M. Le Vicomte d'Itabayana, &c. dated the 26th Ultimo, containing 2 Propositions on the part of the Brazilian Government.

1st. To defer the period of the final abolition of the Slave-trade in the Empire of Brazil.

2dly. To appoint a Special Commission, either in London or at Rio de Janeiro, for the purpose of reviewing the Judgments pronounced by the English Commission at Sierra Leone, and alleged to be in contravention of the Treaties of the 22d of June 1815, and 28th of July 1817.

Before he proceeds to reply to these Propositions, the Undersigned thinks it necessary to notice the observations with which the Vicomte d'Itabayana prefaced them, in which it is alleged, that, in concluding a Convention for the final abolition of the Slave-trade, at the expiration of the period of 3 Years, it had been the intention of the respective Governments to terminate, in the interval, the numerous matters relating to Indemnities, said to be due to Brazilian Subjects, upon Cases of Slave-trade Captures, under the Treaties of 1815 and 1817.

Upon this allegation, the Undersigned has to observe, that, while his Government will always be desirous of doing justice, with the least possible delay, to all valid Claims of the description referred to, he is not aware of any pledge having been given to do this within the term specified by M. d'Itabayana; and that, upon a careful reference to the Protocols of the Conferences of the Plenipotentiaries, during the negotiation of the Treaty, he finds, that, although reasons do certainly appear to have been urged by the Brazilian Plenipotentiaries, for desiring an extension of the term of 3 Years, then agreed upon, no such ground, as that mentioned by the Vicomte d'Itabayana, was, at that time, brought forward on the part of Brazil.

It cannot now be necessary for the Undersigned to renew to M. d'Itabayana any assurances of the anxiety which has long been entertained by His Majesty's Government, and which has been so largely shared by the people of Great Britain, to hasten the complete abolition of this abominable traffick; nor can it be necessary to call to his recollection the great and numerous sacrifices which have been made in the prosecution of this great object.

The very notion expressed of an extension of the period, for which it is still permitted to endure, could not fail to be most unwelcome to every friend of humanity; and the Undersigned is bound to declare to the Vicomte d'Ita-

bayana, that he cannot hold out to him any expectation that His Majesty's Government can consent to any extension of the term, fixed by the Treaty, for the final abolition of the Slave-trade.

To the proposition of M. d'Itabayana, for the establishment of a Special Commission of Revision, the Undersigned is compelled to state, that he sees great and insuperable objections.

By the 8th Article of the Treaty of the 28th of July 1817, the Judgments pronounced by the Commission are declared not to be subject to any Appeal.

It is, indeed, provided, by the 12th Article of the Regulations annexed to the Treaty, that, when the Parties interested shall imagine that they have cause to complain of any evident injustice on the part of the Mixed Commission, they may represent it to their respective Governments, who reserve to themselves the right of mutual Correspondence, for removing, when they think fit, the Individuals who compose the Commissions.

The Undersigned is at present engaged in examining those Cases, respecting which M. d'Itabayana has already complained to His Majesty's Government; and, with every disposition to adhere to the principles of substantial justice, he hopes to be able to give to M. d'Itabayana such an Answer as may be satisfactory to the Government of His Brazilian Majesty.

The Undersigned avails himself, &c.

(Signed)

ABERDEEN.

The Viconte d'Itabayana,
 &c. &c. &c.

No. 40.

The Right Hon. R. Gordon to The Earl of Aberdeen.—(Received Sept. 22.)

MY LORD,

Rio de Janeiro, July 27, 1828.

I HAVE the honour to transmit to your Lordship a Copy of the Answer which has been given by the Marquis of Aracaty, to my Note of the 4th of December 1826, complaining of infractions of the Slave-trade Treaty at Maranham.

I have, &c.

(Signed)

R. GORDON.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 40.

(Translation.)

The Marquis of Aracaty to The Right Hon. Robert Gordon.

Palace, Rio de Janeiro, June 21, 1828.

THE Undersigned, &c. having received from the President of the Province of Maranham, the necessary information for returning a full Answer to the Note which the Right Honourable Robert Gordon, &c. addressed to the Government of His Imperial Majesty, on the 4th of December last, complaining of infractions of the Slave-trade Treaty in that Province; more particularly of those committed by the Schooner "Carolima," and the Brig "Pedro Primeiro;" has to communicate to him, that the first of these Vessels, in going from Cachem to Cape Verd, was forced by stress of weather to touch at Maranham, where she made entry at the Custom-House, shewing herself by Passport to be Brazilian, and having on board 133 domestick Slaves in the employment of Dona Rosa de Carvalho Alvarenga and Sons, who were provided with a Passport of the Government of Cachem, intended for 300

domestick Slaves of the said Dona Rosa, a Passport which was granted to her in virtue of a permission from The King, Dom John VI. of glorious memory, given to Major Joao Pereira Barreto, husband of the same, in consequence of which, as there was no appearance whatever of fraud, the entry was given upon oath, as they were considered to be comprized in the Additional Article to the Treaty of the 22d of January 1815; the President of the said Province, having, however, conceived some doubt, as to whether or not such an admission was opposed to the execution of the Treaty, referred the settlement of this Affair to the Judicial Authorities, and the Slaves were, by Sentence of the Supreme Court of Judicature, judged to be free, and were distributed agreeably to the Alvarà of the 26th of January 1818. With regard to the second, it is true that she entered there on the 14th of August 1826, coming from Cacheu, in order to take in a fresh supply of necessaries, and that she sailed on the 15th of the same Month, but not having made entry at the Custom-House, it was not possible to ascertain any thing regarding the legality of her trade.

The Undersigned avails himself of this opportunity to impress upon Mr. Gordon, the impropriety of the expressions used by the British Consul at Maranham, against the *Ouvidor* of that City, in his Letter of March 14th 1827, expressions from which, as they cannot be permitted, it is to be hoped that the said Consul will in future abstain, which will greatly contribute to the maintenance of the harmony which ought to subsist betwixt the Authorities of this Empire, and those of His Britannick Majesty, the more so, as that Magistrate, having exactly fulfilled his duty, was not deserving of them.

(Signed) MARQUEZ DE ARACATY.

The Right Hon. Robert Gordon,
&c. &c. &c.

No. 41.

The Earl of Aberdeen to The Viscount d'Itabayana.

SIR,

Foreign Office, September, 26, 1828.

I HAVE the honour to return to you the Commission of Appointment of M. de Paiva, to be Commissary Judge, on the part of The Emperor of Brazil, in the Mixed Commission, established at Sierra Leone, under the Convention of the 23d of November 1826, which Document was transmitted to me, with the Letter which you did me the honour to address to me upon this subject, on the 23d of August last; and I have to acquaint you, that His Majesty's Commissioners at Sierra Leone have been instructed, that the Appointment in question appears to be in due and proper form, so as to entitle M. de Paiva to enter upon the execution of the Office to which he is appointed.

I am, &c.

(Signed) ABERDEEN.

The Viscount d'Itabayana,
&c. &c. &c.

No. 42.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 17 Novembre 1828.

N'AYANT pas pû repliquer plustôt à la Note que vous m'avez adressé le 15 Septembre dernier, en réponse aux deux Propositions que je vous ai faites, relativement à une prolongation du terme fixé par la Convention du 23 Novembre, 1826, pour l'abolition finale de la Traite des Nègres et à l'établissement d'une Commission Spéciale pour la révision des Jugemens rendus par la Commission Mixte de Sierra Leone (dont la juridiction a été révoquée

par l'Article 4^{me}. de la Convention précitée, ainsi que par l'Acte du Parlement en date du 2 Juillet 1827, qui en ordonna la mise en exécution) je m'acquitterai aujourd'hui de ce devoir, en alléguant les fortes raisons qui militent en faveur des susdites propositions.

Quant à la première ; j'aurai l'honneur de vous observer, Mylord, qu'au moment de la signature de la Convention susmentionnée, les Plénipotentiaires de L'Empereur mon Maître, ont fait à celui de Sa Majesté Britannique la déclaration suivante "Que la stipulation concernant l'abolition de la Traite des Nègres au bout de trois Ans, deviendrait nulle et non avenue, si, dans cet intervalle, le Portugal venait à défendre le Commerce d'Esclaves dans ses Colonies d'Afrique, ou si les Bâtiments Brésiliens destinés à faire ce commerce éprouvaient des interruptions de la part des Croiseurs de toute autre Nation."

Cette déclaration se trouve consignée dans la Note, dont la Copie est ci-jointe ; et comme le cas prévu d'interruption est, malheureusement arrivé, (puisque les Croiseurs Anglais ont arrêté, postérieurement à la signature de la sus-dite Convention, plusieurs Bâtiments Brésiliens, en contravention à l'Article 5^{me}. de la Convention du 28 Juillet 1817, qui défend expressément la détention de tout Bâtiment Nègrier qui n'aurait point effectivement des Esclaves à son bord) mon Gouvernement a bien le droit de réclamer l'accomplissement de la clause comminatoire énoncée dans la Note de ses Plénipotentiaires ; mais il respecte tellement la foi des Traités qu'il se borne à demander uniquement, une courte prorogation du terme stipulé pour l'abolition définitive de la Traite des Nègres, afin de pouvoir concilier ses sentimens philanthropiques avec les intérêts de ses Sujets.

Quant à la seconde des sus-dites propositions ; j'aurai l'honneur de vous dire, Mylord, que toute Sentence prononcée par une Autorité incompétente, est un acte nul et invalide ; et comme les Jugemens rendus par la Commission Mixte de Sierra Leone sont frappés d'une nullité incontestable (puisque la juridiction attribuée à cette Commission a été abrogée par l'Article 4^{me}. de la Convention du 23 Novembre 1826, et par l'Acte du Parlement Britannique, qui en regla l'exécution), il faut bien que nos Gouvernemens respectifs s'accordent sur le moyen de réparer cette illégalité, et il n'y a qu'un seul moyen légitime, qui est celui que je vous ai proposé, de la revision des Jugemens ci-dessus mentionnés, par une Commission Mixte instituée à cet effet.

Cet acte d'équité vient d'être pratiqué par mon Gouvernement, envers les Sujets Anglais, dont les Navires ont été capturés par infraction du blocus du Port de Buenos Ayres, et l'honneur du Gouvernement Britannique ne lui permettra pas de se refuser à l'application du principe de réciprocité que je réclame.

Passant maintenant à répondre à ce passage de votre Note, Mylord, qui est relatif au payement des Indemnités que les Sujets Brésiliens réclament du Gouvernement de Sa Majesté Britannique, pour la saisie injuste de leurs Bâtiments, je conviendrai avec votre Excellence, que l'obligation d'effectuer ce payement dans l'espace de trois Ans, ne se trouve pas expressément mentionnée, ni dans la Convention du 23 Novembre 1826, ni dans les Protocoles des Conférences des Plénipotentiaires respectifs.

C'est dans les Articles 5^{me}, et 10^{me}. de la Convention du 28 Juillet 1817, que cette obligation a été formellement contractée ; et comme cette Convention fait partie de celle du 23 Novembre 1826, qui fixa le terme de trois Ans pour la cessation finale de la Traite des Nègres, il est clair que les stipulations contenues dans ces deux Actes doivent être exécutées dans l'espace de tems qu'ils seront en vigueur.

Telles sont, Mylord, les raisons et les observations, que je dois vous présenter, en appui des propositions, que je vous ai faites dans ma Note du 26 Août dernier ; et je les crois si justes, que je les abandonne avec une entière confiance à la droiture du Ministère de Sa Majesté Britannique ; en vous priant d'agréer, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 17, 1828.

NOT having been able sooner to reply to the Note which you addressed to me on the 15th of September last, in answer to the two Propositions which I made to you, relative to an extension of the term fixed by the Convention of the 23d of November 1826, for the final abolition of the Slave-trade, and to the establishment of a Special Commission, for the revision of the Judgments passed by the Mixed Commission at Sierra Leone, (the jurisdiction of which has been annulled by the 4th Article of the before-mentioned Convention, as also by the Act of Parliament, dated 2nd of July 1827, which provided for its execution); I now acquit myself of this duty, by bringing forward the powerful reasons which weigh in favour of the above-mentioned Propositions.

With regard to the first; I have the honour to observe to your Lordship, that, at the time of the signature of the before-mentioned Convention, the Plenipotentiaries of The Emperor, my Master, made to the Plenipotentiary of His Britannick Majesty, the following declaration, "that the Stipulation respecting the abolition of the Slave-trade, at the end of 3 Years, should become void and of no effect, if, during that interval, Portugal should prohibit the Traffick in Slaves, in her African Colonies, or if Brazilian Vessels, engaged in this Commerce, should suffer any interruption from the Cruizers of any other Nation."

This declaration is contained in the Note, a Copy of which is enclosed; and, as the anticipated Case of interruption has unfortunately taken place, (since the British Cruizers have detained, subsequently to the Signature of the said Convention, many Brazilian Vessels, in violation of the 5th Article of the Convention of 28th of July 1817, which expressly forbids the detention of any Slave-vessel, which shall not have Slaves actually on board,) my Government has the right to demand the fulfilment of the Commnatory Clause set forth in the Note of its Plenipotentiaries; but it has such respect for the faith of Treaties, that it confines itself to demand only a short extension of the period stipulated for the definitive abolition of the Slave-trade, in order that it may reconcile its philanthropic sentiments with the interests of its subjects.

With respect to the second of the above-mentioned Propositions; I have the honour to state to your Lordship, that any Decision pronounced by an incompetent Authority is a null and invalid act; and, as the Judgments passed by the Mixed Commission at Sierra Leone evidently bear the stamp of invalidity (since the jurisdiction granted to that Commission has been annulled, by the 4th Article of the Convention of November 23, 1826, and by the Act of the British Parliament, which regulated the execution thereof), it becomes necessary that our respective Governments should come to some agreement as to the mode of remedying this illegality; and there is only one legitimate mode,—that which I have already proposed to you,—viz. the revision of the Judgments abovementioned, by a Mixed Commission instituted for that purpose.

Such an act of equity has just been exercised by my Government, towards the British Subjects whose Vessels have been captured for an infraction of the blockade of the Port of Buenos Ayres; and the honour of the British Government will not allow it to refuse the application which I claim, on the principle of reciprocity.

Proceeding next to answer that passage of your Note, my Lord, which relates to the payment of the Indemnities, which Brazilian Subjects claim from the Government of His Britannick Majesty, for the illegal seizure of their Vessels, I agree with your Excellency, that the obligation to effect that payment, within the space of 3 Years, is not expressly mentioned, either in the Convention of the 23d of November 1826, or in the Protocols of the Conferences of the respective Plenipotentiaries.

It is in the 5th and 10th Articles of the Convention of the 28th of July 1817, that this obligation was formally contracted; and as this Convention

forms part of that of the 23rd of November 1826, which fixed the term of 3 Years for the final cessation of the Slave-trade, it is evident that the Stipulations contained in these 2 Acts, ought to be executed within the time during which they are to remain in force.

Such, my Lord, are the reasons and the observations that I am bound to lay before you, in support of the Propositions which I made to you in my Note of the 26th of August last; and I believe them to be so well-founded, that I leave them with entire confidence, to the justice of His Britannick Majesty's Government, requesting you to receive the renewed assurances, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

His Excellency Lord Aberdeen,
&c. &c. &c.

Enclosure in No. 42.

(Translation.)

The Brazilian Plenipotentiaries to The Right Hon. R. Gordon.

Palace of Rio de Janeiro, November 23, 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 relate 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.

(Signed)

MARQUEZ DE INHAMBUPE.
MARQUEZ DE SANTO AMARO.

The Right Hon. R. Gordon,
&c. &c. &c.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

MUNI d'un Passeport pour faire la Traite des Nègres au Port de Molembo, avec la permission expresse de toucher dans quelques Ports au Nord de l'Equateur, pour y prendre des denrées et non pas des Esclaves, le Bâtiment Brésilien "*Tenterdora*" a appareillé de Bahia le 12 Novembre 1826, et étant entré au Port d'Ajudá il y fut arrêté, le 14 Mars 1827, par le Commodore Charles Bullen, Commandant de la Frégate de Sa. Majesté Britannique la "*Maidstone*."

Cette arrestation ayant été faite en contravention à l'Article 5me de la Convention du 28 Juillet 1817, et au 1er des Instructions additionnelles, dont je transcris les propres termes:—"Ships, on board of which no Slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatever,"—devait être déclaré illégitime et arbitraire; mais la Commission Mixte de Sierra Leone a jugé autrement, et tout en avouant que le Bâtiment détenu n'avoit point des Esclaves à son bord (comme vous verrez, Mylord, dans la Copie ci-jointe de son propre Jugement) elle l'a condamné, sous le prétexte de ce que l'on ne pouvoit pas accorder au dit Bâtiment la faculté de relâcher dans les Ports au Nord de l'Equateur, ce qui est tout à fait contraire à la lettre des Conventions du 22 Janvier 1815, et 28 Juillet 1817; car ce qu'elles défendent aux Navires Brésiliens, c'est de faire la Traite des Nègres dans les Ports situés au Nord de la Ligne, et non pas d'y entrer pour se ravitailler ou pour prendre des denrées du Pays.

L'injustice de la Sentence prononcée par la susdite Commission étant ainsi démontrée, j'aurai l'honneur de vous assurer, Mylord, cette Sentence est encore nulle et invalide; parceque la juridiction attribuée à cette Commission par la Convention du 28 Juillet 1817, a été cassée par suite de l'Article 4me de la Convention du 23 Novembre 1826, et de l'Acte du Parlement Britannique en date du 2 Juillet 1827, qui en ordonna la mise en exécution.

Et puisque Sa Majesté Britannique s'est engagée par l'Article 5me de la Convention du 28 Juillet 1817, à bonifier toutes les pertes que ses Croiseurs occasionneraient aux Sujets de Sa Majesté Impériale, par des saisies arbitraires et illégales des Bâtiments Brésiliens employés au Commerce d'Esclaves, mon Gouvernement réclame aujourd'hui de celui du Roi l'indemnité qui doit être accordée au Sieur Luiz Antonio de Passo, Propriétaire du Navire "*Tenterdora*," et la somme qui, conformément aux Paragraphes 1, 2, 3, et 5, de l'Article 8me. du Règlement additionnel à la Convention précitée, doit lui être adjugée, est celle de Reis 48,992½460, spécifiée dans le compte ci-joint, avec addition d'un intérêt de 5 pour Cent. à l'An, jusqu'à l'époque où le payement en sera effectué.

La justice de cette demande est si évidente, Mylord, que je vous l'adresse dans la ferme persuasion de ce qu'elle sera promptement agréée par le Ministère de Sa Majesté Britannique, et dans cette attente je vous prie de recevoir, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,

&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Vessel "*Tenterdora*," furnished with a Passport for carrying on the Slave-trade at the Port of Molembo, with express permission to touch at some Ports to the North of the Equator to take in provisions, but not Slaves, cleared out from Bahia on the 12th of November 1826, and, on en-

tering the Port of Ajuda, was there detained, on the 14th of March 1827, by Commodore Charles Bullen, commanding His Britannick Majesty's Frigate the "*Maidstone*."

This detention, having been made in violation of the 5th Article of the Treaty of 28th July 1817, and of the 1st Article of the Instructions annexed thereto, which I here transcribe, word for word:—"Ships, on board of which no Slaves shall be found, intended for purposes of traffick, shall not be detained on any account or pretence whatever:"—ought to have been declared illegal and arbitrary; but the Mixed Commission at Sierra Leone has decided otherwise, and, at the same time that it admitted that the Vessel detained had no Slaves on board (as you will see, my Lord, by the accompanying Copy of the Judgment pronounced), it condemned the Vessel, under the pretext that the said Ship could not be permitted to put into any of the Ports to the North of the Equator, which is quite contrary to the letter of the Convention of 22d January 1815, and 28th July 1817, which only prohibit Brazilian Vessels from trading in Slaves in the Ports situated to the North of the Line, and not from entering them for the purpose of victualling or procuring the productions of the Country.

The injustice of the Sentence pronounced by the abovementioned Commission, being thus demonstrated, I have the honour to assure your Lordship, that this Sentence is moreover null and void, because the jurisdiction granted to this Commission, by the Convention of 28th July 1817, has been annulled, in consequence of the 4th Article of the Convention of 23d November 1826, and of the Act of the British Parliament, dated 2d July 1827, which provided for its execution.

And since His Britannick Majesty has engaged, by the 5th Article of the Convention of July 28, 1817, to make good all the losses which his Cruizers might cause to His Imperial Majesty's Subjects, by arbitrary and illegal seizures of Brazilian Vessels employed in the Slave-trade, my Government now claims from that of The King, the indemnification which should be granted to M. Luiz Antonio de Passo, Owner of the Vessel "*Tenterdora*;" and the sum which, according to the 1st, 2d, 3d, and 5th Sections of the 8th Article of the Regulations annexed to the Convention abovementioned, ought to be awarded to him, is 48,992\$460 Reis, as specified in the accompanying Account, with the addition of Interest, at the rate of 5 per Cent. per Annum, to the time when the payment thereof shall be effected.

The justice of this demand is so evident, my Lord, that I address it to you in the firm persuasion that it will be promptly admitted by the Government of His Britannick Majesty; and in this expectation I beg you to accept, &c.

(Signed)

VICOMTE D'ITABAYANA.

The Right Hon. The Earl of Aberdeen,
&c. &c. &c.

First Enclosure in No. 43.

Sentence of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Schooner "Tenterdora."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before His Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq., His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq. Registrar.

Monday, the 30th day of April, in the Year of our Lord 1827.

Schooner "*Tenterdora*," Innocencio dos Santos Lopez, Master.

Our Sovereign Lord The King against the Schooner or Vessel, called the "*Tentadora*," whereof Innocencio dos Santos Lopez was Master, her Tackle,

Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized and taken by His Majesty's Ship "Maidstone," Charles Bullen C. B. Commander, and brought to Sierra Leone, and against all Persons in general.

Innocencio dos Santos Lopez, Master of the said Schooner, prayed the Claim by him given to be admitted, and the said Schooner and Cargo to be restored as claimed, as the sole property of Luis Antonio de Passo, of Bahia, together with Costs, Damages, and Expences.

William Henry Savage, Proctor, on behalf of the Captors, prayed the said Claim to be rejected, and the said Schooner and Cargo to be condemned.

The Commissary Judge and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Schooner "*Tenterdora*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been, at the time of Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and as such, subject and liable to confiscation, and condemned the said Schooner, 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 Ship of War "Maidstone," Charles Bullen, C. B. Commander, and also that it had been proved that, at the time of passing the said Sentence, no Slaves were on board, but that the said Schooner "*Tenterdora*," was captured off Judo, in the Bight of Benin, in 5. 19. Latitude North of the Equator, 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 of 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, the 28th of July 1817, is confined to the Territories of His Most Faithful Majesty to the South of the Equator, and against the true intent and meaning of the 2d Article, and of the 1st Article to the Treaty, signed at Vienna, the 22d of January 1815.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.—Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 11th day of May, in the Year of our Lord 1827.

(L. s.)

(Signed)

JOSEPH REFFELL, Registrar.

Declaration and Protest of the Master of the "Tenterdora."

By this Publick Instrument of Declaration and Protest, Be it known and made manifest, That, on the 13th day of April, in the Year of our Lord 1827, personally came and appeared before me, William Henry Savage, Notary Publick, by Royal Authority, duly admitted, sworn, and registered in the High Court of Chancery in England, Innocencio dos Santos Lopez, Master of the Schooner or Vessel, called the "*Tenterdora*," belonging to the Port of Bahia, in the Brazils, who did declare, and say as follows:—That the said Vessel "*Tenterdora*," being furnished with an Imperial Passport, sailed from the said Port, in the prosecution of a Voyage, for the purpose of procuring a Cargo of Slaves on the Coast of Africa. That the said Imperial Passport did especially permit the said Vessel to touch at Places to the North of the Line, wherefore the said Schooner "*Tenterdora*," was brought to an Anchor at Ajudo, on the Coast of Africa, for the purpose of supplying the said Schooner with fresh water, for the use of the Crew of the said Vessel, and also for the purpose of purchasing provisions for the remainder of the Voyage. That while so lying at anchor at Ajudo aforesaid, the said Schooner "*Tenterdora*" was visited, seized, captured, and detained, by His Majesty's Ship "Maidstone," whereof Commodore Charles Bullen, C. B. was Com-

mander, for an alleged breach of the Treaties made for the suppression of illicit Slave-trade, although the said Schooner had not any Slave or Slaves on board, nor had any been shipped or received on board during the Voyage; all which was fully made to appear to the said Captor; yet he, the said Commodore Charles Bullen, C. B. did order the said Schooner "*Tenterdora*," to be taken to Sierra Leone, and there proceeded against, and at which Place the said Schooner did arrive, and before the Court of Mixed Commission was libelled and proceeded against, and was therein condemned, as having been engaged in illicit Slave-trade, on this 13th day of April 1827, contrary to the express Articles of the Treaties between Great Britain and Portugal, which stipulate that Vessels only which have received any Slave or Slaves on board, or which may be found with a Slave or Slaves on board, should alone be liable to confiscation, of which fact there was full proof given, and acknowledged by the said Court in their Judgment, that there was no Slave or Slaves found, or alleged to have been taken on board during the Voyage. Therefore, he, the said Appearer, did declare to protest, as well against the said Seizure, as against the said Condemnation. Wherefore I, the said Notary, do by these presents, solemnly acknowledge the same, and in the name of the said Appearer, do make publick and declare the same, against all persons in general concerned, in the said alleged illegal Capture and detention of the said Schooner or Vessel "*Tenterdora*."

Of all which an Act being required of me, I have granted the same, under my hand and Seal of Office, this 13th day of April, in the Year 1827, at Freetown, in the Colony of Sierra Leone.

In testimonium veritatis,

(L. S.)

(Signed)

W. H. SAVAGE, N. P.

Second Enclosure in No. 43.

Compte de l'Indemnité qui est dûe au Propriétaire du Bâtiment Brésilien "Tenterdora," injustement condamné par la Commission Mixte de Sierra Leone.

	Reis.
Pour la valeur du Bâtiment - - - -	12,800\$000
Pour celle de la Cargaison - - - -	28,515\$500
Pour celle de 5 Esclaves, marins, qui furent affranchis	2,500\$000
Pour le frêt dû - - - -	5,176\$960
Reis -	48,992\$460

Outre les frais de la procédure et l'intérêt de 5 pour Cent. alloué par l'Article 8me du Règlement additionnel à la Convention du 28 Juillet 1817.

(Signé)

LE CHEV. DE MATTOS.

Londres ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity which is due to the Owner of the Brazilian Vessel "Tenterdora," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the Value of the Vessel - - - -	12,800\$000
For that of the Cargo - - - -	28,515\$500
For that of 5 Slaves, seamen, who were liberated	2,500\$000
For Freight due - - - -	5,176,960
Reis -	48,992\$460

Besides the Costs of Proceedings, and Interest, at the rate of 5 per Cent. allowed by the 8th Article of the Regulation, annexed to the Convention of the 28th of July 1817.

(Signed) THE CHEV. DE MATTOS.

London, 24th November, 1828.

No. 44.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

ALLANT de Bahia à Molembo avec la permission, annoncée dans son Passeport, de relâcher dans quelques Ports au Nord de l'Equateur, le Brick Brésilien, "*Venturoso*," est entré dans le Port de Badagre; et y étant à l'ancre, employé uniquement à faire des réparations, et à charger quelques Articles d'un Commerce licite dont il avait besoin, il y fut arrêté le 14 Mars 1827, par le Capitaine Charles Bullen, Commandant de la Frégate de Sa Majesté Britannique la "*Maidstone*."

Amené par le Capteur à Sierra Leone, le Brick "*Venturoso*" quoiqu'il n'eut point des Esclaves à son bord au moment de la Capture, fut frappé d'un Jugement condamnatoire, par la Commission Mixte de la dite Colonie, le 30 Avril 1827, sous le fondement d'avoir été rencontré dans l'un des Ports d'Afrique au Nord de la Ligne; ce qui est constaté par le Document ci-joint. Or, comme les Conventions du 22 Janvier 1815, et du 28 Juillet 1817, ne défendent pas aux Bâtimens Brésiliens ni l'entrée, ni l'exercice d'un commerce licite dans ces Ports, le Jugement en question est manifestement injuste et illégal.

De plus, Mylord, il est nul et invalide; car les actes émanés d'une Autorité incompétente ne sont valables; et tel est le cas de la Commission Mixte susmentionnée, dont la juridiction a été abrogée par l'Article 4me de la Convention du 23 Novembre 1826, ainsi que par l'Acte du Parlement Britannique, en date du 2 Juillet 1827, qui en ordonna la mise en exécution.

Le résultat de cette injuste condamnation ayant été l'adjudication du Brick "*Venturoso*," avec toute sa Cargaison, aux Capteurs; et Sa Majesté Britannique s'étant engagée, par l'Article 5me de la Convention du 28 Juillet 1817, à bonifier toutes les pertes que ses Croiseurs occasionneraient aux Sujets Brésiliens par des saisies arbitraires et illégales de leurs Bâtimens employés au Commerce d'Esclaves, mon Gouvernement réclame aujourd'hui de celui du Roi l'accomplissement de cette obligation en faveur du Sieur Antonio Pedroso de Albuquerque, Propriétaire du Brick injustement condamné, et l'indemnité qui lui est dû, d'après les Paragraphes 1, 2, et 5 de l'Article 8me du Règlement additionnel à la Convention précitée, est celle de Reis 62,414\$708, spécifiée dans le compte ci-joint, avec addition d'un intérêt de 5 pour Cent. à l'An, jusqu'à l'époque où le remboursement effectif et intégral en aura lieu.

Telle est, Mylord, la demande que j'ai l'honneur de vous adresser, sa justice m'en garantit le succès; et dans cette espérance je vous prie de recevoir les assurances, &c.

(Signé) LE VICOMTE D'ITABAYANA

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Brig "*Venturoso*," going from Bahia to Molembo, with permission, expressed in its Passport, to put into some of the Ports North of

the Line, entered the Port of Badagry; and, while at anchor there, employed solely in making repairs, and in taking on board some articles of lawful commerce, of which she was in want, she was seized on the 14th March 1827, by Captain Charles Bullen, commanding His Britannick Majesty's Frigate the "*Maidstone*."

The Brig "*Venturoso*" was carried by her Captor to Sierra Leone, and, although she had no Slaves on board at the time of Capture, she was condemned by the Mixed Commission of that Colony, on the 30th April 1827, on the ground of her having been found in one of the Ports of Africa, to the North of the Line; as is confirmed by the accompanying Document. Now, as the Conventions of 22d January 1815, and 28th July 1817, do not prohibit Brazilian Vessels either from entering, or from carrying on lawful commerce in these Ports, the Sentence in question is evidently unjust and illegal.

That Sentence, my Lord, is moreover null and void; for acts emanating from an incompetent Authority are not valid; and such is the Case with regard to the Mixed Commission abovementioned, the jurisdiction of which is annulled by the 4th Article of the Convention of 23d November 1826, as well as by the Act of the British Parliament, dated 2d July 1827, which provided for its execution.

The consequence of this unjust condemnation having been the adjudication of the Brig "*Venturoso*," with the whole of her Cargo, to the Captors; and His Britannick Majesty having engaged, by the 5th Article of the Convention of 28th July 1817, to make good all losses which his Cruizers might occasion to Brazilian Subjects, by arbitrary and illegal seizures of their Vessels employed in the Slave-trade; my Government now claims from that of The King, the accomplishment of this Engagement in favour of M. Antonio Pedroso de Albuquerque, Owner of the Brig unjustly condemned; and the indemnity which is due to him, according to the 1st, 2d, and 5th Sections of the 8th Article of the Regulation annexed to the Convention abovementioned, is 62,414\$708 Reis, as specified in the accompanying Account, with Interest, at the rate of 5 per Cent. per Annum, until the period when the actual and complete payment thereof shall be effected.

Such, my Lord, is the demand which I have the honour to address to you; its justice insures its success; and, in this hope, I beg you to accept the assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

First Enclosure in No. 44.

(Translation.)

Proceedings in the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Brig "Venturoso."

(No. 1.) CERTIFICATE. These are to certify, that I have received and taken charge of the undermentioned Papers, belonging to the Brazilian Brig "*Venturoso*," whereof Joachim Pinto de Souza is Master, in consequence of having found it necessary to detain her, for breaches of the Treaty with Portugal for the suppression of the Slave-trade, as fully set forth in my Declaration of this date, viz. 1, "Imperial Passport;" 2, "Articles of Agreement;" 3, "Sundry Documents relative to Ship's Cargo, fit-out, &c." 4, "Log-book."

C. BULLEN, Captain of His Britannick Majesty's Ship "*Maidstone*," off Badagry, 14th of March 1827.

(No. 2.) DEFENCE of Joaquim Pinto de Souza, the Master of the said Vessel, on behalf of Antonio Pedroso de Albuquerque, the Owner. Your Honours, I am under the necessity of appearing before you in person to defend this Case, not being able to obtain a Proctor to undertake it. From

the Evidence, you will see my Vessel was detained, on the 14th March last, by His Majesty's Ship "Maidstone," Commodore Bullen, during the prosecution of her lawful Voyage, from Bahia to Molembo.—My Vessel is fitted for the legal Slave-trade, and furnished with an Imperial Passport, and other Documents necessary for the same. I have been led to understand that it was detained, in consequence of my being found to the North of the Line, in violation of my Passport; but if your Honours will refer to that Document, you will perceive that my Vessel is authorized to come to the Northward of the Equator. My Passport is regular, and was supplied me by the proper Authorities in Bahia. I am therefore at a loss to know on what grounds my Vessel has been detained. By the Treaty with Portugal, signed in London 28th July 1817, your Honours will perceive, on referring to the 1st Article of the Instructions for the Commanders of the British and Portuguese Ships, that Vessels on board of which no Slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatever. In this Case, has any Evidence been produced to shew that a single Slave has been embarked on board my Vessel during the present Voyage; has any proof been exhibited to that effect? I contend that under this Article my Vessel is fully borne out from this illegal detention. I am not aware of any new Treaty having been entered into between my Government and the British. None had been formed when my Vessel left Bahia; I am amenable only to the Treaty above alluded to, and not to the mere Correspondence of certain Ministers. I therefore pray your Honours will be pleased to adjudge my Vessel and Cargo, as not liable to condemnation, and to grant me compensation for all losses, damages, demurrage and expences, I may have incurred since my illegal detention by Commodore Bullen.

JOAQUIM PINTO DE SOUZA.

(No. 3.) DECLARATION and PROTEST. By this publick Instrument of Declaration and Protest, be it known and made manifest, that, on the 13th day of April, in the Year of our Lord, 1827, personally came and appeared before me, W. H. Savage, Notary Publick, by Royal Authority, duly admitted, sworn, and registered in the High Court of Chancery in England, Joaquim Pinto de Souza, Master of the Brig or Vessel called the "Venturoso," belonging to the Port of Bahia, in Brazil; who did declare and say as follows: That the said Vessel, "Venturoso," being furnished with an Imperial Passport, sailed from the said Port, in the prosecution of a Voyage, for the purpose of procuring a Cargo of Slaves, on the Coast of Africa; that the said Imperial Passport did especially permit the said Vessel to touch at Places to the North of the Line, wherefore the said Brig "Venturoso," was brought to an anchor at Badagry, on the Coast of Africa, for the purpose of supplying the said Brig with fresh water, for the use of the Crew of the said Vessel, and also for the purpose of purchasing provisions for the remainder of the Voyage; that whilst so being at anchor at Badagry aforesaid, the Brig "Venturoso," was visited, seized, captured and detained, by His Majesty's Ship "Maidstone," whereof Commodore Charles Bullen, C. B. was Commander, for an alleged breach of the Treaties made for the suppression of illicit Slave-trade, although the said Brig had not any Slave or Slaves on board, nor had any been shipped on board during the Voyage, all which was fully made to appear to the said Captor; yet he, the said Commodore Charles Bullen, C. B. did order the said Brig "Venturoso," to be taken to Sierra Leone, and there proceeded against, and at which Place the said Brig did arrive, and before the Court of Mixed Commission was libled and proceeded against, and was therein condemned, as having been engaged in illicit Slave-trade, on this 13th day of April 1827, contrary to the express Articles of the Treaties between Great Britain and Portugal, which stipulate, that Vessels which have received any, and shall be found with a Slave or Slaves on board, should alone be liable to confiscation, of which facts there was full proof given, and acknowledged by the said Court in the Judgment, that there were no Slave or Slaves found or alleged to have been taken on board during the Voyage; therefore, he, the said Appearer did declare to protest, as well against the said Seizure, as against the said Condemnation. Wherefore I, the said Notary, by these presents, solemnly acknowledge the same, and in the name of the said Appearer, do make publick

and declare the same against all Persons in general concerned in the said alleged illegal Capture and Detention of the said Vessel "Venturoso." Of all which an act being required of me, I have granted the same, under my hand and Seal of Office, this 13th day of April, in the Year of our Lord 1827, at Freetown, in the Colony of Sierra Leone.—*In testimonium veritatis.*

(Signed) W. H. SAVAGE, N. P.

(No. 4. A.) SENTENCE, in the Case of the Brazilian Vessel, the "Minerva."

Before his Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq. His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq. Registrar.

Monday the 13th day of April, in the Year of our Lord, 1827.

Brig "Venturoso," Joaquim Pinto de Souza, Master.

Our Sovereign Lord the King against the Brig or Vessel called the "Venturoso," whereof Joaquim Pinto de Souza was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized, and taken by His Majesty's Ship "Maidstone," Charles Bullen, C. B. Commander, and brought to Sierra Leone; and against all Persons in general.

Joaquim Pinto de Souza, Master of the said Brig, prayed the Claim by him given to be admitted, and the Brig and Cargo to be restored as claimed, as the sole property of Antonio Pedroso de Albuquerque, of Bahia, together with Costs, Damages and Expences.

William Henry Savage, Proctor, on behalf of the Captors, prayed the said Claim to be rejected, and the said Brig and Cargo to be condemned.

The Commissary Judge and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Brig "Venturoso," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been, at the time of the Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and as such, subject and liable to confiscation, and condemned the said Brig, 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 Ship of War "Maidstone," Charles Bullen, C. B. Commander; and also that it had been proved, that, at the time of passing the said Sentence, no Slaves were on board, but that the said Brig "Venturoso," was captured off Badagry, in 6. 12. Latitude North of the Equator, being irregularly licensed 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, the 4th of 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 of January, 1815.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 11th day of May 1827.

(Signed) JOSEPH REFFELL, Registrar.

(No. 4. B.) PETITION, in the Case of the Brig "*Venturoso*," Joaquim Pinto de Souza, Master.

To their Honours the Judges of the said Court.—The humble Petition of the said Master, on behalf of Antonio Pedroso de Albuquerque, the Owner of the said Vessel,

Sheweth,

That the said Vessel was detained, on the 14th day of March last, by His Majesty's Ship "*Maidstone*," and brought into this Port for adjudication. That your Petitioner has applied to the various Proctors of your Honourable Court, for the purpose of instituting a Defence, but has been unsuccessful in obtaining one. Wherefore your Petitioner humbly prays the annexed Claim and Affidavit may be filed. And your Petitioner, as in duty bound, will ever pray.

(Signed) JOAQUIM PINTO DE SOUZA.

April 19, 1827.

(No. 4. C.) CLAIM, in the Case of the Brig "*Venturoso*," Joaquim Pinto de Souza, Master.

The Claim of the said Joaquim Pinto de Souza, the Master of the said Brig, a Subject of His Majesty The Emperor of the Brazils, for the said Brig, her Tackle, Apparel, and Furniture, Goods, Wares, and Merchandize laden therein, at the time of Capture thereof, by His Majesty's Ship "*Maidstone*," Commodore Charles Bullen, C. B., and brought into Sierra Leone; for the said Brig or Vessel, her Tackle, Apparel, and Furniture, and her Cargo, as the sole property of Antonio Pedroso de Albuquerque, an Inhabitant of the Brazils, and as protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty the late King of Portugal, dated the 28th July 1817. And for all Costs, Charges, Losses, Damages, Demurrage, and Expences as have arisen, or may arise, by means of the Capture and Detention of the said Brig, and her Cargo, as aforesaid.

(Signed) JOAQUIM PINTO DE SOUZA.

April, 1827.

(No. 4. D.) AFFIDAVIT, in the Case of the Brig "*Venturoso*," Joaquim Pinto de Souza, Master.

Appeared personally the said Joaquim Pinto de Souza, the Master of the said Brig, and maketh oath: 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 His Majesty's Ship "*Maidstone*," Commodore Charles Bullen, C. B., and that the said Brig was so captured on the 14th day of March last, in the prosecution of her Voyage from the Brazils to the Coast of Africa, and brought to Sierra Leone; and he further maketh oath, that Antonio Pedroso de Albuquerque, a Subject of His Majesty The Emperor aforesaid, was, at the time of the said Capture, and now is, the true, lawful, and sole Owner and Proprietor of the said Brig "*Venturoso*," her Tackle, Apparel, and Furniture, and the Cargo on board the same. And Deponent further maketh oath, that he verily believes the said Brig, and her lading, are protected by the Treaty or Convention between His Britannick Majesty and His Most Faithful Majesty the late King of Portugal. And Deponent further maketh oath, that, during the present Voyage of the said Brig, no Slave or Slaves have been shipped or put on board the said Brig. That the same Brig was specially permitted to be North of the Equator, where she was found when taken. And he further maketh oath, that no person or per-

sons, other than the persons beforementioned, had any Right or title to the said Vessel, and the Tackle, Apparel, and Furniture, Goods, Wares, or Merchandize, on board the same, at the time of the Capture and Seizure thereof; and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim.

(Signed) JOAQUIM PINTO DE SOUZA..

Sworn before me, this 19th day of April 1827.

(Signed) WM. SMITH, Registrar.

These are to certify, that the foregoing are true and correct Copies of the original Petition, Claim, and Affidavit, filed in support of the same, in the Cause therein mentioned. In faith and testimony whereof, I have hereunto set my hand and affixed the Seal of the said Court, at Free-town, in the Colony of Sierra Leone, the 18th day of May, in the Year of our Lord 1827.

(L.S.) (Signed) JOSH. REFFELL, Registrar.

(Signed) ANDRE GONSALVEZ SOUZA.
FRANCO. JORGE MONTEIRO.

I, William Pennell, His Britannick Majesty's Consul for this Province of Bahia, do hereby certify unto all whom it doth or shall concern, that the above Signatures are of the true and proper hand-writing of Andre Gonsalvez Souza, Judge of India and Mina, and Franco. Jorge Monteiro, Secretary to the said Judge Souza.

Given under my hand and Seal of Office, at Bahia, this 12th day of September 1827.

(L.S.) (Signed) WM. PENNELL..

Second Enclosure in No. 44.

Compte de l'Indemnité qui est due au Propriétaire du Brick "Venturoso," injustement condamné par la Commission-Mixte de Sierra Leone.

	Reis.
Pour la valeur du Brick - -	6,000\$000
Pour celle de la Cargaison - -	38,912\$980
Pour le Fret dû - -	17,501\$728
	<hr/>
Reis -	62,414\$708
	<hr/>

Outre les frais de la procédure, et avec addition d'un intérêt de 5 pour Cent à l'An, sur le montant de cette Indemnité.

(Signed) LE CHEVALIER DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owner of the Brig "Venturoso," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the value of the Brig - -	6,000\$000
For that of the Cargo - - -	38,912\$980
For Freight due - - - -	17,501\$728
	<hr/>
Reis -	62,414\$708

Besides the Costs of the proceedings, and interest, at the rate of 5 per Cent. per Annum, on the amount of the Indemnity.

(Signed) THE CHEVALIER DE MATTOS.

London, 24th November 1828.

No. 45.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

FAISANT route de Bahia à Molembo pour l'objet de la Traite de Nègres, le Brick Brésilien "*Bahia*," a été obligé de relâcher, par fortune de Mer, dans le Port d'Avé au Nord de l'Equateur; et y étant entré le 1er Avril 1827, il fût arrêté deux jours après (et sans qu'il eut effectivement des Esclaves à son bord) par le Capitaine Arthur Wakefield, Commandant du Brick de Sa Majesté Britannique le "*Conflict*." La procédure de cette injuste saisie ayant été instruite par la Commission Mixte de Sierra Leone, un Jugement condamatoire (dont je vous présenterai plus tard la Copie) fût prononcé contre le Brick capturé, sous le prétexte d'avoir été rencontré dans l'un des Ports d'Afrique au Nord de la Ligne, où le Trafic d'Esclaves est défendu aux Sujets Brésiliens par les Conventions du 22 Janvier 1815, et 28 Juillet 1817. Mais, comme ce qui constitue, d'après ces Actes, le cas de saisie des Bâtiments Négriers, et qui en justifie la condamnation, c'est l'existence d'Esclaves à leur bord, et non pas leur entrée, par relâche forcée ou volontaire, dans un Port où la Traite des Nègres leur est défendue, le Jugement rendu contre le Brick "*Bahia*," est une infraction manifeste des Conventions précitées.

De plus, Mylord, comme tout Acte émané d'une Autorité incompétente est nul et non avenu; et que la juridiction attribuée à la susdite Commission pour connaître de telles Prises a été cassée par l'Article 4me de la Convention du 23 Novembre 1826, ainsi que par l'Acte du Parlement Britannique en date du 2 Juillet 1827, qui en régla l'exécution, la Sentence prononcée par cette Commission contre le Brick en question, est un Acte évidemment injuste et invalide.

Malgré tous ces vices que je viens de signaler, l'arrêt de la Commission Mixte fût exécuté; et puisque Sa Majesté Britannique s'est engagée, par l'Article 5me de la Convention du 28 Juillet 1817, à bonifier toutes les pertes que ses Croiseurs occasionneraient aux Sujets Brésiliens, par des saisies arbitraires et illégales de leurs Bâtiments employés au Commerce d'Esclaves, mon Gouvernement réclame de celui du Roi l'indemnité qui est dûe au Sieur Jozé de Cerqueira Lima, Propriétaire du Brick "*Bahia*," et le montant de cette indemnité, calculé d'après les paragraphes 1, 2, 3, et 5 de l'Article 8me de la Convention sus-mentionnée, est celui de Rs. 44,918\$328 spécifié dans le Compte ci-joint, avec addition d'un intérêt de 5 pour Cent à l'An, jusqu'à l'époque de son remboursement effectif et complet.

J'espère, Mylord, que vous ferez droit à une réclamation si fondée ; et dans cette espérance, je vous prie d'agréer, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Brig "*Bahia*," while on her way from Bahia to Molembô, for the purpose of carrying on the Traffick in Slaves, was forced, from accidents at Sea, to put into the Port of Away, to the North of the Equator ; and having entered that Port, on the 1st of April 1827, was seized, 2 days afterwards (without having any Slaves actually on board), by Captain Arthur Wakefield, commanding His Britannick Majesty's Brig the "*Conflict*." The Case of this unjust Seizure having been investigated by the Mixed Commission at Sierra Leone, Sentence of Condemnation (of which I will hereafter send you a Copy) was pronounced against the captured Brig, under the pretext that she had been found in a Port of Africa, to the North of the Line, where the Trade in Slaves is prohibited to Brazilian Subjects, by the Conventions of 22d January 1815, and 28th July 1817. But as, according to those Documents, the fact which constitutes a ground for the seizure of Slave-ships, and which justifies their condemnation, is the actual finding of Slaves on board, and not the putting into a Port, either involuntarily or otherwise, where the Commerce in Slaves is prohibited, the Sentence passed against the Brig "*Bahia*" is a manifest infraction of the Conventions abovementioned.

Moreover, my Lord, as every act emanating from an incompetent Authority is null and void ; and as the jurisdiction granted to the aforesaid Commission, to take cognizance of such Captures, was abrogated by the 4th Article of the Convention of 23d November 1826, as well as by the Act of the British Parliament, dated 2d July 1827, which provided for its execution,—the Sentence pronounced by this Commission, against the Brig in question, is an act evidently unjust and invalid.

Notwithstanding all the defects which I have just pointed out to you, the Sentence of the Mixed Commission was carried into effect ; and since His Britannick Majesty has engaged, by the 5th Article of the Convention of 28th July 1817, to make good all losses which his Cruizers might occasion to Brazilian Subjects, by arbitrary and illegal seizures of their Vessels employed in the Traffick of Slaves, my Government demands from that of The King, the indemnity which is due to M. Jozé de Cerqueira Lima, Owner of the Brig "*Bahia*," and the amount of such Indemnity, calculated according to the 1st, 2d, 3d, and 5th Sections of the 8th Article of the Convention aforesaid, is 44,918\$328 Reis, as specified in the annexed Account, with the addition of interest, at the rate of 5 per Cent. per Annum, until the time of its actual and complete payment.

I hope, my Lord, that you will do justice to a Claim so well founded, and I beg you will accept, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 45.

*Compte de l'Indemnité qui est due au Propriétaire du Brick Brésilien
"Bahia," injustement condamné par la Commission Mixte de Sierra Leone.*

	Reis.
Pour la valeur du Brick - - - - -	5,580\$000
Pour celle de la Cargaison - - - - -	27,485\$880
Pour celle d'un Esclave-marin qui fût affranchi -	500\$000
Pour le frêt échu - - - - -	11,352\$000
	<hr/>
Reis -	44,918\$328
	<hr/>

Outre les frais de la procédure et avec addition d'un intérêt de 5 pour Cent à l'An, alloué par l'Article 8me du Règlement additionnel à la Convention du 28 Juillet 1817.

(Signed) LE CHEV. DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

*Account of the Indemnity due to the Owner of the Brazilian Brig "Bahia,"
unjustly condemned by the Mixed Commission at Sierra Leone.*

	Reis.
For the value of the Brig - - - - -	5,580\$000
For that of the Cargo - - - - -	27,485\$880
For that of a Slave-seaman who was liberated -	500\$000
For Freight due - - - - -	11,352\$000
	<hr/>
Reis -	44,918\$328
	<hr/>

Besides the Costs of proceeding, and with the addition of interest, at the rate of 5 per Cent. per Annum, allowed by the 8th Article of the Regulation annexed to the Convention of 28th July 1817.

(Signed) LE CHEV. DE MATTOS.

London, 24th November 1828.

No. 46.

The Vicomte d' Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

LE Navire Brésilien, la "*Minerva*," allant de Bahia à Molembo, pour y faire le trafic d'Esclaves, fut obligé d'aborder dans le Port d'Onim, pour s'y ravitailler et échanger une partie de sa cargaison contre des denrées du Pays. Rencontre dans cette rade par la Frégate de Sa Majesté Britannique la "*Bann*," commandée par le Commodore G. W. Courtenay, il y a été arrêté le 16 Janvier 1824, quoiqu'il n'eut point effectivement des Esclaves à son bord.

L'instruction de la procédure de cette prise, ayant été commencée par la Commission Mixte de Sierra Leone, lors de l'arrivée du Navire à Freetown,

fut postérieurement abandonnée par la dite Commission à la demande du Capteur, et le Bâtiment a été relâché le 17 Avril 1824, sans que l'on rendit aucun Jugement sur l'illégalité de cette saisie, et sans qu'aucune indemnité fût accordée au Propriétaire respectif, pour cette injuste détention, comme le constatent les Pièces ci-jointes.

Ainsi que moi, vous sentirez, Mylord, que cet acte arbitraire de la Commission sus-mentionnée fut une manifeste violation de l'Article 8me. de la Convention du 28 Juillet 1817, et des Articles 6me. et 8me. du Règlement additionnel.

Les conséquences de la saisie arbitraire et de la restitution illégale du Navire en question furent, Mylord, la perte totale du Commerce entrepris, un surcroit de dépenses, et la détérioration du chargement, qui a été vendu à Bahia à un grand rabais; et comme par l'Article 5me. de la Convention précitée Sa Majesté Britannique s'est engagée à bonifier toutes les pertes que ses Croiseurs occasionneraient aux Sujets Brésiliens, par des saisies illégitimes de leurs Bâtiments destinés au Commerce d'Esclaves, mon Gouvernement réclame maintenant de celui du Roi l'indemnité qui est due aux Sieurs João Victo. Moreira et Manoel Joze de Magalhaens, Propriétaires de la "*Minerva*;" et dont le montant, calculé d'après les Paragraphes 1, 2, 4, et 6, de la seconde partie de l'Article 8me. du Règlement annexé à la Convention ci-dessus mentionnée, est de Reis 36,662§ 918, spécifié dans le Compte ci-joint, avec addition de l'intérêt de 5 pour Cent à l'An, jusqu'à l'époque où le remboursement intégral en sera effectué.

En vous adressant, Mylord, cette juste réclamation, je me flatte que vous vous empresserez de lui faire droit, et dans cette attente, je vous prie d'agréer les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, 24th November 1828.

THE Brazilian Vessel the "*Minerva*," on her passage from Bahia to Molembo, for the purpose of trafficking in Slaves, was obliged to put into the Port of Onim, for the purpose of victualling and exchanging a part of her cargo for the commodities of the Country. Having been found in this Roadsted by His Britannick Majesty's Frigate the "*Bunn*," commanded by Commodore G. W. Courtenay, she was there seized on the 16th of January 1824, although she had not any Slaves actually on board.

The proceedings in this Case of Seizure after having been commenced by the Mixed Commission at Sierra Leone, on the arrival of the Vessel at Freetown, were subsequently abandoned by the said Commission, at the request of the Captor, and the Vessel was released on the 17th of April 1824, without any Judgment having been passed on the illegality of her Capture, and without any indemnification having been granted to the Owner for this unjust detention, as is proved by the annexed Papers.

Your Lordship will feel, like myself, that this arbitrary act of the aforesaid Commission, was a manifest violation of the 8th Article of the Convention of the 28th of July 1817, and of the 6th and 8th Articles of the Regulation annexed thereto.

The consequences of the arbitrary Seizure and illegal restitution of the Vessel in question, were, my Lord, the total loss of her intended traffick, an increase of expences, and the deterioration of her cargo, which was sold at Bahia at a heavy loss; and as, by the 5th Article of the before-mentioned Treaty, His Britannick Majesty has engaged to make good all losses occasioned by his Cruizers to Brazilian Subjects, by illegal seizures of their Vessels employed in the Traffick of Slaves, my Government now demands from that of The King, the indemnity which is due to M. João Victo. Moreira, and Manoel Jozé de Magalhaens, Owners of the "*Minerva*;" the

amount of which, according to the 1st, 2d, 4th, and 6th Sections of the second part of the 8th Article of the Regulation annexed to the Convention abovementioned, is, 36,662§918 Reis, as specified in the accompanying Account, with the addition of interest at the rate of 5 per Cent. per Annum to the date of the entire payment thereof.

In addressing to your Lordship this just demand, I flatter myself that you will hasten to do justice to it, and in this expectation I beg you to accept, &c:

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency Lord Aberdeen,

&c. &c. &c.

First Enclosure in No. 46.

Proceedings of the Mixed Commission at Sierra Leone, in the Case of the Brazilian Vessel, the "Minerva."

DECLARATION.—I hereby declare, that the Portugese Ship "*Minerva*," of Bahia (under Colours, called by the Crew Brazilian, and furnished with Papers purporting to be of the same Country, but which are unknown to me as any National Flag or Papers,) was boarded and temporarily detained by His Majesty's Ship "*Bann*," under my command, on the 30th of January 1824, for further investigation into the very suspicious circumstances under which I found her; she being evidently and without a doubt engaged in the Slave-trade at Lagos, in the Bight of Benin, Latitude 6. 26. 30. North, Longitude 3. 46. East, furnished with a Passport to carry 675 Slaves from Molembó, by the Authorities of Bahia, acting under the Individual, who styles himself Emperor of Brazil; but which Individual has never been to my knowledge recognized as such by His Majesty or Government, consequently is not qualified to grant Passports according to the provision of the 4th Article of the Treaty of the 22d of January 1815, which expressly provides, that every Portuguese Vessel must be furnished with a Royal Passport, and further provides by whom such Passport is to be signed, at the several Ports or Places from which Vessels employed in the legal Traffick in Slaves shall be fitted out.

I further declare, that the Passport in question is informal, in several other respects, which will be seen in the proper Court on inspection. I will merely state it's being sealed with Arms called the Imperial Arms of Brazil, instead of the Royal Arms of Portugal; the Crew calling themselves Brazilians, are certainly nothing more nor less, than the rebellious Subjects of His Faithful Majesty.

I further declare, that, in consequence of the Master of the "*Minerva*," being on Shore at Lagos, as well as the Masters of 2 other Portuguese Vessels, detained at the same time and place, I despatched the 1st Lieutenant (after waiting in vain for more than 24 hours, in expectation of seeing them) to communicate with the above Masters, and request that they would return on board, in order that I might have a better opportunity of examining the business, and also for affording them an opportunity of explaining or clearing up what I considered sufficient grounds for the detention of their Vessels; that soon after the 1st Lieutenant's arrival in the River Lagos, and near the factory where the Slaves purchased by the "*Minerva*" for a Cargo were deposited, a piratical, wanton, and furious attack was made upon the Boats from the Portuguese and Natives, infuriated with the aquadente distributed among them; that the 1st Lieutenant (Mr. Amsinck) after an engagement of considerable time, finding his men were very fast dropping, and having already lost 1 killed, the 2d Lieutenant and 6 others wounded, without any apparent chance of success against a force so much superior, returned on board.

I further declare, that, in consequence of the informality and total invalidity of the Passport, the Vessel being fitted in all respects for the reception of Slaves, and being nominally destined for Molembó, but manifestly intended to complete her Cargo at Lagos, I have sent her to Sierra Leone for adjudication in the Court of Mixed Commission.

I have not had it in my power to furnish the Master with the Certificate of the seizure of his Papers, as required by Article 8, in consequence of his non-appearance.

(Signed) G. W. COURTENAY.
Commander.

*His Majesty's Ship "Bann" off the River Lagos,
5th February 1824.*

PETITION, in the Case of the Portuguese Ship "*Minerva*."

The humble Petition of C. Austin, on the part and behalf of the Captain, Officers and Crew, of His Majesty's Ship "*Bann*,"

Sheweth,

That the Papers of the said Ship "*Minerva*," having been filed in your honourable Court, your Petitioner humbly prays,

That the usual Monition may issue, and your Petitioner, as in duty bound, will ever pray.

(Signed) C. AUSTIN, Proctor for Captor.

Freetown, March 24, 1824.

PETITION, in the Case of the Portuguese Ship "*Minerva*."

The humble Petition of Christopher Austin, on the part and behalf of the Captain, Officers, and Ship's Company of His Majesty's Ship "*Bann*,"

Sheweth,

That, on perusing the Examinations taken in this Case, it does not appear that any Slave or Slaves were actually on board at the time of Capture, or had been on board during the Voyage in which she was captured, although the Vessel was undoubtedly engaged in the illicit traffick; and as no Claim has been made on the part of the Owners of such Vessel, your Petitioner humbly prays,

That he may be allowed to withdraw the Papers of said Vessel from before your Honourable Court, in order that the same may be returned to her; and your Petitioner, as in duty bound, will ever pray.

(Signed) C. AUSTIN, Proctor for Captor.

Freetown, April 17, 1824.

Second Enclosure in No. 46.

Compte de l'Indemnité qui est due aux Propriétaires du Navire Brésilien, la "Minerva," (de 270 Tonneaux) relâché à Sierra Leone, sans la formalité d'un Jugement préalable, et sans aucun dédommagement pour son injuste détention.

Pour 92 jours de Starie à raison de £14 par jour, c'est à dire £1288, ou au pair de 67½	- - - - -	Reis.	4,579§555
Pour la valeur de la Cargaison	- - - - - 25,017§830		
Avec déduction du produit net de l'enchère qui en fut faite à Bahia	- - - - - 839§460		
			24,178§363
Pour le montant des Gages de l'Equipage	- - - - -		7,905§000
			<u>Reis 36,662§918</u>

Avec addition d'un intérêt de 5 pour Cent sur la valeur de la Cargaison, et d'un intérêt égal sur le montant de ce Compte.

(Signed) LE CHEV. DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owners of the Brazilian Vessel "Minerva," (of 270 Tons) released at Sierra Leone, without the formality of a previous Judgment, and without any Indemnification for her illegal detention.

For 92 days' demurrage, at the rate of £14 per day, that is to say, £1288, or at the par of 67½	- - - - -	Reis	4,579,§555
For the value of the Cargo	- - - - -	25,017§830	
Deducting the net produce of its sale by auction at Bahia	- - - - -	839,§460	
For the amount of the Wages of the Crew	- - - - -	24,178§363	7,905§000
		Reis	36,662§918

With the addition of interest, at the rate of 5 per Cent. on the value of the Cargo, and of an equal interest on the amount of this Account.

(Signed) LE CHEV. DE MATTOS.

London, 24th November, 1828.

No. 47.

The Vicomte d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre, 1828.

AYANT fait voile de Bahia à la destination du Port de Molembo, pour y faire le Commerce d'Esclaves, le Brick Brésilien "Trajano," est entré, par détresse, dans le Port d'Ajuda, au Nord de l'Equateur, et il y était à l'ancre sous la protection du Fort Portugais, quand le Commodore Charles Bullen, Commandant de la Frégate Anglaise la "Maidstone," l'a arrêté le 13 Mars 1827. S'emparant de ce Brick, le Commodore Bullen a violé non seulement l'Article 5me de la Convention du 28 Juillet 1817, qui défend la détention de tout Bâtiment Négrier qui n'aurait point effectivement des Esclaves à son bord, mais aussi l'Article 2me des Instructions additionnelles que je transcris ici en entier; — "No Merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained, whilst in the Port or Roadsted belonging to either of the two High Contracting Powers, or within cannon-shot of the Batteries on Shore. But in case suspicious Vessels should be found so circumstanced, proper Representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses." Malgré l'évidente injustice de la saisie du Brick "Trajano," la Commission Mixte de Sierra Leone a prononcé contre lui, le 30 Avril 1827, un Jugement Condamnatoire (dont Copie est ci-jointe) sous l'étrange prétexte d'avoir été rencontré dans un Port au Nord de l'Equinoxiale, quand il est certain que les Conventions du 22 Janvier 1815, et 28 Juillet 1817, ne défendent point aux Bâtiments Brésiliens d'entrer dans les Ports d'Afrique au Nord de la Ligne, pour s'y ravitailler ou prendre des denrées du Pays.

Cette décision de la Commission sus-mentionnée, est non seulement contraire à la lettre et à l'esprit des Actes précités, mais aussi nulle et invalide, parcequ'elle a été prononcée par une Autorité, qui, par suite de l'Article 4me de la Convention du 23 Novembre 1826, et de l'Acte du Parlement Britannique, en date du 2 Juillet 1827, qui en a réglé l'exécution, est devenue incompétente pour juger de telles Prises. L'injustice de cette Capture étant de la dernière évidence et Sa Majesté Britannique ayant pris, par l'Article 5me de la Convention du 28 Juillet 1817, l'engagement positif et formel de bonifier toutes les pertes que les Croiseurs occasionneraient aux Sujets Brésiliens,

par des saisies arbitraires et illégales de leurs Bâtimens destinés à faire le Trafic d'Esclaves ; mon Gouvernement réclame de celui du Roi l'accomplissement de cette obligation envers le Sieur Jozé Alvez da Cruz Rios, Propriétaire du Brick, "*Trajano*;" et le montant de l'indemnité qui doit lui être accordée d'après les paragraphes 1er, 2de, 3me, et 5me, de l'Article 8me du Règlement annexé à la susdite Convention, est celui de Reis 49,773§120, spécifié dans le Compte ci-joint, avec addition d'un intérêt de 5 pour Cent. à l'An, jusqu'à l'époque où le paiement en sera effectué.

En vous adressant cette réclamation, je n'ai aucune doute, Mylord, sur le favorable accueil qu'elle trouvera de la part du Ministère de Sa Majesté Britannique, dont je connais la droiture et la fidélité.

Je me borne donc à vous prier d'agréer, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Brig "*Trajano*," having sailed from Bahia, for the Port of Molembo, for the purpose of engaging in the Slave-trade, was driven by distress into the Port of Ajuda, to the North of the Equator; and was lying there at anchor, under the protection of the Portuguese Fort, when Commodore Charles Bullen, commanding the English Frigate the "*Maidstone*," seized her on the 13th March 1827. By the capture of this Brig, Commodore Bullen violated not only the 5th Article of the Convention of 28th July 1817, which forbids the detention of any Slave-vessel which shall not have Slaves actually on board, but also the 2d Article of the Instructions annexed thereto, which I here transcribe word for word;—"No Merchant-man or Slave-ship, can on any account or pretence whatever, be visited or detained, whilst in the Port or Roadstead belonging to either of the two High Contracting Powers, or within cannon-shot of the Batteries on Shore. But in case suspicious Vessels should be found so circumstanced, proper Representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses." Notwithstanding the evident injustice of the seizure of the Brig "*Trajano*," the Mixed Commission at Sierra Leone pronounced Sentence of Condemnation against her on the 30th April 1827, (a Copy of which is enclosed,) on the extraordinary pretext, that she had been found in a Port to the North of the Line; while it is certain, that the Conventions of 22d January 1815, and 28th July 1817, do not forbid Brazilian Vessels to enter African Ports to the North of the Line, for the purpose of laying in provisions, or articles the produce of the Country.

This decision of the above-mentioned Commission is not only contrary to the letter and to the spirit of the Acts above mentioned, but is also null and void, because it was pronounced by an Authority, which, in consequence of the 4th Article of the Convention of 23d November 1826, and of the Act of the British Parliament, dated the 2d July 1827, which provided for its execution, is rendered incompetent to take cognizance of such Seizures. The injustice of this Capture being perfectly apparent, and His Britannick Majesty having positively and formally engaged, by the 5th Article of the Convention of 28th July 1817, to make good all losses which his Cruizers might occasion to Brazilian Subjects, by arbitrary and illegal seizures of their Vessels engaged in the Traffick of Slaves; my Government claims from that of The King the fulfilment of this Engagement in favour of M. Jozé Alvez da Cruz Rios, Owner of the Brig "*Trajano*;" and the amount of the indemnity, which should be granted to him, in conformity with the 1st, 2d, 3d and 5th Sections of Article 8 of the Regulation annexed to the abovementioned Convention, is 49,773§120.

Reis, as specified in the accompanying Account, with the addition of interest at the rate of 5 per Cent. per Annum, until the period when that payment shall take place.

In addressing this Claim to your Lordship, I have no doubt of its favourable reception on the part of the Government of His Britannick Majesty, with whose integrity and good faith I am well acquainted.

I confine myself, therefore, to beg that you will accept, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

First Enclosure in No. 47.

Sentence of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Brig "Trajano."

British and Portuguese Court of Mixed Commission at Sierra Leone.

Before His Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq. His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq., Registrar.

Monday the 30th day of April, in the Year of our Lord, 1827.

Brig "Trajano," Joze da Silva Rios, Master.

Our Sovereign Lord The King against the Brig or Vessel called the "*Trajan*o," whereof Joze da Silva Rios was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize, on board the same, and therewith seized and taken by His Majesty's Ship "*Maidstone*," Charles Bullen, C. B., Commander, and brought to Sierra Leone, and against all Persons in general:—

Joze da Silva Rios, Master of the said Brig, prayed the Claim by him given, to be admitted, and the Brig and Cargo to be restored as claimed, as the sole property of Joze Alves da Cruz Rios, of Bahia, together with Costs, Damages, and Expences.

John Samo, Proctor on behalf of the Captors, prayed the said Claim to be rejected, and the said Brig and Cargo to be condemned.

The Commissary Judge, and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Brig "*Trajan*o," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been, at the time of the Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and, as such, subject and liable to confiscation, and condemned the said Brig, 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 Ship-of-War "*Maidstone*," Charles Bullen, C. B. Commander, and also that it had been proved, that, at the time of passing the said Sentence, no Slaves were on board, but that the said Brig "*Trajan*o," was captured off Whydah, in the Bight of Benin, in 6. 14. Latitude, North of the Equator, in direct opposition to her Imperial Passport, marked No. 2, dated Bahia, 24th 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, the 28th of July 1817, is confined to the Territories of His Most Faithful Majesty, 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, January 22d 1815.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence made in the British and Portuguese Court of Mixed Commission established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 11th day of May, in the Year of our Lord, 1827.

(L.S.) (Signed) JOSH. REFFELL, Registrar.

DECLARATION and PROTEST. By this Publick Instrument of Declaration and Protest, Be it known and made manifest, That on the 13th of April, in the Year of Our Lord 1827, personally came and appeared before me, William Henry Savage, Notary Publick by Royal Authority, duly admitted, sworn, and registered in the High Court of Chancery in England, Joze da Silva Rios, Master of the Brazilian Brigantine "*Trajano*," who did declare and say as follows: That in the prosecution of a legal Voyage from Bahia, in the Brazils, to the Coast of Africa, the said Brigantine "*Trajano*," left the Harbour of Bahia, on the 27th day of January last, furnished with an Imperial Passport to Trade in Slaves on the Coasts of Molembo and Cabinda; that on the said Voyage, by reason of the winds and currents, and the want of fresh water, by reason that all the water for Ship's use had been carried on deck, was nearly expended, so that each man on board the said Vessel was reduced to the allowance of 1 bottle for every 24 hours, the said Brigantine having also experienced several heavy tornadoes, which had retarded her progress to the South, he, the said Appearer, did bring the said Brigantine "*Trajano*" unto anchor on the Coast of Africa, under the cannon of the Portuguese Fort St. Juan, in the Native Kingdom of Whydah, and did there supply the said Vessel with water, and inasmuch as there were a great number of water-casks under hatches filled with salt water, this Appearer did cause the same to be emptied and refilled with fresh water; that in the prosecution of this duty, on the 13th of March last, the said Brigantine "*Trajano*" was seized, captured and detained, by His Britannick Majesty's Ship "*Maidstone*," whereof Commodore Charles Bullen, C.B. was the Commander, and from under the guns of the said Fort, on which was displayed the Flag of Portugal, taken to Sierra Leone for adjudication, although the said Captor did not find any Slave or Slaves on board, nor were any taken on board during the Voyage, nor had bulk been broken, nor done any thing further than supplying herself with fresh water. That the said Brigantine or Vessel "*Trajano*," has been proceeded against in the Court of Mixed Commission, and although the various facts before alleged have been duly proved, yet the English Judges, who alone compose the said Court, did think fit to condemn the said Brigantine "*Trajano*," and Cargo, as lawful Prize, for being engaged in illicit Slave-trade.

Therefore he, the said Appearer, did declare and protest, as by these presents he does most solemnly protest, as well against the said illegal Capture, as also the subsequent condemnation, as being contrary to the Treaties and Laws of Nations, and more especially contrary to the Treaties made with Great Britain by Portugal, relative to the Slave-trade.

Wherefore I, the said Notary, at the request of the said Appearer, have entered this Protest, and in his name, and for all concerned, protested against all persons in general, concerned in the said illegal capture and detention of the said Brigantine or Vessel "*Trajano*."

Of all which an Act being of me, the said Notary, required, I have therefore granted the same, under my hand and Seal of Office, this 13th day of April, 1827.

In testimonium veritatis.

(Signed) W. H. SAVAGE, N. P.

(L.S.)

(Translation.)

I, Don André Gonsalvez Souza, Knight of the Order of Christ, &c. in virtue of the Appointment which I hold, do make known, that I have signed this Paper, to certify that the preceding Signatures are those of the persons declared.

August 9, 1827. (Signed) ANDRE GONSALVEZ SOUZA.
J. FRANÇO JORGE MONTEIRO, Sec.

I, William Pennell, His Britannick Majesty's Consul for this Province of Bahia, do hereby certify, unto all whom it doth or shall concern, that the above Signatures are of the true and proper hand-writing of André Gonsalvez Souza, Judge of India and Mina, and Francisco Jorge Monteiro, Secretary to the said Judge Souza.

Given under my hand and Seal of Office, at Bahia,
this 12th day of September, 1827.

(Signed) WM. PENNELL.

(L.S.)

Second Enclosure in No. 47.

Compte de l'Indemnité qui est due au Propriétaire du Brick Brésilien "Trajano," injustement condamné par la Commission Mixte de Sierra Leone.

	Reis.
Pour la valeur du Bâtiment - - -	10,500\$000
Pour celle de la Cargaison - - -	29,826\$840
Pour celle de 5 Esclaves Marins qui furent affranchis - - - - -	2,500\$000
Pour le Frêt dû - - - - -	6,946\$280
	Reis 49,773\$120

Outre les Frais de la Procédure, et l'Intérêt de 5 pour Cent alloué par l'Article 8^{me} du Règlement additionnel à la Convention du 28 Juillet 1817.

(Signed) LE CHEVALIER DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owner of the Brazilian Brig "Trajano," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the Value of the Vessel - - -	10,500\$000
For that of the Cargo - - - - -	29,826\$840
For that of 5 Slave-sailors who were libe- rated - - - - -	2,500\$000
For Freight due - - - - -	6,946\$280
	Reis 49,773\$120

Besides the Costs of Proceeding, and Interest, at the rate of 5 per Cent. allowed by the 8th Article of the Regulation annexed to the Convention of the 28th of July 1817.

(Signed) LE CHEVALIER DE MATTOS.

London, November 24, 1828.

No. 48.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre, 1828.

LE Bâtiment de Guerre de Sa Majesté Britannique, le "*North Star*," commandé par le Capitaine Septimius Arabin, a capturé le 6 Janvier 1827, le Navire Brésilien "*l'Eclipse*," qui, étant parti de Bahia pour faire le Commerce d'Esclaves au Port de Molembo, au Sud de l'Equinoxiale, étant entrée par détresse, au Port d'Ajuda, dans lequel le Capteur s'en est emparé, en contravention manifeste à l'Article 6^{me} de la Convention du 28 Juillet 1817, et au 1^{er} des Instructions Additionnelles, qui défendent très positivement la saisie de tout Bâtiment, qui n'auroit point effectivement des Esclaves à bord.

Amené à Sierra Leone, "*l'Eclipse*" y a été condamné par la Commission Mixte de cette Colonie, sous le prétexte d'avoir contrevenu au Passeport dont il étoit muni, comme le constate la Copie ci-jointe du Jugement, rendu à Freetown le 16 Mai 1827.

L'injustice et la nullité de cette Décision sont de la dernière évidence, Mylord; elle est injuste, car, ce qui constitue le cas de saisie, et justifie la condamnation d'un Bâtiment-négrier, c'est la circonstance d'avoir des Esclaves à son bord, pris dans les Ports défendus, et non pas la relâche volontaire ou forcée, comme a été celle de "*l'Eclipse*," dans l'un de ces Ports. Elle est nulle et invalide, parceque la juridiction qu'avoit la susdite Commission Mixte, pour prononcer sur la validité ou l'invalidité de telles Prises, a été formellement révoquée, et par l'Article 4^{me} de la Convention faite entre le Brésil et l'Angleterre le 23 Novembre 1826, et par l'Acte du Parlement Britannique, en date du 2 Juillet 1827, qui en a sanctionné l'exécution.

Or, comme par l'Article 5^{me} de la Convention du 28 Juillet 1817, Sa Majesté Britannique s'est engagée à bonifier toutes les pertes occasionnées par les saisies arbitraires et illégales, que ses Croiseurs auroient faites des Bâtimens Brésiliens, employés au Commerce d'Esclaves, mon Gouvernement réclame de celui du Roi l'indemnité qui est due au Sieur Antonio de Padua da Cunha Pimentel, Propriétaire du Navire "*l'Eclipse*;" et la somme qui, aux termes des paragraphes 1, 2, 3, et 5^{me} de l'Article 8^{me} du Règlement additionnel à la Convention précitée, doit lui être adjugée, est celle de Reis 39,951 § 100, spécifiée dans le Compte ci-joint, et accrue de l'Intérêt de 5 pour Cent à l'An, jusqu'à l'époque où le payement en sera effectué.

Une aussi juste réclamation ne pouvant qu'être favorablement accueillie par le Ministère de Sa Majesté Britannique, je terminerai cette Note en vous priant d'agréer, &c.

(Signé) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,

&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

HIS Britannick Majesty's Ship of War the "*North Star*," commanded by Captain Septimius Arabin, captured on the 6th of January 1827, the Brazilian Vessel "*Eclipse*," which, having left Bahia for the purpose of trading in Slaves at the Port of Molembo, to the South of the Equator, was driven, by distress, into the Port of Ajuda, where she was seized by the Captor, in manifest contravention of the 6th Article of the Convention of the 28th of July 1817, and of the 1st of the Instructions annexed thereto, which forbid, most positively, the seizure of any Vessel which shall not have Slaves actually on board.

The "*Eclipse*" was conducted to Sierra Leone, and was there condemned by the Mixed Commission of that Colony, under the pretext of having transgressed the Passport with which she was furnished, as is proved by the accompanying Copy of the Sentence, passed at Freetown on the 16th of May 1827.

The injustice and the nullity of this decision are perfectly apparent, my Lord: it is unjust, because the fact which constitutes the case of seizure, and justifies the condemnation of a Slave-vessel, is the circumstance of the having Slaves on board, taken in prohibited Ports, and not the putting into one of those Ports voluntarily or otherwise, as was the case with the "*Eclipse*." It is null and void, because the jurisdiction, which the abovementioned Mixed Commission possessed, to pronounce upon the validity or invalidity of such Prizes, was formally revoked by the 4th Article of the Convention between Brazil and England, signed on the 23d of November 1826, as well as by the Act of the British Parliament, dated July 2, 1827, which provided for its execution.

And as, by the 5th Article of the Convention of the 28th of July, 1817, His Britannick Majesty has engaged to make good all losses which his Cruizers might occasion, by the arbitrary and illegal seizure of Brazilian Vessels engaged in the Traffick of Slaves, my Government demands from that of The King the indemnity which is due to M. Antonio de Padua da Cunha Pimentel, Owner of the Vessel "*Eclipse*;" and the sum which, according to the 1st, 2d, 3d, and 5th Sections of the 8th Article of the Regulation annexed to the abovementioned Convention, ought to be awarded to him, amounts to 39,951\$100 Reis, as is specified in the accompanying Account, with the addition of Interest at the rate of 5 per Cent. per Annum, to the time when payment shall be effected.

So just a demand cannot but be favourably received by the Government of His Britannick Majesty; I shall therefore conclude this Note by requesting you to accept, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen.

&c. &c. &c.

First Enclosure in No. 48.

Sentence, &c. of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Vessel "Eclipse."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before His Excellency Sir Neil Campbell, Knight, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esq. His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq., Registrar.

Friday, March 16th, in the Year of our Lord, 1827.

Schooner "*Eclipse*," Joao Antonio de Faria, Master.

Our Sovereign Lord the King, against the Schooner or Vessel called the "*Eclipse*," whereof Joao Antonio de Faria, was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized and taken by His Majesty's Ship "*North Star*," Septimius Arabin, Esq. Commauder, and brought to Sierra Leone, and against all Persons in general.

William Henry Savage, Proctor, on behalf of the Claimants, prayed he Claim by him given, to be admitted, and the said Schooner and Cargo to be restored, as claimed, with Costs, Damages, and Expences.

John Dean Lake, Proctor, on behalf of the Captors, prayed the said Claim to be rejected, and the said Schooner and Cargo to be condemned.

The said Commissary Judge and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Schooner "*Eclipse*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been, at the time of the Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and, as such, subject and liable to confiscation, and condemned the said Schooner, 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 Ship of War "North Star," Septimius Arabin, Esq. Commander; and also that it had been proved, that, at the time of passing the said Sentence, no Slaves were on board, but that the said Schooner was captured off Whydah, in the Bight of Benin, in Latitude, 6. 26. North of the Equator; and Longitude, 2. 5. East of the Meridian of London, being irregularly licensed to touch at the Islands of St. Thomas and Princes, on the West Coast of Africa, in her Imperial Passport, marked No. 25, dated Bahia, September 2d 1826, in direct contradiction to that part of the said 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 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, July 28, 1817.

These are to certify, that the foregoing is a just and true Copy of the original Decree, or Sentence, made in the British and Portuguese Court of Mixed Commission established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 30th of March, in the Year of our Lord, 1827.

(L. S.) (Signed) WILLIAM SMITH, Registrar.

PROTEST. By this Publick Instrument of Protest, Be it known and made manifest, That on the 27th of March, in the Year of our Lord, 1827, personally came before me, William Henry Savage, Notary Publick in and for the Colony of Sierra Leone, by authority of Parliament, duly admitted, sworn, and registered in the High Court of Chancery of Great Britain, Joao Antonio de Faria, Master of the Brazilian Schooner or Vessel, called the "Eclipse," of the burthen of 120 tons, or thereabouts, who did declare and say, That he sailed from Bahia, in the Brazils, on the 5th day of September last, bound to Molemo, on the Coast of Africa, with an Imperial Passport, further permitting the said Schooner or Vessel to call at St. Thomas and Princes Islands, to the North of the Equator; that while at anchor on the Coast of Africa, the said Schooner was seized, detained, and taken charge of by His Britannick Majesty's Ship of War, "North Star," Septimius Arabin, Esq. Commander, for an allèged breach of the Treaties subsisting between Great Britain and Portugal. And this Appearer solemnly declares, that no Slave or Slaves had been taken, received, or kept on board the said Schooner during the present Voyage, upon which capture, seizure, and detention, he did address his Protest to the Commander aforesaid, and the same was duly received, and by the said Commander acknowledged; that the said Schooner or Vessel, called the "Eclipse," has further been brought to Sierra Leone, and tried before the Court of Mixed Commission, and there condemned, although this Appearer hath been enabled to make due proof, that there was not any Native of Africa kept, treated, received, or confined on board the said Schooner or Vessel in slavery, during the present and said Voyage; that the said Court of Mixed Commission was composed of the Governor of the said Colony and his Secretary; and that there was not any one therein sitting on behalf of the Crown of Portugal, Brazil, or Algarves; that the said Appearer desires me, the said Notary, to protest against the said seizure and detention, and also further against the condemnation of the said Vessel, her Cargo and Materials; wherefore I, the said Notary, do hereby solemnly protest against the said capture and seizure, by His Britannick Majesty's Ship "North Star," Septimius Arabin, Esq. Commander, and against the said Commander, his Officers and Crew, and also against the Decision of the said Court of Mixed Commission, inasmuch as, by the Treaties existing, and which ought alone to

govern the decisions in this Case, no Portuguese Merchantman can be detained or condemned, on any pretence, not having Slaves actually on board, or not having had a Slave or Slaves on board during the Voyage. And therefore I do enter, make, and promulge the said Protest in behalf of him, the said Joao Antonio de Faria, and of the Owner or Owners, or of all other Person or Persons who have any right, title, or interest in the said Schooner or Vessel called the "Eclipse," against the said Captor, and against the Decision of the said Court, for all Costs, Damages, Expences, Demurrage and Charges, that have arisen, or may arise, to the said Appearer, and others interested therein, by reason of the aforesaid unlawful seizure and condemnation; and whereupon, further, I, the said Notary, being also Proctor for the said Claimant, for the purpose of making or enabling him, the said Joao Antonio de Faria, to make an appeal to draw the attention of the two Governments to the said Decision, did demand and receive from the said Court of Mixed Commission, a duly and authenticated Copy, under Seal, of the Claim and Affidavit, filed by him, the said Master, in this behalf, and of the Judgment and Decree pronounced by the said Court in the Cause, of all which an Act Notarial having been by him, the said Joao Antonio de Faria, demanded, I have granted the same, under my hand and Seal, Notarial, at Freetown, in the Colony of Sierra Leone, on the Western Coast of Africa, the Day and Year first abovementioned.

In testimonium veritatis.
(L. s.) (Signed) W. H. SAVAGE, N.P.
JOAO ANTONIO DE FARIA.

(Translation.)

I, Don André Gonsalvez Souza, Knight of the Order of Christ, &c. do make known, that, by virtue of my Office, I have signed this Paper, to certify that the preceding Signature is that of the Person declared.

(Signed) ANDRE GONSALVEZ SOUZA.
FRANCISCO JORGE MONTEIRO, Secretary.

August 9th, 1827.

I, William Pennell, His Britannick Majesty's Consul for this Province of Bahia, do hereby certify, unto all whom it doth or shall concern, that the above Signatures are of the true and proper hand-writing of André Gonsalvez Souza, Judge of India and Mina, and of Francisco George Monteiro, Secretary to the said Judge Souza.

Given under my hand and Seal of Office, at Bahia, this 15th of October, 1827.

(L. s.) (Signed) WM. PENNELL.

Second Enclosure in No. 48.

Compte de l'Indemnité qui est due au Propriétaire du Bâtiment Brésilien "Eclipse," injustement condamné par la Commission Mixte de Sierra Leone.

	Reis.
Pour la valeur du Bâtiment	8,500\$000
Pour celle de la Cargaison	24,139\$500
Pour celle de 3 Esclaves, Marins, qui furent affranchis	1,500\$000
Pour le Frêt dû	5,811\$600

Reis 39,951\$100

Outre les frais de la procédure, et l'intérêt de 5 pour Cent, alloué par l'Article 8me du Règlement additionnel à la Convention du 28 Juillet 1817.

(Signed) LE CHEV. DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owner of the Brazilian Vessel "Eclipse," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the value of the Vessel - - - -	8,500\$000
For that of the Cargo - - - -	24,139\$500
For that of 3 Slaves, Sailors, who were liberated	1,500\$000
For Freight due - - - -	5,811\$600
	39,951\$100

Besides the Costs of Proceeding, and Interest, at the rate of 5 per Cent., allowed by the 8th Article of the Regulation annexed to the Convention of the 28th July 1817.

(Signed) THE CHEV. DE MATTOS.

London, 24th November, 1828.

No. 49.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

DESTINE à faire, au Port d'Angola, le commerce de denrées et non pas celui d'Esclaves, le Yacht Brésilien "*Tres Amigos*," est parti de Rio de Janeiro au Mois de Septembre, 1826, muni d'un Passeport, qui l'autorisoit à toucher aux Iles de Cap Vert dans son retour.

Allant d'Angola à ces Iles, pour y prendre du sel, il est entré, par détresse, dans le Port de Sierra Leone, où il est resté 11 jours sans être molesté par les Autorités territoriales: mais, ayant appareillé de ce Port le 17 Avril 1827, il fut arrivé, après quelques heures de Navigation, par la Chaloupe de la Corvette de Guerre de Sa Majesté Britannique le "*North Star*," commandé par le Capitaine Septimius Arabin, qui avoit été expédié du même Port, pour en effectuer la Capture.

La Commission Mixte de la dite Colonie ne tarda point à en instruire la procédure, et elle a mis le comble au scandale d'une si blamable saisie, en condamnant la Prise, sous le prétexte d'avoir des Esclaves à son bord, c'est à dire 3 petites Nègresses, que le Capitaine du Yacht avoit acheté à Angola, et qu'il amenoit à Rio de Janeiro en qualité de Domestiques.

Un simple raisonnement suffira, Mylord, pour vous faire connoître toute l'injustice du Jugement rendu par la Commission sus-mentionnée.

Si les 3 Nègresses étoient transportées au Brésil pour y devenir un objet de Commerce, la condamnation du Yacht capturé ne pouvoit pas avoir lieu, car les Bâtimens Brésiliens ont le droit de faire la Traite des Nègres au Port d'Angola, (au Sud de l'Equateur) où les susdites Nègresses avoient été embarquées, et la condamnation du dit Bâtiment est une violation manifeste de l'Article 4me du Règlement additionnel à la Convention du 28 Juillet 1817, dont voici les propres termes;—"As often as the Cargo of Slaves found on board of a Portuguese Slave-ship shall have been embarked on any point whatever of the Coast of Africa, where the Slave-trade continues lawful to the Subjects of the Crown of Portugal, such Slave-ships shall not be detained, on pretext that the abovementioned Slaves have been brought originally by Land from any other part whatever of the Continent."

Si ces mêmes Nègresses allaient à Rio de Janeiro en qualité de Domestiques,

(et tel étoit le cas) on ne pouvoit pas non plus condamner le Yacht en question ; parceque l'Article 1er des Instructions annexées à la Convention précitée porte expressément, " que l'existence de Domestiques ou Matelôts Nègres à bord d'un Bâtiment employé au Commerce d'Esclaves, ne pourra, en aucun cas, être estimée une cause suffisante de détention, et encore moins de condamnation."

Dans cette Décision de la Commission Mixte de Sierra Leone, il y a non seulement de l'injustice, mais aussi de la nullité, parceque, en vertu de l'Article 4me de la Convention du 23 Novembre 1826, et de l'Acte du Parlement Britannique en date du 2 Juillet, 1827, qui la concerne, la susdite Commission est devenue incompétente pour prononcer sur la légalité ou l'illégalité de telles Prises.

Tels sont, Mylord, les vices du Jugement, par lequel le Yacht "*Tres Amigos*," a été condamné, et puisque Sa Majesté Britannique s'est engagée, par l'Article 5me de la Convention du 28 Juillet, 1817, à bonifier toutes les pertes que ses Croiseurs occasionneroient aux Sujets Brésiliens, par des saisies arbitraires et illégales de leurs Bâtimens employés au Trafic d'Esclaves, mon Gouvernement réclame de celui du Roi l'Indemnité qui est due au Sieur Bernardino Antonio de Mattos, Propriétaire de la Prise sus-mentionnée, et je ne manquerai pas de vous indiquer le montant de cette Indemnité, aussitôt que j'aurai reçu les Pièces qui me seront fournis à cet effet.

En attendant je vous prie, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Vessel "*Tres Amigos*," left Rio de Janeiro in the Month of September 1826, for the purpose of carrying on, at the Port of Angola, a trade in the commodities of the Country, but not in Slaves, and was provided with a Passport which authorized her touching at the Cape de Verde Islands on her return.

On her Voyage from Angola to those Islands, for the purpose of procuring salt, she was driven, by stress of weather, into the Port of Sierra Leone, where she remained 11 days without being molested by the Authorities of the Place; but having cleared out from thence on the 17th of April 1827, she was boarded, after a few hours sail, by the Tender of His Britannick Majesty's Ship of War, the "*North Star*," commanded by Captain Septimius Arabin, who had been despatched from Sierra Leone to capture her.

The Mixed Commission at that Colony immediately commenced Proceedings against the "*Tres Amigos*," and consummated this wrongful Seizure by condemning the Prize, under the pretext of her having Slaves on board, that is to say, 3 young Negresses, whom the Captain of the Vessel had bought at Angola, and was taking to Rio de Janeiro in the character of Servants.

It will be easy to satisfy you, my Lord, of the entire injustice of the Judgment pronounced by the abovementioned Commission.

Supposing that the 3 Negresses had been taken to Brazil for purposes of traffick, the Vessel in question could not have been condemned, because Brazilian Ships have the right of trafficking in Slaves at the Port of Angola, (to the South of the Line) where these Negresses were taken on board, and therefore the condemnation of the said Vessel is a direct violation of the 4th Article of the Regulation annexed to the Convention of the 28th of July 1817, which stipulates as follows: " As often as the Cargo of Slaves found on board of the Portuguese Slave-ship, shall have been embarked on any point whatever of the Coast of Africa, where the Slave-trade continues lawful to the Subjects of the Crown of Portugal, such Slave-ships shall not be detained, on pretext that the abovementioned Slaves have been brought originally by Land from any other part whatever of the Continent."

And if the said Negresses were going to Rio de Janeiro as Servants, (which was the fact,) neither could the Vessel in that case be condemned, because the 1st Article of the Instructions annexed to the abovementioned Convention, expressly provides, that "the finding of Negro Servants or Sailors on board of a Vessel engaged in the Slave-trade, cannot, in any case, be deemed a sufficient cause for detention, and still less for condemnation." In this Decision of the Mixed Commission at Sierra Leone, there is not only injustice, but also invalidity, because in virtue of the 4th Article of the Convention of November 23, 1826, and of the Act of the British Parliament dated the 2d of July 1827, relative thereto, the said Commission has become incompetent to decide upon the legality or illegality of such Captures.

Such, my Lord, are the defects of the Judgment by which the "*Tres Amigos*" was condemned, and as His Britannick Majesty has engaged, by the 5th Article of the Convention of July 28, 1817, to make good all the losses which His Cruizers might occasion to Brazilian Subjects, by the arbitrary and illegal seizures of their Vessels employed in the Slave-trade, my Government claims from that of The King the Indemnification which is due to Mr. Bernardino Antonio de Mattos, Owner of the abovementioned Prize, and I shall not fail to acquaint you with the Amount of such Indemnification, so soon as I shall have received the necessary information for this purpose.

In the meantime, I beg you, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
&c. &c. &c.

Enclosure in No. 49.

Sentence of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Vessel "Tres Amigos."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before His Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and William Smith, Esq., His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, JOSEPH REFFELL, Esq. Registrar.

Tuesday, May 15, in the Year of our Lord 1827.

"*Tres Amigos*," Manoel Francisco dos Santos Pirez, Master.

Our Sovereign Lord the King against the Brigantine or Vessel called the "*Tres Amigos*," whereof Manoel Francisco dos Santos Pirez was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, Merchandizes, and Slaves on board the same, and therewith taken and seized by a Tender of His Majesty's Ship "*North Star*," Septimius Arabin, Esq. Commander, and brought to Sierra Leone, and against all Persons in general.

William Henry Savage, Proctor on behalf of the Claimant, prayed the Claim by him given, to be admitted, and the said Brigantine, Cargo and Slaves, to be restored as claimed, with Costs, Damages, and Expences.

John Dean Lake, Proctor on behalf of the Captors, prayed the said Claim to be rejected, and the said Brigantine and Cargo to be condemned and the Slaves to be emancipated.

The said Commissary Judge and the Commissioner of Arbitration, having heard the said Claim and proofs read, pronounced the said Brigantine "*Tres Amigos*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been at the time of the Capture and Seizure thereof, engaged in the illicit traffick in Slaves, and as such subject and liable to confiscation, and condemned the said Brigantine "*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 of War "North Star," Septimius Arabin, Esq. Commander, and moreover pronounced the said Slaves, Natives of Africa, to be emancipated from slavery, and to be employed as servants or free-labourers; and also that it had been proved that at the time of passing the said Sentence, 3 Girls did compose the whole of the Slaves so decreed to be emancipated.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, May 31, in the Year of our Lord 1827.

(Signed)

JOSH. REFFELL, Registrar.

(L.S.)

No. 50.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre, 1828.

LE Capitaine de Vaisseau, Charles Bullen, Commandant de la Frégate Anglaise, "*Maidstone*," en croisière sur la Côte Septentrionale d'Afrique, a capturé le 14 Mars, 1827, le Bâtiment Brésilien "*Carlota*," qui, étant parti de Bahia, pour le Port de Molembo, où la Traite des Nègres est permise aux Sujets de L'Empereur, étoit entrée, en relâche forcée, dans celui de Badagry, pour y prendre des vivres, et faire quelques réparations.

L'Article 6^{me} de la Convention du 28 Juillet, 1817, et le 1^{er} des Instructions additionnelles, défendent expressément Mylord, la saisie de tout Bâtiment Négrier qui n'auroit point effectivement des Esclaves à bord; et tel étant le cas du Navire "*Carlota*," comme il est constaté par la Copie ci-jointe du Jugement condamatoire, que la Commission Mixte de Sierra Leone a rendu le 30 d'Avril de la même Année, il est évident que la capture et la condamnation de ce Bâtiment sont une infraction manifeste des Actes précités, lesquels ne défendent aux Bâtimens Brésiliens d'entrer dans les Ports d'Afrique, au Nord de l'Equateur, pour y prendre des vivres, ou des denrées du Pays.

De plus, comme par suite de l'Article 4^{me} de la Convention faite entre le Brésil et l'Angleterre, le 23 Novembre 1826, ainsi que de l'Acte du Parlement Britannique en date du 2 Juillet, 1827, qui la concerne, la Commission susmentionnée est devenue incompétente pour juger de telles Prises, la Sentence qu'elle a prononcé contre le Navire en question, est tout-à-fait nulle et non-avenue.

Et, puisque Sa Majesté Britannique a contracté par l'Article 5^{me} de la Convention du 28 Juillet 1817, l'engagement de bonifier toutes les pertes occasionnées par la saisie arbitraire et illégale que ses Croiseurs auroient faite des Bâtimens Brésiliens destinés au Commerce d'Esclaves, j'ai l'honneur de m'adresser à votre Excellence, par Ordre exprès de mon Gouvernement, pour lui demander l'Indemnité qui est dûe au Sieur José Cerqueira Lima, Propriétaire du Navire "*Carlota*;" et dont le montant, calculé d'après les paragraphes 1, 2, 3, 5, et 7 du Règlement annexé à la susdite Convention, est celui de Reis 43,459\$100, accru d'un Intérêt de 5 pour Cent à l'An, jusqu'à l'époque où le paiement intégral en sera effectué.

La fidélité du Gouvernement de Sa Majesté Britannique à remplir ses engagements, me garantit le succès de cette juste demande; et dans cette espérance je vous prie, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
 &c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

CAPTAIN CHARLES BULLEN, commanding the British Frigate "*Maidstone*," cruising on the Western Coast of Africa, captured, on the 14th March 1827, the Brazilian Vessel "*Carlota*," which, having left Bahia for the Port of Molembo, where the Slave-trade is allowed to the Subjects of The Emperor, had been forced to put into Badagry, to obtain provisions and make some repairs.

The 6th Article of the Convention of July 28, 1817, and the 1st of the Instructions annexed thereto, expressly forbid the seizure of any Slave-vessel which should not have Slaves actually on board; and this being the case with the "*Carlota*," as is proved by the annexed Copy of the Sentence of Condemnation passed by the Mixed Commission of Sierra Leone, on the 30th April of the same Year, it is clear that the Capture and Condemnation of this Vessel are a manifest infraction of the Acts above cited, which do not forbid Brazilian Vessels from putting into African Ports to the North of the Line, for the purpose of obtaining Provisions or Merchandize of the Country.

Moreover, the said Commission having become incompetent to decide on such Captures, in consequence of the 4th Article of the Convention concluded between Brazil and Great Britain, on the 23d November 1826, and of the Act of Parliament of July 2, 1827, relative thereto,—the Sentence which it has pronounced on the Vessel in question is, therefore, altogether null and void.

And since His Britannick Majesty has engaged, by the 5th Article of the Convention of July 28, 1817, to make good all losses which his Cruizers might occasion, by the arbitrary and illegal Capture of Brazilian Vessels employed in the Slave-trade; I have the honour to address myself to your Excellency, by direction of my Government, to demand the Indemnity which is due to M. José Cerqueira Lima, the Owner of the "*Carlota*;" the Amount of which, calculated according to the 1st, 2d, 3d, 5th, and 7th Sections of the Regulation annexed to the abovementioned Convention, is 43,459\$100 Reis; with the addition of Interest, at the rate of 5 per Cent. per Annum, to the time when payment thereof shall be completely effected.

The punctuality of His Britannick Majesty's Government, in fulfilling its Engagements, makes me confident of the success of this just demand; and in this hope I pray, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

 First Enclosure in No. 50:

Sentence, &c. of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Schooner "Carlota."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before His Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and Joseph Reffell, Esquire, His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, WILLIAM SMITH, Esq., Registrar.

Monday, the 30th day of April, in the Year of our Lord 1827.

Schooner "*Carlota*," Joze Francisco da Costa, Master.

Our Sovereign Lord The King against the Schooner or Vessel called the "*Carlota*," whereof Joze Francisco da Costa was Master, her Tackle, Ap-

parel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized and taken by His Majesty's Ship "Maidstone," Charles Bullen, C. B. Commander, and brought to Sierra Leone; and against all Persons in general.

Joze Francisco da Costa, Master of the said Schooner, prayed the Claim by him given, to be admitted, and the said Schooner and Cargo to be restored as claimed as the sole property of Joze Cerqueira Lima, of Bahia, together with Costs, Damages, and Expences.

William Henry Savage, Proctor, on behalf of the Captors, prayed the said Claim to be rejected, and the Schooner and Cargo to be condemned.

The Commissary Judge and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Schooner "*Carlota*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize therein, to have been, at the time of the Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and, as such, subject and liable to confiscation; and condemned the said Schooner, 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 Ship "Maidstone," Charles Bullen, C. B. Commander; and also that it had been proved that, at the time of passing the said Sentence, no Slaves were on board, but that the said Schooner "*Carlota*" had been captured off Badagry, in the Bight of Benin, in 6. 12. Latitude North of the Equator, in direct opposition to her Imperial Passport, marked No. 50, 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 of the Treaty signed at Vienna, the 22d January 1815.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand and affixed the Seal of the said Court, at Freetown, in the Colony of Sierra Leone, the 11th day of May, in the Year of our Lord 1827.

(Signed) JOSH. REFFELL, Registrar.

DECLARATION AND PROTEST. By this Publick Instrument of Declaration and Protest, be it known and made manifest, that on the 13th day of April, in the Year of our Lord 1827, personally came and appeared before me, William Henry Savage, Notary Publick by Royal Authority, duly admitted, sworn, and registered in the High Court of Chancery in England, Joseph Francisco da Costa, Master of the Schooner or Vessel the "*Carlota*," belonging to the Port of Bahia, in the Brazils, who did declare and say as follows:—That the said Vessel "*Carlota*," being furnished with an Imperial Passport, sailed from the said Port, in the prosecution of a Voyage for the purpose of procuring a Cargo of Slaves on the Coast of Africa. That the said Imperial Passport did especially permit the said Vessel to touch at Places to the North of the Line. Wherefore the said Schooner "*Carlota*" was brought to an anchor at Badagry, on the Coast of Africa, for the purpose of supplying the said Schooner with fresh water, for the use of the Crew of the said Vessel, and also for the purpose of purchasing provisions for the remainder of the Voyage. That while so lying at anchor at Badagry aforesaid, the said Schooner "*Carlota*" was visited, seized, captured, and detained, by His Majesty's Ship "Maidstone," whereof Commodore Charles Bullen, C. B. was Commander, for an alleged breach of the Treaties made for the suppression of illicit Slave-trade, although the said Schooner had not any Slave or Slaves on board, nor had any been shipped or received on board during the Voyage, all which was fully made to appear to the said

Captor; yet he, the said Commodore Charles Bullen, C. B. did order the said Schooner "*Carlota*" to be taken to Sierra Leone, and there proceeded against, and at which Place the said Schooner did arrive, and before the Court of Commission, was libelled and proceeded against, and was therein condemned as having been engaged in illicit Slave-trade, on this 13th day of April 1827, contrary to the express Articles of the Treaties between Great Britain and Portugal, which stipulate, that Vessels which have received any Slave or Slaves on board, or which may be found with any Slave or Slaves on board, should alone be liable to confiscation, of which fact there was full proof given, and acknowledged by the said Court, in the Judgment, that there was no Slave or Slaves found or alleged to have been taken on board during the Voyage. Therefore, he, the said Appearer, did declare to protest as well against the said Seizure as against the said Condemnation. Wherefore I, the said Notary, do, by these Presents, solemnly acknowledge the same; and, in the name of the said Appearer, do make publick and declare the same against all Persons in general, concerned in the said alleged capture and detention of the said Schooner or Vessel "*Carlota*."

Of all which an Act being required of me, I have granted the same, under my hand and Seal of Office, this 13th day of April 1827, at Freetown, in the Colony of Sierra Leone.

In testimonium veritatis. (Signed) W. H. SAVAGE, N. P.

Second Enclosure in No. 50.

Compte de l'Indemnité qui est due au Propriétaire du Bâtiment Brésilien "Carlota," injustement condamné par la Commission Mixte de Sierra Leone.

	Reis.
Pour la valeur du Bâtiment - - - -	6,720\$000
Pour celle de la Cargaison - - - -	24,033\$000
Pour celle de 10 Esclaves, marins, qui furent affranchis - - - -	5,000\$000
Pour le Fret dû - - - -	7,706\$100
Reis -	43,459\$100

Outre les frais de la Procédure, et l'Intérêt de 5 pour Cent, alloué par l'Article 8me du Règlement additionnel à la Convention du 28 Juillet 1817.

(Signed) LE CHEVALIER DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owner of the Brazilian Vessel "Carlota," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the value of the Vessel - - - -	6,720\$000
For that of the Cargo - - - -	24,033\$000
For that of 10 Slaves, sailors, who were liberated -	5,000\$000
For the Freight due - - - -	7,706\$100
Reis -	43,459\$100

Besides the Costs of Proceeding, and Interest, at the rate of 5 per Cent. allowed by the 8th Article of the Regulation annexed to the Convention of July 28, 1817.

(Signed) LE CHEV. DE MATTOS.

London, November 24, 1828.

No. 51.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

ALLANT de Bahia à Molembo pour y faire le Commerce d'Esclaves, le Bâtiment Brésilien "*Independencia*," a été obligé d'entrer, en relâche forcée, au Port d'Acará, au Nord de l'Equateur; et quoiqu'il y fut sous la portée du canon des Batteries d'un Fort Anglais, et que cette circonstance dût le mettre à couvert de tout soupçon d'une intention frauduleuse, le Capitaine Arthur Wakefield, Commandant du Brick de Sa Majesté Britannique le "*Conflict*," a crû pouvoir s'en emparer, comme il l'a fait, le 28 Fevrier 1827.

Par cet abus scandaleux de la force, le susdit Officier de Marine a violé, non seulement l'Article 5me. de la Convention du 28 Juillet 1817, qui défend absolument la détention de tout Bâtiment Négrier, qui n'auroit point effectivement des Esclaves à bord, mais aussi l'Article 2me. des Instructions additionnelles, que je vais citer ici mot-à-mot—"No Merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in a Port or Roadsted belonging to either of the Two High Contracting Powers, or within cannon-shot of the Batteries on Shore. But, in case suspicious Vessels should be found so circumstanced, proper Representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses."

Et par comble de violence et d'injustice, la Commission Mixte de Sierra Leone, où le Navire détenu a été amené, l'a condamné par un Jugement rendu le 15me Mai 1827 (dont Copie ci-jointe), et sous l'étrange prétexte d'avoir été rencontré dans un Port au Nord de la Ligne, quand il n'y a pas dans les Conventions du 22 Janvier 1815, et 28 Juillet 1817, aucun Article qui empêche les Bâtiments Brésiliens d'aborder dans les Ports d'Afrique au Nord de l'Equinoxiale, ni d'y entrer pour s'approvisionner de denrées du Pays. Dans cette décision de la susdite Commission, il y a autant d'injustice que de nullité; car l'autorité que cette Cour exerçait en vertu de la Convention précitée, a été abrogée par l'Article 4me. de celle du 23 Novembre 1826, ainsi que par l'Acte du Parlement Britannique en date du 2 Juillet 1827.

Et puisque la Sentence prononcée contre le Navire "*Independencia*," est manifestement opposée à l'esprit et à la lettre des Actes précités, et que Sa Majesté Britannique a contracté, par l'Article 5me. de la Convention du 28 Juillet 1817, l'obligation formelle de dédommager tous les Sujets de Sa Majesté Impériale qui seraient lésés par des saisies arbitraires et illégales, que ses Croiseurs auraient faites des Bâtiments Brésiliens destinés à la Traite des Nègres, mon Gouvernement réclame aujourd'hui l'indemnité qui est due au Sieur Jozé Cerqueira Lima, Propriétaire du Bâtiment condamné; et la somme, qui, en conformité des paragraphes 1, 2, 3, et 5. de l'Article 8me. du Règlement additionnel à la Convention ci-dessus mentionnée, doit lui être accordée, est celle de Reis 53,007§220 spécifiée dans le Compte annexé, avec addition d'un Intérêt de 5 pour cent à l'An, jusqu'à l'époque du remboursement effectif du montant réclamé.

Telle est, Mylord, la demande que je suis chargé de faire au Gouvernement du Roi, en invoquant sa droiture, et la réciprocité de l'acte d'équité que L'Empereur, mon Maître, vient de pratiquer envers les Sujets de Sa Majesté Britannique.

En faisant droit à une aussi juste demande, vous ajouterez de nouveaux titres, mylord, à la haute consideration, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

Son Excellence Le d. Aberdeen,
&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, November 24, 1828.

THE Brazilian Vessel "*Independencia*," on her Voyage from Bahia to Molembo, for the purpose of carrying on the Traffick of Slaves, was compelled to put into the Port of Accra, to the North of the Line; and although she lay there within the range of the guns of an English Fort, and although this fact ought to have prevented any suspicion of a fraudulent intention, Captain Arthur Wakefield, commanding His Britannick Majesty's Brig "*Conflict*," considered himself authorized to capture her, which he did on the 28th of February 1827.

By such a scandalous abuse of power, the said Officer has violated not only the 5th Article of the Convention of July 28, 1817, which positively forbids the detention of any Slave-vessel which shall not have Slaves actually on board, but also the 2d Article of the Instructions, annexed thereto, which I here quote word for word:—"No Merchantman or Slave-ship can, on any account or pretence whatever, be visited or detained whilst in a Port or Roadsted belonging to either of the Two High Contracting Powers, or within cannon-shot of the Batteries on Shore. But in case suspicious Vessels should be found so circumstanced, proper Representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses."

In order to complete this violence and injustice, the Mixed Commission at Sierra Leone, to which Place the detained Vessel was carried, condemned her, by a Sentence passed on the 15th of May 1827, (a Copy of which is hereto annexed), under the extraordinary pretext of her having been found in a Port to the North of the Line, whereas, neither in the Convention of January 22, 1815, nor in that of the 28th of July 1817, is there any Article which precludes Brazilian Vessels from touching at African Ports to the North of the Line, nor from entering them to procure the commodities of the Country. This decision of the aforesaid Commission is as invalid as it is unjust; because the power exercised by that Commission under the Convention above-mentioned, has been annulled by the 4th Article of that of the 23d November 1826, as well as by the Act of the British Parliament of July 2, 1827.

As the Sentence pronounced against the "*Independencia*" is manifestly contrary to the spirit and the letter of the Acts already quoted; and as His Britannick Majesty has formally engaged, by the 5th Article of the Convention of July 28, 1817, to indemnify all Subjects of His Imperial Majesty who should be injured by the arbitrary and illegal Capture of their Vessels employed in the Slave-trade by British Cruizers, my Government now claims the Indemnity due to M. Jozé Cerqueira Lima, Owner of the condemned Vessel; and the sum which, according to the 1st, 2d, 3d, and 5th Sections of the 8th Article of the Regulation, annexed to the above-mentioned Convention, ought to be awarded to him, amounts to 53,007§220 Reis, as is specified in the annexed Account, with the addition of interest, at the rate of 5 per Cent. per Annum, up to the time of payment of the amount claimed,

Such, my Lord, is the demand that I am charged to make to His Majesty's Government, appealing, at the same time, to its justice, and claiming reciprocity for the act of equity recently practised by The Emperor, my Master, towards the Subjects of His Britannick Majesty.

By acceding to this just demand, you will add fresh titles to the high consideration, &c.

(Signed)

LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

First Enclosure in No. 51.

Sentence, &c. of the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Schooner "Independencia."

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before His Honour Hugh Lumley, His Britannick Majesty's Commissary Judge, and William Smith, Esq. His Britannick Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Most Faithful Majesty The King of Portugal.

PRESENT, JOSEPH REFFELL, Esquire, Registrar.

Tuesday the 15th day of May, in the Year of our Lord, 1827.

Schooner "*Independencia*," Jacinto Antonio Pereira Carneiro, Master.

Our Sovereign Lord The King, against the Schooner or Vessel, called the "*Independencia*," whereof Jacinto Antonio Pereira Carneiro was Master, her Tackle, Apparel, and Furniture, and all and singular the Goods, Wares, and Merchandize on board the same, and therewith seized and taken by His Majesty's Brig "*Conflict*," Lieutenant Arthur Wakefield, Commander, and brought to Sierra Leone, and against all Persons in general.

William Henry Savage, Proctor on behalf of the Claimants, prayed the Claim by him given, to be admitted, and the said Schooner and Cargo to be restored as claimed, with Costs, Damages, and Expences.

John Samo, Proctor on behalf of the Captors, prayed the said Claim to be rejected and the said Schooner and Cargo to be condemned.

The said Commissary Judge and Commissioner of Arbitration, having heard the said Claim, and proofs read, pronounced the said Schooner "*Independencia*," her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden therein, to have been, at the time of the Capture and Seizure thereof, engaged in the illicit Traffick in Slaves, and as such, subject and liable to confiscation; and condemned the said Schooner, 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 Brig-of-War "*Conflict*," Lieutenant Arthur Wakefield, Esq. Commander, and also that it had been proved that, at the time of passing the said Sentence, no Slaves were on board, but that the said Schooner "*Independencia*," was captured in Accra Roads, North of the Equator, on the 28th day of February 1827, in direct opposition to 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 Additional Convention to the Treaty between Great Britain and Portugal, signed at London, on the 28th 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 of the Treaty, signed at Vienna, the 22d day of January 1815.

These are to certify, that the foregoing is a just and true Copy of the original Decree or Sentence, made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the Cause therein mentioned.

Extracted from the Registry of the said Commission.

In faith and testimony whereof, I have hereunto set my hand, and affixed the Seal of the said Court, at Free Town, in the Colony of Sierra Leone, the 26th day of May, in the Year of our Lord 1827.

(L.S.)

(Signed) JOSH. REFFELL, Registrar.

DECLARATION AND PROTEST. By this Publick Instrument of Declaration and Protest, be it known and made manifest, that on the 15th day of May, in the Year of our Lord 1827, personally appeared before me, William Henry Savage, Notary Publick by Authority of Parliament, duly admitted, sworn, and registered in the High Court of Chancery in England, Jacinto Antonio Pereira Carneiro, Master of the Brazilian Schooner "*Independencia*," who did declare and say as follows:—That, in the prosecution of her legal Voyage from the Brazils to the Coast of Africa, the said Schooner left the Harbour of Bahia, on the 20th day of January last, furnished with an Imperial Passport to trade in Slaves on the Coasts of Molembo and Cabinda; that on the 25th day of January following, the said Schooner "*Independencia*," was found to have sprung a leak, and made about twelve inches of water each hour; that the said leak must have arisen from some defect in the Vessel, but which had not been discovered before leaving the Brazils; that by reason of the currents and winds, the said Schooner was found to be only in N. 2. 15. 30. Latitude, on the 9th of February following, and that the said leak had increased, and that the increase thereof was occasioned by the violence of the wind; therefore it was deemed necessary by this Appearer, and the other Officers of the said Vessel, to put the said Schooner free to the wind, and make the first Port, where she might be refitted; that therefore the said Schooner was taken to Accra Roads, and there brought to an anchor under the cannon of the English Fort, and within range thereof, and was then and there repaired as circumstances would admit. That while so at anchor, on the 28th day of February last, the said Schooner or Vessel, "*Independencia*," was seized, detained, and taken possession of by His Britannick Majesty's Brig of War "*Conflict*," Arthur Wakefield, Esq. Commander, under an alleged pretence that the said Vessel was engaged in the unlawful Traffick in Slaves, when, in fact, the said Schooner or Vessel had not broke bulk, nor done any thing further than stopping the aforesaid leak, which was found to be in the bow of the Vessel, and near her fore chains. That the said Schooner or Vessel, called the "*Independencia*," whereof this Appearer was Master, was taken to Sierra Leone, where she arrived on the day of the 30th of March last, and was tried, and by the British Judges, who alone sit in the said Court, condemned, although all the facts here alleged were given in Evidence; therefore he, the said Appearer, did declare to protest, and by these presents doth most solemnly protest, as well against the said Capture, as the aforesaid Condemnation; and for losses of every description that may therein arise; the said seizure and condemnation being contrary to the Law of Nations, and contrary to all Treaties now existing between Brazil, Portugal, and Great Britain, inasmuch as the said Vessel never had, during the Voyage, any Slave or Slaves on board, nor was any traffick made in the Slave-trade, and further, the said Vessel being especially protected, as lying under the guns of a British Fort.

Wherefore I, the said Notary, at his request, have entered the said Protest, and in his name, and for all concerned, protested against all Persons in general, concerned in the aforesaid illegal Capture and Detention of the said Schooner or Vessel "*Independencia*."

Of all which an Act being required, I have granted the same, under my hand and Seal Notarial, the Day and Year above written.

In testimonium veritatis.

(Signed)

W. H. SAVAGE, N. P.

(L.S.)

Second Enclosure in No. 51.

Compte de l'Indemnité qui est due au Propriétaire du Bâtiment Brésilien, "Independencia," injustement condamné par la Commission Mixte de Sierra Leone.

	Reis.
Pour la valeur du Bâtiment - - - -	7,875\$000
Pour celle de la Cargaison - - - -	33,241\$500
Pour celle de 12 Esclaves-marins, qui furent affranchis	6,300\$000
Pour le Frêt dû - - - - -	5,590\$720
	Reis 53,007\$220

Outre les frais de la Procédure et de l'Intérêt de 5 pour Cent, alloué par l'Article 8me du Règlement additionnel à la Convention, du 28 Juillet 1817.

(Signed) LE CHEV. DE MATTOS.

Londres, ce 24 Novembre 1828.

(Translation.)

Account of the Indemnity due to the Owner of the Brazilian Vessel, "Independencia," unjustly condemned by the Mixed Commission at Sierra Leone.

	Reis.
For the value of the Vessel - - - -	7,875\$000
For that of the Cargo - - - - -	33,241\$500
For that of 12 Slave-sailors, who were liberated -	6,300\$000
For Freight due - - - - -	5,590\$720
	Reis 53,007\$220

Besides the Costs of Proceeding, and Interest, at the rate of 5 per Cent. allowed by the 8th Article of the Regulation annexed to the Convention of the 28th July 1817.

(Signed) LE CHEV. DE MATTOS.

London, November 24, 1828.

No. 52.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 24 Novembre 1828.

LA Convention du 23 Novembre 1826, relative à l'abolition finale de la Traite des Nègres, fut signé par les Plénipotentiaires de L'Empereur sous la condition expresse et formelle de ce que le Commerce d'Esclaves, que les Sujets Brésiliens avaient le droit de continuer à faire, pendant trois Ans, ne souffrirait pas aucun empêchement de la part des Croiseurs des autres Nations.

Et puisque cette clause a été itérativement violée par les Croiseurs de Sa Majesté Britannique, qui n'ont pas cessé d'enfreindre jusqu'à ce jour les Articles 5me. et 6me. de la Convention du 28 Juillet 1817, ainsi que les Articles 1er et 2d des Instructions additionnelles, qui défendent de la manière la plus positive, la détention de tout Bâtiment Brésilien qui n'aurait point effectivement à bord des Esclaves pris dans les Ports d'Afrique au Nord de l'Equateur, le Gouvernement Impérial se voit dans la nécessité de réclamer contre la continuation d'un abus, aussi manifestement contraire à la lettre des Actes précités ; et il m'a chargé d'en demander la prompte répression, en priant le Ministère du Roi de vouloir bien expédier les Ordres les plus positifs aux Croiseurs de Sa Majesté Britannique sur la Côte d'Afrique, pour qu'ils s'abstiennent de capturer les Bâtimens Brésiliens qui n'auront pas effectivement à bord des Esclaves tirés des Ports d'Afrique au Nord de l'Equateur, où la Traite des Nègres est entièrement défendue aux Sujets Brésiliens.

Telle est, Mylord, la pressante demande que j'ai l'honneur de vous faire aujourd'hui ; et elle est si juste, que je compte sur votre empressement à l'agréer, aussi que les assurances, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen.
 &c. &c. &c.

(Translation.)

MY LORD.

Park Crescent, November 24, 1828.

THE Convention of the 23d November 1826, relative to the final abolition of the Slave-trade, was signed by the Plenipotentiaries of The Emperor, under the express and formal condition that the Traffick in Slaves, which Brazilian Subjects had the right to continue, for the term of 3 Years, should suffer no interruption from the Cruizers of other Nations.

This condition having been repeatedly violated by the Cruizers of His Britannick Majesty, who have, up to this date, constantly infringed the 5th and 6th Articles of the Convention of the 28th July 1817, as well as the 1st and 2d Articles of the Instructions annexed thereto, which forbid, in the most positive manner, the detention of any Brazilian Vessel which should not actually have on board Slaves taken from African Ports to the North of the Line ; the Imperial Government finds itself compelled to remonstrate against the continuation of an abuse so manifestly contrary to the tenour of the Acts before mentioned ; and it has charged me to demand the immediate represson thereof, and to request His Majesty's Government to be pleased to despatch the most positive Orders to the Cruizers of His Britannick Majesty on the Coast of Africa, to refrain from the capture of Brazilian Vessels, which shall not actually have on board Slaves, taken from the Ports of Africa to the North of the Line, where the Slave-trade is entirely prohibited to Brazilian Subjects.

Such, my Lord, is the urgent demand which I have now the honour to make to you, and from the justice of which I anticipate that it will meet with your ready acquiescence, together with the assurance, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
 &c. &c. &c.

*The Earl of Aberdeen to The Viscount d'Itabayana.**Foreign Office, November 29, 1828.*

THE Undersigned, &c. has had the honour to receive the Note addressed to him by the Vicomte d'Itabayana, &c. on the 17th Instant, in which are renewed the Propositions contained in the Vicomte d'Itabayana's previous Note of the 26th of August, for the prolongation of the term fixed by the Convention of November 23, 1826, for the final abolition of Brazilian Slave-trade; and for the appointment of a Special Commission for the revision of the Sentences passed by the Mixed Commission at Sierra Leone, subsequently to the date of the aforesaid Convention.

With respect to the first of these Propositions, the Undersigned would have thought it unnecessary to add any thing to the Answer which it has already been his duty to return to it, on the part of his Government, in his Note of September 15th, if the course which the Vicomte d'Itabayana has judged proper to pursue, in urging a reconsideration of that Answer, did not imperatively call for a few remarks.

The Undersigned cannot conceal from the Vicomte d'Itabayana the astonishment with which he has observed the Vicomte d'Itabayana's extraordinary misconstruction of the Note presented by the Brazilian Plenipotentiaries at Rio de Janeiro, to the Plenipotentiary of His Majesty, on the 23d November 1826, upon which the Vicomte d'Itabayana founds his present application, and upon which he appears disposed to claim for Brazil a release from her obligations under the Convention.

It was the manifest object of the Plenipotentiaries, in that passage of their Note, to which the Vicomte d'Itabayana specifically refers, but which the Undersigned must be permitted to remark, he has not quite perfectly quoted in his Note of the 17th Instant, to point out two contingencies by which the Stipulations of the Convention, then about to be concluded between Brazil and Great Britain, were liable to be frustrated, to the prejudice of Brazil, by the acts of other Countries, against which contingencies the Plenipotentiaries were accordingly desirous, if possible, to obtain some security.

The contingencies here adverted to, by which Brazil was apprehensive that the Stipulations of the Convention, advantageous to the commerce of her Subjects, were liable to be rendered null and of no effect, would arise, as the Plenipotentiaries stated, and as was indeed obvious, "either if Portugal should prohibit the Slave-trade in her Ports on the Coast of Africa," (to which Ports alone, South of the Line, it was limited by the Convention,) or if "the Cruizers of other Nations should be disposed to interrupt the traffick, in virtue of Treaties on that subject with Great Britain." Against these liabilities the Note went on to ask of Great Britain some guarantee, a request which (it is hardly necessary to add) was not, and could not be, complied with.

The Undersigned can with difficulty persuade himself, that the Vicomte d'Itabayana is serious in his pretension, to attribute to this inoperative Paper the force of a qualifying Article to the Convention, to set up as a "Comminatory Clause," by virtue of which Brazil is to have the right, if she pleases, to cancel the solemn obligations of Treaty, a merely prefatory "observation," (for such is the name given to it by the Plenipotentiaries themselves) introductory to an application which was itself not complied with!—or that he can deliberately maintain that the seizure by British Cruizers of Brazilian Vessels, trading within limits distinctly prohibited by the Convention, is one of the Cases "foreseen," and described in a Paper, which, in point of fact, has no reference but to the permitted trade South of the Line,—and in which Paper no allusion is made to British Cruizers at all!

If it be possible that the Vicomte d'Itabayana should still entertain a doubt, as to the true import of the Note of the Brazilian Plenipotentiaries,

the Undersigned would refer him to the Answer returned to it, within a few days of its presentation, by the British Plenipotentiary. In that Answer, to which the Brazilian Negotiators would unquestionably have demurred, if it had contained an erroneous exposition of their sentiments on so important a point, Mr. Gordon speaks of the passage so strangely misunderstood by the Vicomte d'Itabayana, as "expressing the apprehension" of the Brazilian Plenipotentiaries, "that the stipulations of the Convention *may* become null and void," if the Cases to which they adverted should arise; and he describes the 2d of those Cases to be "the interruption of the traffick (of course the traffick sanctioned by the Convention to the South of the Line) "by *Spanish* and *American* Cruizers, in virtue of their Treaties with Great Britain."

With respect to the particular danger from the Cruizers of other Nations here alluded to, the Vicomte d'Itabayana need not to be informed, that, at the time of the conclusion of the Convention, a serious doubt existed, and was referred to in the discussions between the Plenipotentiaries, whether, after the separation of Brazil from Portugal, any legal Slave-trade could be carried on at all from any of the Portuguese Ports of Africa. The Vicomte d'Itabayana is perfectly aware that the permission to carry on that traffick at those Ports South of the Line, which was reserved to Portugal in her Treaties with Great Britain, was conceded to her at the Congress of Vienna, on the ground of the necessity of supplying the deficiency of population in the Brazils, as *Colonial Possessions of Portugal*. When, therefore, the Colonial character of Brazil was extinguished, it might be maintained that the traffick itself, so reserved to Portugal on that special ground, was extinguished too: and Vessels attempting to carry it on were obviously liable to be interrupted by the Cruizers of Nations, not Parties to the Compact between Great Britain and Brazil. It may be remarked, by the way, as a consequence of this view of the question, that the legalization of the Brazilian Slave-trade for the period of 3 Years under that Convention, was to be considered in the light of the concession of a new privilege, rather than as the limitation of an existing right.

The Undersigned now proceeds to examine the Second Proposition contained in the Note of the Vicomte d'Itabayana, respecting those Sentences which were pronounced by the Slave Commission at Sierra Leone, subsequently to the date of the Convention of 1826.

The Undersigned is again unable to conceal from the Vicomte d'Itabayana the extreme surprize with which His Majesty's Government have received his Proposition,—that those Sentences shall be considered invalid and of no effect.

The Vicomte d'Itabayana will surely admit, that it was not within the scope of the objects and intentions of the Convention of 1826, to abate or mitigate any thing of the provisions of the Treaties with Portugal, under which the Brazilian Slave-trade had, up to that period, been carried on, or to relax the Regulations, by which the abuses of that trade were restrained; but that it was, on the contrary, the peculiar object of that Convention to carry still further the principle of the existing Regulations, so far as they were binding on Brazil, by superadding to the Stipulations of the previous Treaties with Portugal, a solemn and direct Stipulation for the early total abolition of that inhuman traffick by Brazil.

This first and great provision of the Convention of 1826, which forms the subject of Article 1, was followed by the Declaration, in Articles 2 and 3, of the formal adoption by Brazil, upon her separation from the Kingdom of Portugal, of those Stipulations of the previous Treaties which were held to be, (in the words of the preamble) "binding on Brazil." And it is accordingly declared in those Articles, that the High Contracting Parties adopt and renew the provisions of the Treaties between His Britannick Majesty and the King of Portugal, of January the 22d 1815, and of July 28th 1817, under which the Slave Courts were appointed; and further agree, that all the matters and things contained in those Treaties, together with the Instructions and Regulations for the repression of illegal Slave-trade, shall be applied,

mutatis mutandis, to the said High Contracting Parties, and their Subjects, as effectually as if they were recited word for word in the Convention. The appointment of Mixed Commissions, in the form of those already established under the Treaty of 1817 (which is afterwards separately mentioned in Article 4), was amongst the Measures thus renewed and adopted.

Whilst the two Governments were thus employed, in giving a more formal sanction to provisions acknowledged to be then in existence, and adding other Stipulations for eventually extinguishing the Slave-trade, it is not to be supposed that they intended, by the same act, to suspend for an uncertain period the operation of any of the provisions actually in force. It was obvious that considerable time must necessarily elapse before the new Commissions, for which they were providing, could come into operation. The selection and appointment of the Members of those Commissions would naturally be attended with some delay; and still more would take place before the Commissioners, after their appointment, could arrive at their distant Posts, and be in a condition to enter on the duties of their Office. It is impossible to believe that the two Governments could have intended, that whatever Ships and Cargoes should be seized in the interval, should be detained without investigation or judgment for an indefinite period, to the certain deterioration of the property, and to the too probable destruction of every unfortunate Slave on board of Ships so circumstanced. It is not to be doubted, that, if such a state of things had been considered liable to result from the Convention, some provision would have been introduced into that Instrument, specifically to guard against it. But no necessity for such provision was held to exist. It was manifestly the understanding of both the High Contracting Parties to the Convention of 1826, that the Commissions then existing under the Treaties with Portugal, should, until their functions were actually superseded by the installation of the New Commissions, continue to exercise jurisdiction over cases of illegal Slave-trade, in the same manner as they had done up to that period, without objection on either side. Any other supposition would be at variance with common sense, and with the spirit and object of the Convention.

Upon these grounds the Undersigned is bound distinctly to declare, that His Majesty's Government cannot acquiesce in either of the Propositions contained in the Note of the Vicomte d'Itabayana of the 17th November.

The Undersigned, &c.

The Viscount d'Itabayana,
&c. &c. &c.

(Signed) ABERDEEN.

No. 54.

The Earl of Aberdeen to The Viscount d'Itabayana.

Foreign Office, December 1, 1828.

THE Undersigned, &c. finding that the Notes which were addressed by the Vicomte d'Itabayana, to the Earl of Dudley, on the 3d of March, upon the Cases of the Vessels "*Activo*," and "*Perpetuo Defensor*," have remained unanswered, it becomes his duty to reply to them without farther delay.

In the abovementioned Notes, demands are made by the Vicomte d'Itabayana, for payment of Indemnities, which he states have been actually awarded by the Mixed Commission at Sierra Leone, but refused by His Majesty's Government, whilst they enclose Copies of the Sentences of the said Commission in justification of the Vicomte's demands.

It is fortunate that such is the case, since it enables the Undersigned to prove at once, and unquestionably, upon a simple reference to the said Enclosures, that the above demands are perfectly unwarrantable.

If the Vicomte d'Itabayana will have the goodness to re-peruse the Enclosures of his own Despatches, he will perceive how grossly the latter have been misinterpreted. He will then be compelled to admit that, in the Case of the

“*Activo*,” the Sentence of the Commissioners, awards only Indemnities to the amount of £256 2s. 8d.; whilst it expressly states, that the Captors shall only be sentenced to pay the additional sum of £10,787 15s. 0d. “provided the British and Brazilian Governments agree, and declare, that the said sums ought to be paid according to the intent and meaning of the said Convention, and not otherwise.”

Exactly in the same manner, in the Case of the “*Perpetuo Defensor*,” the Commissioners have awarded a total of £351 10s. 0d. to the Claimants, but as there was no evidence of a similar breach of Treaty, in both Cases, by the Vessels in question, the payment of further Indemnities to the amount of £1,382 9s. 8d. and 79,716,000 Reis, was made to depend upon a subsequent Agreement betwixt the two Governments.

It can only remain, therefore, for the Undersigned to express his unfeigned surprize, that the Vicomte d’Itabayana, in his Notes of the 3d of March, should demand of the British Government, payment of the sums of £256 2s. 8d. in the Case of the “*Activo*,” and of £351 10s. 0d. in the Case of the “*Perpetuo Defensor*,” both of which had actually been paid to the Claimants, previously to the date of the said Notes, and that he should also have put forward a demand for payments, which are expressly ordained, according to the very Documents referred to by the Vicomte, to be suspended.

It is not the fault of His Majesty’s Government, that the Agreement in question has not been concluded with the Government of Brazil.

It was officially and earnestly pressed for, by His Majesty’s Minister at Rio de Janeiro, in the Months of July and December 1827, and again in June 1828, but Mr. Gordon’s repeated Representations have been left unnoticed by the Brazilian Government, of which fact it can hardly be necessary for the Undersigned to take this opportunity to remind the Vicomte d’Itabayana.

The Undersigned avails himself, &c.

The Vicomte d’Itabayana,
&c. &c. &c.

(Signed) ABERDEEN.

No. 55.

The Earl of Aberdeen to The Viscount d’Itabayana.

Foreign Office, December 2, 1828.

THE Undersigned has the honour to acknowledge the receipt of the Letter addressed to the Earl of Dudley by the Vicomte d’Itabayana on the 3d of March last, enclosing a Copy of the Sentence passed by the Court of Mixed Commission at Sierra Leone, in the Case of the Brazilian Brig “*Hiroina*,” by which Sentence that Vessel and her Cargo were condemned as good and lawful Prize, as having, whilst on a Voyage of Slave-trade, been found and captured off the Port of Lagos, which is to the North of the Equator, in direct contravention of the Imperial Passport under which the Vessel sailed, and under which she was bound to enter solely those Ports and Places where the Slave-trade is permitted, and in opposition also to the true intent and meaning of the 2d Article of the Convention of July, 1817, between Great Britain and Portugal, defining the limits within which the Slave-trade is permitted to the Subjects of Brazil.

The grounds upon which the Vicomte d’Itabayana impugns the Sentence, and claims indemnity in the Case of this Vessel, are, first, that her infringement of the Passport was not an infringement of the Convention under which she was condemned; and, 2dly, that the 6th Article of the Convention, and the 1st of the Additional Instructions, forbid, in a most absolute manner, the Capture of Brazilian and British Vessels, excepting where Slaves are actually on board.

With respect to the first point, the Undersigned has only to observe, that if it cannot be denied that the Passport is part, and a material part, of the Regulations of the Convention, and that the Passport has been infringed, he

is at a loss to understand how it can be maintained that the Convention itself was not infringed by the act in question.

Upon the 2d point, the Undersigned admits, that the 6th Article of the Convention, and the 1st of the Additional Instructions, positively forbid the Capture of any Vessel not having Slaves actually on board.

This, however, is not the whole of the Case.

The Brazilian Government themselves have departed, in respect to Passports, both from the spirit and the letter of the original Convention, not only by allowing their Subjects to infringe, with impunity, the Stipulations of the Convention, with respect to the Passports actually granted to them, but by issuing Passports for Slave-trading, containing Provisions directly at variance with the terms to which the Brazilian Government were bound, under the Convention, to adhere in respect to the issue of those Documents.

And when His Majesty's Representative at Brazil remonstrated, by order of his Court, with the Government of that Country, both upon the impunity with which their Subjects were allowed to infringe the Treaty in respect to Passports, and upon their own infringement of the Convention in the promulgation of Licences, which that Instrument did not authorize; the Brazilian Government declined to apply a specifick remedy of their own to either of these abuses, but replied by suggesting to the British Government, in the Note of M. de Barbosa, of the Month of October 1825, that the said abuses might be dealt with under the Treaty, by which M. de Barbosa states, "means are afforded for preventing the illicit trade in Slaves," and that "every measure therein established might be applied for the purpose in question."

His Majesty's Government had then no alternative. It was impossible that they should construe the declaration of M. de Barbosa, as an avowal of the determination of the Brazilian Government that the Convention should be broken, and that no penalties should ensue. They accordingly construed it in the only sense in which, as a declaration from a friendly Power, it could reasonably be understood, namely, that although it suited the convenience of the Government of Brazil, in its relations with its own Subjects, to give a latitude to the Convention, in one way, by permitting their Slaving-vessels to touch at Points where the Slave-trade is not permitted, they were ready to admit, on the other hand, that if Ships should be found under circumstances which proved the intention to infringe the Convention at those Points, the penalties of the Convention might be applied to such Cases.

The penalties of the Convention are those of Capture and Condemnation; and the British Government, upon the receipt of the declaration of M. de Barbosa, gave orders accordingly, to the British Commissioners and Cruizers, to use the latitude thus given to the meaning of the Convention; and under those orders, Vessels have been captured, and Cases of Condemnation have taken place, such as are complained of in the Note of the Vicomte d'Itabayana, in the Case of the "Hiroina."

To have acted in any other manner, would have been to acquiesce in a virtual extinction of a part of the Convention, in one of the most important provisions for preventing the Slave-trade North of the Line.

His Majesty's Government, therefore, cannot admit the Claim for indemnity, which has been brought forward by the Vicomte d'Itabayana, in the Case of the "Hiroina," condemned justly, as the British Government contend, for infringing the conditions of the Treaty, in her having, while on a Slave-trade Voyage, proceeded for purposes of Slave-trade, to Points, where, by the Treaty, the Slave-trade is not permitted.

If the Brazilian Government object to the view taken on the subject by the British Government, they have it always in their power to bring about a restoration of the stricter practice, by returning themselves to the strict terms of the Convention.

The most effectual way, however, of putting an end to all risk of future misunderstanding, on the Points on which differences have arisen, as to the interpretation of the Treaty, will be by agreeing to an Article, such as has been already urged upon the Brazilian Government, in relation to these very Cases, and such as has been concluded by the Government of the Netherlands,

for subjecting Vessels to Capture and Condemnation, whenever furnished with equipments evidently for Slave-trade, and met with in Latitudes, which none ever frequent excepting for purposes of illegal Slave-trade.

The Undersigned avails himself &c.

The Viscount d'Itabayana,
&c. &c. &c.

(Signed)

ABERDEEN.

No. 56.

The Viscount d'Itabayana to The Earl of Aberdeen.

MYLORD,

Park Crescent, ce 4 Decembre, 1828.

L'EXPEDITION de la maille du Brésil étant fixée à Samedi prochain, et désirant d'informer mon Gouvernement sur le résultat des Propositions que je vous ai faites par mes Notes du 17 et 24 de Novembre dernier, relativement à la prolongation du terme fixé pour l'abolition finale de la Traite des Nègres, et à la repression des abus que les Croiseurs Anglais continuent à commettre, en détenant des Bâtimens Brésiliens qui n'ont point des Esclaves à leur bord; je vous prie de vouloir bien m'honorer d'une Réponse, afin que je puisse la transmettre à ma Cour par cette occasion.

J'ai, &c.

(Signed) LE VICOMTE D'ITABAYANA.

Son Excellence Lord Aberdeen,
&c. &c. &c.

(Translation.)

MY LORD,

Park Crescent, December 4, 1828.

THE departure of the Brazil Mail being fixed for Saturday next, and being desirous of informing my Government of the result of the Propositions made to you, in my Notes of the 17th and 24th Ultimo, relative to the prolongation of the term fixed for the final abolition of the Slave-trade, and to the repression of the abuses which British Cruizers continue to commit, in detaining Brazilian Vessels not having Slaves on board; I have to request that you will be so good as to honour me with a Reply, in order that I may transmit the same to my Court, by this opportunity.

I have, &c.

(Signed) LE VICOMTE D'ITABAYANA.

His Excellency The Earl of Aberdeen,
&c. &c. &c.

No. 57.

The Earl of Aberdeen to The Right Hon. Lord Ponsonby.

MY LORD,

Foreign Office, December 6, 1828.

I HEREWITH transmit to your Lordship, for your information and guidance, the Copies of Correspondence, which has passed between the Vicomte d'Itabayana and myself, upon the subject of Propositions, which have been made on the part of the Government of Brazil, for extending the period

at present fixed for the abolition of Brazilian Slave-trade, and for a revisal of Sentences passed by the Mixed Commission at Sierra Leone upon the Cases of Brazilian Slave-ships; I also enclose to your Lordship, Copies of my Correspondence with the Vicomte d'Itabayana, in the specifick Cases of the "*Activo*," "*Perpetuo Defensor*," and "*Hiroina*."

Your Lordship will perceive, that my Note of the 29th of November last, in reply to that addressed to me on the 17th of the same Month, by M. d'Itabayana, comprizes also an answer to the Propositions contained in the Note addressed by the Marquez de Aracaty to Mr. Gordon, on the 4th of June, 1828.

I have to point out to your Lordship's attention; 1st, that His Majesty's Government refuse to admit any modification of that Stipulation of the Convention of November 23, 1826, which limits the duration of Brazilian Slave-trade to a period of 3 Years, subsequent to the exchange of the Ratifications of that Convention;—a Stipulation which marks the termination of that trade at the 13th of March 1830.

2dly. That His Majesty's Government decline the Proposition of the Brazilian Government, to establish a Commission for the revisal of all the Sentences which have been passed by the Mixed Commission at Sierra Leone upon Brazilian Vessels.

3dly. That His Majesty's Government maintain and uphold the validity of those Sentences pronounced by the Mixed Commission at Sierra Leone, between the period of the promulgation of the Convention of 1826, and that of the establishment of a Commission, purely British and Brazilian, at Sierra Leone.

4thly. That His Majesty's Government, at the same time that they reminded the Brazilian Minister, that by the Treaties upon Slave-trade, binding upon Brazil, the Sentences by the Mixed Commissions under those Treaties are final and without appeal; declared that, as the particular Sentences adverted to, in the Cases of the "*Activo*," "*Perpetuo Defensor*," and "*Hiroina*," involved an extension of that principle in the Treaties, by which it was formerly held, that the Sentences of the Mixed Commission were limited; His Majesty's Government was willing, and desirous, in respect to the points in question, to come to such an agreement with the Brazilian Government, as should terminate the differences which had arisen, upon the subject of the application of the principles involved in the Treaty.

I have further to observe to your Lordship, in the present stage of the proceedings on these points, that His Majesty's Government are determined to adhere to the principles contained in the declaration, which was made to the Portuguese Government by His Majesty's Representative, so far back as October 1823, that "no compensation whatever can be due to Traders, in cases of traffick carried on under circumstances which constitute illicit trade; whilst, on the other hand, no condemnation of a Vessel ought to take place, when the Capture is made at a Spot, not absolutely within the bounds prescribed for capture by the Treaty."

If it should be observed, that this declaration, while it denies compensation to all Vessels found illegally trading, does not maintain their liability to condemnation, excepting when found to the North of the Line, and that it does not therefore embrace the question, whether Vessels trading contrary to Treaty, by irregular Licences, or by acting contrary to their proper Licences, or by touching at Ports prohibited, or by otherwise infringing the Treaty, whether with or without Slaves on board, might, by the act of infringement of the Treaty, be considered as liable to capture under that Compact; His Majesty's Government answer, that this point is settled by the declaration of the Brazilian Government themselves; who, declining to use their own means of punishing those of their Subjects, who should infringe the Treaty, left it to the British Government to repress the evil, by applying to those Cases the remedy which the Treaty between the two Countries furnished.

The only remedy given by the Treaty to Great Britain, as applying to Brazilian Subjects, was the penalty of Capture and Condemnation of the Vessel and Cargo engaged in the illicit Slave-trade.

His Majesty's Government have so applied the Treaty to the Cases in question; and, until further arrangement between the two Countries shall take place upon the subject, your Lordship will bear in mind, that these are the principles, and this is the practice, maintained by this Country.

I am, &c.

(Signed) ABERDEEN.

The Right Hon. Lord Ponsonby,
&c. &c. &c.

No. 58.

Mr. Vice Consul Heatherly to John Bidwell, Esq.—(Received March 15.)

SIR,

Rio de Janeiro, January 15, 1828.

I HAVE the honour to transmit herewith, a Return of the number of Slaves imported into this City, from July 1st to December 31st last.

I have, &c.

John Bidwell, Esq.
&c. &c. &c.

(Signed) A. J. HEATHERLY.

Enclosure in No. 58.

Return of Slaves imported into Rio de Janeiro, from the 1st of July to the 31st of December, 1827.

Date of Arrival.	Whence.	Vessels' Names.	Days out.	No. of Slaves Shipped.	No. of Slaves died on Passage.
1827.					
July 11	Ambris - - -	Eclipse - - -	45	281	5
" 13	Cabinda - - -	Flor do Rio - - -	35	510	10
" "	Do. - - -	Andas, robbed by a Privateer, - - - 355 }	37	143	8
" 15	Benguella - - -	Imperador do Brazil - - -	36	316	47
" 21	Do. - - -	Leona Africana - - -	27	428	27
" 25	Angola - - -	Conceição e Pasos - - -	37	478	82
August 1	Ambris - - -	Tres Corações - - -	39	577	4
" 2	Cabinda - - -	Nova Distino - - -	36	576	5
" 12	Benguella - - -	Camoos - - -	26	616	20
" 31	Angola - - -	Commerciante - - -	29	484	31
" "	Do. - - -	Boa Viagem - - -	30	321	22
September 8	Ambris - - -	Brilhante - - -	25	338	1
" "	Do. - - -	Triunfo - - -	26	314	8
" 29	Angola - - -	Dois Amigos - - -	33	472	8
" "	Benguella - - -	Bella Eliza - - -	38	253	24
October 4	Ambris - - -	Novo Providencia - - -	35	212	None
" 13	Bahia - - -	Fortuna - - -	11	161	None
" 15	Molembo - - -	Voadora - - -	34	186	9
" "	Bahia - - -	Commerciante - - -	20	75	None
" 16	Molembo - - -	Estreila do Mar - - -	34	225	2
" 28	Do. - - -	Arccnia - - -	35	272	2
" "	Ambris - - -	Veloz - - -	36	261	50
November 1	Do. - - -	Dezengano - - -	30	545	34
" "	Do. - - -	Cotia - - -	28	305	3
" "	Pernambuco - - -	Mercês e Pasos - - -	"	26	None

Enclosure in No. 58, continued.

Date of Arrival.	Whence.	Vessels' Names.	Days out.	No. of Slaves Shipped.	No. of Slaves died on Passage.
1827.					
November 9	Cabinda - - -	Rainunculo - - -	40	382	5
" 14	Do. - - -	Ullises - - -	32	450	None
" 20	Angola - - -	Feliz Eugenia - - -	40	720	33
" 26	Cabinda - - -	30e de Marco - - -	28	448	28
December 6	Angola - - -	Primoroso - - -	39	440	4
" 10	Cabinda - - -	Maria Justina - - -	37	570	8
" "	Rio Zaire - - -	Novo Athalanta - - -	48	195	2
" "	Do. - - -	Efegenia - - -	36	201	4
" 11	Bahia - - -	Conceição Oliveira - - -	14	717	11
" 14	Cabinda - - -	Legerio - - -	30	360	6
" "	Ambris - - -	Carolina - - -	27	270	4
" 17	Benguella - - -	Maria - - -	37	375	15
" 18	Ambris - - -	Velho de Dia - - -	28	230	None
" 21	Cabinda - - -	Josephina - - -	42	146	None
" 22	Benguella - - -	Trajano - - -	37	454	2
" 28	Cabinda - - -	Esperança - - -	56	483	69
" 29	Moçambique - - -	Industria - - -	55	665	8
Total Number			-	15,481	601

(Signed) A. J. HEATHERLY, Acting Consul-General.

Rio de Janeiro, January 15, 1828.

No. 59.

Mr. Vice-Consul Heatherly to The Earl of Dudley.—(Received May 27.)

MY LORD,

Rio de Janeiro, March 13, 1828.

I HAVE the honour to acknowledge the receipt of your Despatch, dated the 26th of December last, together with its Enclosures, in which you desire me to transmit such particulars as I can obtain, respecting 4 Brazilian Vessels, which were boarded by His Majesty's Brig "*Conflict*," at Lagos Bay, under suspicious circumstances, but which were found on examination to be furnished with Mercantile Passports.

I beg leave to say, that I have made every enquiry possible in this City, without being able to obtain the least information respecting them, they not having been fitted out from this Port; but as the Vessels belong to the Port of Bahia, I shall transmit a Copy of your Lordship's Despatch to Mr. Pennell, His Majesty's Consul at that Port, with directions to forward such information to your Lordship, as he may be enabled to obtain thereon.

I have, &c.

(Signed) A. J. HEATHERLY.

The Right Hon. The Earl of Dudley,
&c. &c. &c.

No. 60.

Mr. Vice-Consul Heatherly to John Bidwell, Esq.—(Received June 24.)

SIR,

Rio de Janeiro, April 26, 1828.

I HAVE the honour to enclose to you, a Return of the Number of Slaves imported into this City and Province, from January 1st to March 31st 1828,

by which you will observe, that the number imported this Quarter nearly equals that of any previous Half-Year.

I have, &c.

(Signed) A. J. HEATHERLY.

John Bidwell, Esq.
&c. &c. &c.

Enclosure in No. 60.

Return of the Number of Slaves imported into Rio de Janeiro, from the 1st of January to the 31st of March 1828.

Date.	Whence.	Vessels' Names.	Days out.	Number of Slaves.	Number of Slaves died on Passage.
1828.					
January 1	Ambris	General Rego	30	391	6
" "	Quilimaine	28 de Maio	70	504	14
" 3	Rio Zaire	Uniao Felix	26	351	None.
" 5	Benguela	Economia	32	350	None.
" 7	Cabinda and Bahia . .	{ Tejo, shipped 420, had taken from her at Sea 326 }	74	94	None.
" 8	Mozambique	7 de Março	62	604	87
" 10	Rio Zaire	Forcato	31	254	None.
" "	Quilimaine	Golfinho	53	549	40
" 17	Moçambique	Anibal	56	836	90
" "	Ambris	Conde dos Arcos	32	320	22
" 20	Moçambique	Flor	52	644	32
" 24	Cabinda	Nova Amazona	38	396	14
" 25	Angola	Seis de Fevereiro	41	375	14
" 28	Quilimaine	Seis de Fevereiro	54	430	17
" 29	Cabinda	Henriqueta	33	401	12
" 30	Angola	Mercantil	26	722	11
February 5	Do	Violante	33	254	8
" 8	Cabinda	Cometa	28	386	18
" 18	Molembo and Cabinda	Mercantil	30	160	32
" 24	Cabinda	Marquez de Pombal	32	334	7
" "	Bahia	Vingador	8	597	None.
" "	Do	Felicidade	8	322	None.
" 25	Cabinda	Ligeira	26	225	None.
March 2	Benguela	Leo a Africana	32	411	11
" 3	Quilimaine	Hercules	58	592	42
" 4	Ambris	Cassador	32	521	None.
" "	Cabinda	Ulisses	49	588	2
" 10	Cabo da Angola	Aurora	35	516	28
" 17	Cabinda	Bella Americana	40	351	8
" 19	Quilimaine	Viagente	62	636	124
" 22	Do	Minerva	63	460	41
" "	Rio Zaire	Galiana	30	225	None.
" 25	Cabinda	Astrea	68	931	189
" "	Moçambique	4 de Abril	73	663	59
" 26	Cabinda	{ Polifena, shipped 360, had taken from her at Sea 328 }	34	32	None.
" 30	Pernambuco	Triunfo do Mar	12	58	None.
		Total	-	15,483	928

(Signed) A. J. HEATHERLY.

Rio de Janeiro, 26th April, 1828.

Mr. Consul Pennell to The Earl of Dudley.—(Received February 13, 1828.)

(Extract.)

Bahia, December 1, 1827.

NOTWITHSTANDING the unusual number of Slave-vessels belonging to this Port, which have been this Year captured by our Cruizers on the Coast of Africa, the illicit Importation of Slaves has augmented, and the Market is so much overstocked, that 3 Vessels sailed the 26th Ultimo for Rio de Janeiro, having on board 1,131 Slaves.

I am informed that the illicit Slave-trade this Year, in its general result, has been more profitable than any other Mercantile undertaking from this Port.

Two French Brigs-of-War were here in August last, after having been employed for some Months on the Coast of Africa, for the suppression of the Slave-trade: the Commanders informed me that they had captured 8 Vessels bearing the French Flag, but that their observation and experience had convinced them of the inefficacy of the present system to suppress the traffick, and that this conviction was very general amongst the most intelligent English Residents on the Coast of Africa, with whom they had intercourse.

I shall forward a Copy of this Despatch to His Majesty's Minister at Rio de Janeiro.

(Signed) WM. PENNELL.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

Mr. Consul Pennell to The Earl of Dudley.—(Received April 9, 1828.)

MY LORD,

Bahia, December 24, 1827.

I HAVE the honour to enclose a Copy of my Letter of the 12th Instant, to the President of this Province, respecting the admeasurement of Slave-vessels, and particularly of the Brazilian Brig "*Tejo*," and also of his Replies of the 14th and 20th Instant.

By the Letter your Lordship will find, that he has determined to put the Order of His Imperial Majesty into effect on this subject, as communicated in a Portaria, dated 12th August 1824.

The President's decision gives me the greater satisfaction, as all my endeavours with his Predecessors to obtain this object were ineffectual, although they have been *frequent* and *urgent*, in consequence of the anxious desire entertained by Mr. Canning, for the correction of an abuse "so much at variance with the principles of humanity," as stated in his Despatch of the 16th March 1825, to His Majesty's Consul General.

The President told me, that his decision would create much ill-will towards him, but that he was determined not to be deterred from the execution of his duty, which, he thinks, consists, as regards this Question, in carrying into effect the Imperial Orders as expressed in the aforesaid Portaria.

I have this day had an interview with the Intendente da Marinha, (Commissioner of the Dock Yard,) who has assured me, that the new Regulation shall be faithfully carried into effect in his Department; the practical result of this alteration was manifested in the instance of a Vessel, called the

"Henriquetta," which was, under the Old System, allowed to carry 600 Slaves, but which, under the Portaria, would be allowed to carry only 490.

I feel persuaded of the sincerity of the President, and of the Intendente in the assurances they have given me.

I shall forward a Copy of this Despatch to His Majesty's Minister at Rio de Janeiro.

I have the honour, &c.

(Signed)

WM. PENNELL.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

First Enclosure in No. 62.

Mr. Consul Pennell to The President of Bahia.

SIR,

Bahia, December 12, 1827.

I HAVE the honour to call your Excellency's attention to the fact stated in the Publick Register, kept at the Arsenal, that the Brazilian Brig "*Tejo*," of 149 tons, arrived here on the 7th Instant, with 99 Slaves only, out of 422, of which her Cargo originally consisted; the number shipped exceeds by 50 Slaves what she was authorized to carry by her admeasurement, although that admeasurement admits of a number greater than what is sanctioned by Treaty, and by the dictates of humanity, as appears by the Portaria of the 12th August 1824, adverted to in my Letter of the 30th July last to His Excellency the Vice-President, in which Portaria is also expressed the sentiments of indignation with which His Imperial Majesty reprobates such odious practices.

I have the honour, &c.

(Signed)

WM. PENNELL.

His Excellency The President of Bahia,
 &c. &c. &c.

Second Enclosure in No. 62.

(Translation.)

The President of Bahia to Mr. Consul Pennell.

MOST ILLUSTRIOUS SIR,

Palace of the Government of Bahia,
December 14, 1827.

BEING entirely unacquainted with the nature of admeasurement of Tonnage of the Brazilian Vessels, which forms the object of your Letter, of date the 12th Instant, and wishing to acquire a true knowledge of the same, I have addressed the *Chefe de Divisao Intendente da Marinha*, in order that he may give me the necessary intelligence respecting the same, and further, that he inform me if the Portaria of the 12th of August 1824, from the Secretary of State's Office for Foreign Affairs, which regulated similar Admeasurements, has been duly attended to in this Province.

Which I communicate to you, Sir, in order that you may be assured that I do not treat with indifference affairs of this nature, and which demand equal interest in the Treaty concluded between the Governments of Brazil and Great Britain.

God preserve you.

(Signed)

JOZE EGIDIO GORDILHO DE BARBUDA.

William Pennell, Esq.

Third Enclosure in No. 62.

(Translation.)

*The President of Bahia to Mr. Consul Pennell.**Palace of the Government of Bahia,
December 20, 1827.*

MOST ILLUSTRIOUS SIR,

IN consequence of your Letter of the 12th Instant, having consulted the Chefe de Divisao Intendente da Marinha, respecting the admeasurement of Tonnage, which in that Department is made on Vessels that proceed on the licit traffick of Slaves, it becomes me to inform you, that I have ordered the same Intendente that he put in effective execution the Portaria of the 12th of August 1824, as is therein resolved by His Majesty The Emperor.

In as much as respects the Admeasurement of the Brazilian Brig "*Tejo*," which formed the object of your aforesaid Letter, I am informed by the said Intendente, that her Admeasurement was not made here, it appearing only from the Registry of that Department, that she sailed from Cabinda for Rio de Janeiro, and put in here in distress, after 43 days' Voyage, with a Cargo of 99 Slaves.

God preserve you.

(Signed) JOZE EGIDIO GORDILHO DE BARBUDA.

William Pennell, Esq.

No. 63.

Mr. Consul Pennell to The Earl of Dudley.—(Received April 9.)

MY LORD,

Bahia, January 14, 1828.

I HAVE the honour to enclose a Copy of my Despatch of the 10th Instant, to His Majesty's Minister at Rio de Janeiro, respecting a Vessel, called the "*Adelaide*," under Brazilian Colours, but of which French Subjects are supposed to be Part Owners.

I have the honour, &c.

(Signed) WM. PENNELL.

*The Right Hon. The Earl of Dudley,
&c. &c. &c.*

Enclosure in No. 63.

Mr. Consul Pennell to The Right Hon. Robert Gordon.

SIR,

Bahia, January 10, 1828.

I HAVE the honour to inform you, that a Vessel, called the "*Adelaide*," sailed on the 5th Instant, under Brazilian Colours, cleared out for the Coast of Africa on the Slave-trade.

The general belief is, that she is destined for the illicit commerce North of the Line, and that French Subjects are part Owners: under this belief the French Consul has deemed it his duty to refuse Passports to the French Subjects who have embarked on her as Passengers, and to report to his Government; observing however that there is no legal proof to be obtained to substantiate the facts.

It is a great satisfaction to me to remark, that although I have reason to believe that a participation in the Slave-trade, under the Brazilian Flag, promises great profit, and that overtures for this participation have not unfre-

quently been made by Brazilian Slave-traders to British Merchants, no instance, no suspicion even, has occurred that such overtures have ever been entertained by any of His Majesty's Subjects, within the period of my residence in this Province.

I have the honour, &c.

(Signed)

WM. PENNELL.

The Right Hon. Robert Gordon,
 &c. &c. &c.

No. 64.

Mr. Consul Pennell to The Earl of Dudley.—(Received May 6.)

MY LORD,

Bahia, February 12, 1828.

I HAVE the honour to enclose a Copy of my Despatch of the 8th Instant, to the President of this Province, respecting the excessive number of Slaves brought by the Brazilian Brig "*Felicidade*," and of his Reply of this date, stating that he had given such Instructions as the Case required.

I find that this Vessel was the subject of my Despatch to Mr. Canning of 16th June last.

I have, &c.

(Signed)

WM. PENNELL.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

First Enclosure in No. 64.

Mr. Consul Pennell to The President of Bahia.

SIR,

Bahia, February 8, 1828.

I HAVE the honour to state to your Excellency that, (as appears by the Register of the Port,) the Brazilian Brig "*Felicidade*" arrived here the 6th Instant, with a Cargo of 532 Slaves, stated to be from Cabinda.

I am informed that this Vessel was measured in Lisbon last Year, in 144 tons; she was afterwards measured here for the Slave-trade, and allowed to carry 505 Slaves, thereby encreasing the measurement to 202 tons.

It appears, therefore, that she received on board 27 Slaves more than her Passport allows, and 172 Slaves more than the Lisbon measurement would have justified, besides the number who may have died on the passage.

These facts violate the spirit of the Portaria of the 12th August 1824, which your Excellency has so justly determined to enforce, and I am persuaded it is only necessary to ascertain the truth of this statement, in order to induce your Excellency to adopt such measures as your sentiments will dictate, and the Laws authorize.

I have the honour, &c.

(Signed)

WM. PENNELL.

His Excellency The President of Bahia.

Second Enclosure in No. 64.

(Translation.)

The President of Bahia to Mr. Consul Pennell.

Palace of the Government of Bahia,
February 12, 1828.

MOST ILLUSTRIOUS SIR,

YOUR Letter which you directed to me, under date of the 8th Instant, was duly received, respecting the Brazilian Brig "*Felicidade*," and the ex-

cessive number of Slaves brought in her, to which I have to reply, that as regards the 27 Slaves brought beyond those permitted by the Passport, I gave immediately the necessary directions, and as to the remainder of your Letter I agree with the Communication of the Intendente da Marinha, which was remitted to you in a Letter of the 7th August last Year.

God preserve you.

(Signed) JOZE EGIDIO GORDILHO DE BARBUDA.

William Pennell, Esq.

No. 65.

Mr. Consul Pennell to The Earl of Dudley.—(Received May 6.)

MY LORD,

Bahia, February 14, 1828.

WITH reference to my Despatch of the 24th December last, I have the honour to inform your Lordship, that I have had the satisfaction to see the Imperial Orders contained in the Portaria of the 12th August 1824, practically enforced, in the instance of the Brazilian Slave-vessel "*Tres Amigos*." She had been measured to carry 658 Slaves, which has been so far reduced, that her actual Passport granted on the 12th Instant, allows her to carry only 537, being a diminution of 121.

I shall forward to His Majesty's Minister at Rio de Janeiro, Copy of this Despatch, and of that of the 12th Instant, of this Series.

I have the honour, &c.

(Signed)

WM. PENNELL.

The Right Hon. The Earl of Dudley,
&c. &c. &c.

No. 66.

Mr. Acting Consul Weiss to The Earl of Dudley.—(Received June 17.)

MY LORD,

Bahia, April 28, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, addressed to Consul Pennell, of the 26th of December last, containing a List of 4 Brazilian Vessels, belonging to this Port, which had been boarded, under suspicious circumstances, by His Majesty's Brig "*Conflict*," at Lagos Bay, but which were found, on examination, to be furnished with Mercantile Passports. In obedience to your Lordship's commands, I have, without loss of time, made the necessary enquiries, the result of which I have now the honour to lay before your Lordship, transmitting Copies of my Correspondence with the President of this Province on this subject.

I have also the honour to inform your Lordship, that the "*General Almeida*," João Sabino, Master, was taken and destroyed by Pirates, on the Coast of Africa, as well as the "*Victoria*," Joze Maria Alvez, Master; that the "*Cooperador*," which, in the List transmitted to this Office, was mentioned erroneously under the name of "*Comprador*," has since been taken on the Coast of Africa by a British Cruizer, was carried into Sierra Leone, and released, by His Majesty's Mixed Commission at that Colony; but that I have been unable to obtain any information of what became of her since, and that the "*Aguia da Bahia*," Joaquim Gomez de Mello, Master, mentioned in your Lordship's List, under the name of "*Agoa da Bahia*," and which, as stated by

the President, had taken out a Passport for Slaves, has returned to this Port on the 9th of January last, with a Cargo of 149 Slaves, stated to come from Cabo Lopo; the Owner's name is Joaquim Joze Teixeira, a Merchant of this City.

I have, &c.

(Signed)

CHARLES G. WEISS.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

First Enclosure in No. 66.

Mr. Acting Consul Weiss to The President of Bahia.

SIR,

Bahia, April 16, 1828.

HAVING received a Despatch from the Earl of Dudley, His Britannick Majesty's Secretary for Foreign Affairs, of the 26th of December last, with a Statement, forwarded to his Lordship by His Majesty's Commissioners at Sierra Leone, stating, under date of the 28th of September last, that the following 4 Vessels belonging to this Port, namely, the "*General Almeida*," "*Comprador*," "*Aguia da Bahia*," and "*Victoria*," had been boarded at the Port of Lagos, by Lieutenant Wakefield, of His Majesty's Brig "*Conflict*," under suspicious circumstances. I have the honour to request that your Excellency will be pleased to transmit to me a statement, with what Passports the abovementioned Vessels were furnished here when leaving this Port, and whether they had cleared out for the purpose of trading in Slaves, or for the object of trading in African produce only, and their respective dates.

I have, &c.

(Signed)

CHARLES G. WEISS.

His Excellency the President of Bahia.

Second Enclosure in No. 66.

(Translation.)

The President of Bahia to Mr. Acting Consul Weiss.

SIR,

Palace of Government of Bahia, April 19, 1828.

HAVING received Yesterday the Letter which you had directed to me, under date of the 16th Instant, and by which you require a declaration, stating what Passports the following Vessels were furnished with, namely, the "*General Almeida*," "*Comprador*," "*Aguia da Bahia*," and "*Victoria*," stating, moreover, if these Vessels took Passports for trading in Slaves, or for trading in African produce only, and under what dates those Passports were given; and having immediately given orders that the necessary investigation should be proceeded in, by means of the Books of the Secretaria of this Government; it appears, 1st, that the Brig "*General Almeida*" took a Passport, dated February 17, 1827; to trade on the Coast of Mina (Gold Coast) in cloths and oil, and not in Slaves; 2d, That it does not appear that there exists any Vessel of the name of "*Comprador*," and much less that she obtained Despatches from this Government; 3d, It appears that the Schooner "*Aguia da Bahia*," on the 18th of May 1827, took a Passport (No. 15) for going to Cape Lopo, and there to trade in Slaves, being allowed to carry 280 of them; 4th, That, under the name of "*Victoria*," 2 Vessels were dispatched, viz. a Smack, on the 20th of February, with Passport No. 7, for Ambriz, by way of Lisbon, licensed to carry 292 Slaves; and on the 23d of the same Month and Year, a Schooner, of the name of "*Victoria*," taking out a Passport for

Coast of Mina, for the purpose of a licit trade in cloths and oil, and not in Slaves. This is what appears respecting the Vessels of which you make mention in your Letter.

God preserve you.

(Signed)

JOZE EGIDIO GORDILHO DE BARBUDA.

Mr. Charles G. Weiss.

Third Enclosure in No. 66.

Mr. Acting Consul Weiss to The President of Bahia.

SIR,

Bahia, April 22, 1828.

I HAD the honour to receive your Excellency's Letter of the 19th Instant, and beg to express my due acknowledgments for the promptitude and exactness with which your Excellency has furnished the information requested for the British Government. In examining again the Papers received from the Foreign Office, it strikes me that the name of one of the four Vessels in question, has probably been misspelt, and that it ought to be "Cooperador," Manoel Feliciano de Souza, Master, instead of "Comprador," as stated in my Letter, I therefore have the honour to request your Excellency to order information to be given to me respecting this Vessel, stating what Passport she took, and the date of the same.

I have, &c.

(Signed)

CHARLES G. WEISS.

His Excellency The President of Bahia,

Fourth Enclosure in No. 66.

(Translation.)

The President of Bahia to Mr. Acting Consul Weiss.

SIR,

Palace of the Government of Bahia, April 26, 1828.

IN conformity with the requisition which you make in your Letter of 22d Instant, I have ordered that the necessary investigation should be made respecting the Vessel "Cooperador," from which it appears, in fact, that a Passport was taken out on the 31st of January 1827, for the Coast of Mina, for a licit traffick, and not for trading in Slaves.

God preserve you.

(Signed)

JOZE EGIDIO GORDILHO DE BARBUDA.

Mr. Charles G. Weiss.

No. 67.

Mr. Consul Hesketh to The Earl of Dudley.—(Received May 11.)

MY LORD,

Consul's Office, Maranham, February 4, 1828.

I HAVE the honour to transmit a Return of the Slaves imported during the Year 1827, into this Port; being a Copy of Reports made Half Yearly, on the subject, to His Majesty's Envoy at the Court of Rio de Janeiro.

I have, &c.

(Signed)

ROBERT HESKETH.

*The Right Hon. The Earl of Dudley,
&c. &c. &c.*

Enclosure in No. 67.

Return of Slaves imported into the Port of Maranham, during the Year ending 31st December 1827.

Date of Arrival.	Description of Vessels.	NAME of VESSELS.	NAME of MASTERS.	Where from.	Slaves embarked.	Slaves died.	Slaves landed.	REMARKS.
1827.								
January 3	Schooner	Neptuno	Antonio Severino d'Avellar	Pernambuco	20		20	This Vessel was under Portuguese Colours.
" "	Sumaca	Pernambucana	Ignacio Joze Barradors	Do.	20		20	
" 8	Do.	Conceição	Francisco Bernardo de Mattos	Para	2		2	
" 16	Brig	Marquês de Nazareth	Antonio dos Santos Rocha	Rio de Janeiro	2		2	
February 10	Do.	Aurora	Francisco Feliciano da Silva	Pernambuco	77		77	
" 22	Schooner	Imperatriz	Thome Joaqui. Roiz Palavra	Bahia	134		134	These Slaves were evidently brought from the Bight of Biafra, but the Vessel brought regular Custom-House Clearances from Bahia.
March 6	Do.	Nova Providencia	Laurenzo Franco. Alcino	Do.	3		3	
" 27	Brig	Neptuno	Manoel de Souza Machado	Angola	272	23	249	
April 11	Do.	Activo	Joze Pinto d'Aro. Vianna	Ambris	334	11	323	
" 15	Do.	Anna Catherina	Joao Joze Antunez	Pernambuco	5		5	
July 16	Schooner	Triunfo do Maranhao	Joaquim Joze Soares	Do. & Ceara	12		12	
August 7	Do.	Senhora dos Prazeres	Antonio Joaquim	Ceara	4		4	
Nov. 24	Ship	Sao Nicolao Augusto	Joao Piacedo da Cruz	Loanda	426	12	414	
" 27	Schooner	Anizade	Christo. H. Andres	Para	2		2	
" 29	Brig	Lucrecia	Joze Fortunato da Cunha	Angola	370	328	42	Wrecked on the Coast off this Port.
Dec. 5	Do.	Conde de Escagnolle	Joze Agostinho Vianna	Ceara	4		4	Captured off the Port, by a Buenos Ayres Privateer.—The Crew were landed, and declared that the Slaves were originally from the Coast of Guinea.
" 24	Do.	Novo Mendengue	Joao Gomes Velludo	Rio de Janeiro	3		3	
" "	Do.	Provincia do Maranhão	Joze Franco.	Bahia	227		"	
					1917	374	1316	

(Signed)

ROBERT HESKETH, His Britannick Majesty's Consul.

No. 68.

Mr. Consul Hesketh to The Earl of Dudley.—(Received July 16.)

(Extract.)

Consul's Office, Maranham, May 27, 1828.

I HAD the honour to receive, on the 23d Instant, your Lordship's Despatch, dated December 26th 1827, transmitting an Extract of a Despatch from His Majesty's Commissioners at Sierra Leone, dated September 28th 1827, and a List of 4 Brazilian Vessels boarded by His Majesty's Brig "Conflict," and found trading at Lagos, on the Coast of Africa, with Mercantile Passports, under very suspicious circumstances.

None of the Vessels described in the List have arrived at this Port, nor are any of them reported from Parã, but I shall strictly attend to your Lordship's Instructions, should any of them eventually appear.

A Portuguese Brig arrived at this Port about 6 Weeks ago, in ballast, from Bahia, called the "*Vittoria*," but she is upwards of 200 tons burthen; the Master's name is Joze Pinto Vieira, and the Owner's, Roza Maria Conceição Silva, of Oporto, and it does not appear that this Vessel was on the Coast of Africa last Year.

(Signed) ROBERT HESKETH.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

No. 69.

Mr. Consul Parkinson to John Bidwell, Esq.—(Received Sept. 23.)

SIR,

Pernambuco, July 19, 1828.

I HAVE the honour to acknowledge the receipt of the Earl of Dudley's Despatch, dated 26th December 1827, with its Enclosures, relating to "four Brazilian Vessels which were boarded in the Summer of 1827, by His Majesty's Brig "Conflict," at Lagos Bay, under suspicious circumstances."

I regret that I am not able to supply any information regarding the Vessels,—neither of them having visited this Port.

I have the honour, &c.

John Bidwell, Esq.
 &c. &c. &c.

(Signed) JOHN PARKINSON.

PORTUGAL.

No. 70.

The Earl of Dudley to Mr. Consul Goodwin.

SIR,

Foreign Office, May 24, 1828.

I TRANSMIT to you herewith, for your information, Copies of the Treaties concluded between this Country and *Spain, Portugal, the Netherlands, Sweden, and Brazil*, for repressing illicit Traffick in Slaves.

I transmit to you likewise a Copy of the several Papers, which have been laid before Parliament, relating to the execution of those Treaties.

I have to desire, that you will transmit to me, any information which you may be able to obtain, respecting the carrying on of the Slave-trade, either by any of His Majesty's Subjects, or contrary to Treaty by the Subjects of Foreign Powers.

You will furnish to the Commanders of His Majesty's Ships upon the Coast, whatever intelligence you can procure, which may facilitate the execution of their Instructions under the Treaties,—and under the several Acts of Parliament, (Copies of which I also enclose to you), upon the subject of the Slave-trade.

You will forward to His Majesty's Commissioners at Sierra Leone, whatever accounts you may collect respecting the proceedings of Slave-traders.

I am, &c.

(Signed)

DUDLEY.

Mr. Consul Goodwin, Cape Verd Islands.

No. 73.

Sir Charles Bagot to The Earl of Dudley.—(Received May 6.)

MY LORD,

The Hague, May 2, 1828.

I HAVE the honour to enclose to Your Lordship, herewith, a Copy of the Note which I addressed the day before yesterday to Baron Verstolk, transmitting to him a Copy of Mr. Le Froy's Letter to your Lordship, upon the subject of the treatment and condition in Surinam, of the Negroes who have been emancipated under the Convention with this Country, for the prevention of the Slave-trade.

I have the honour to be, &c

(Signed) CHARLES BAGOT.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

Enclosure in No. 73.

Sir Charles Bagot to Baron Verstolk.

The Hague, April 30, 1828.

THE Undersigned, His Britannick Majesty's Ambassador Extraordinary and Plenipotentiary, has the honour, by the direction of his Government, to transmit to His Excellency The Baron Verstolk de Soëlen, Minister of Foreign Affairs, the enclosed Copy of a Despatch, which has been addressed to the Earl of Dudley, by Mr. Le Froy, His Majesty's Commissary Judge at Surinam; upon the subject of the treatment, in that Settlement, of the Negroes, who have been emancipated there under the Treaty between the two Countries for the prevention and suppression of the illegal Traffick in Slaves.

M. Verstolk will not fail to observe that, according to the Representations made by Mr. Le Froy, these Negroes are certainly not at présent placed in that situation which it was the object of the 6th Article of the Treaty to secure to them; and, in calling the earnest attention of His Excellency to this circumstance, the Undersigned is, at the same time, instructed to express to His Excellency the entire confidence of His Majesty's Government, that His Netherland Majesty will not delay to cause such directions to be given to the proper Authorities in Surinam, as may, in future, assure to this unfortunate class of persons, the full benefit of that freedom, which has been so solemnly stipulated for them, by the agreement in question.

The Undersigned, &c

(Signed) CHARLES BAGOT.

His Excellency The Baron Verstolk de Soëlen,
 &c. &c. &c.

No. 74.

Sir Charles Bagot to The Earl of Dudley.—(Received May 26.)

MY LORD,

The Hague, May 16, 1828.

I HAVE the honour to transmit to your Lordship, herewith, the Copy of a Note, which I received Yesterday, from Monsieur de Verstolk, in reply

No. 75.

The Earl of Aberdeen to Sir Charles Bagot.

SIR,

Foreign Office, June 17, 1828.

I HAVE to acquaint your Excellency, that a Communication has been received at this Office from the Admiralty, under date of the 19th of May, stating that the Instructions referred to in the Treaty between Great Britain and the *Netherlands*, for the suppression of illegal Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy:—

Guns.	Ships.	Commanders.
48.	<i>Sybillé</i>	F. A. Collier.
46.	<i>Aurora</i>	C. J. Austen.
"	<i>Briton</i>	Hon. W. Gordon.
26.	<i>Eden</i>	W. F. W. Owen.
18.	<i>Espiegle</i>	W. Sandom.
10.	<i>Bustard</i>	G. S. Smith.
"	<i>Fairy</i>	J. O'Brien.
12.	<i>Clinker, G. B.</i>	Lt. G. W. Matson.
"	<i>Plumper</i>	N. Medley.
3.	<i>Black Joke, Tender,</i>	H. Downes.

And that the Instructions which had been issued to His Majesty's Ships "Druid," "Maidstone," "Atholl," "Brazen," "Esk," "Pylades," "Redwing," "Scylla," and "Conflict," have been recalled and cancelled.

I have to desire that your Excellency will communicate this information to the Government of His Netherland Majesty.

I am, &c.

H. E. Sir Charles Bagot, G. C. B.
&c. &c. &c.

(Signed)

ABERDEEN.

No. 76.

The Earl of Aberdeen to Sir Charles Bagot.

SIR,

Foreign Office, June 17, 1828.

YOUR Excellency's Despatches of this Series of the Slave-trade, to the 16th Ultimo inclusive, the latter enclosing a Copy of the Note addressed to you on the 15th of May, by M. de Verstolk, have been duly received; and I have to desire, that you will express to the Netherland Minister, the satisfaction with which His Majesty's Government receive the assurance of the humane interest taken by His Netherland Majesty, in the welfare of the liberated Negroes under the administration of His Colonial Authorities.

I am, &c.

H. E. Sir Charles Bagot, G. C. B.
&c. &c. &c.

(Signed)

ABERDEEN.

No. 77.

Sir Charles Bagot to The Earl of Aberdeen.—(Received June 24.)

MY LORD,

The Hague, June 20, 1828.

I HAD the honour to receive Yesterday your Lordship's Despatches of the 17th of this Month.

I have this Morning taken an opportunity of expressing to M. Verstolk, the satisfaction felt by His Majesty's Government, in the assurances given in His Excellency's Note to me of the 15th of last Month, in respect to the liberated Negroes in His Netherland Majesty's Colonies, and I, at the same time, delivered to him an Official Note of the names and force of His Majesty's Vessels, to which had been given the Instructions referred to in the Treaty between the two Countries, for the suppression of the Slave-trade.

I have the honour to be, &c.

(Signed) CHARLES BAGOT.
The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

No. 78.

Sir Charles Bagot to The Earl of Aberdeen.—(Received June 29.)

MY LORD,

The Hague, June 23, 1828.

I HAVE the honour to transmit to your Lordship herewith, the Copy of a Note which I received Yesterday from the Minister of Foreign Affairs, in acknowledgment of that which I addressed to him 3 days ago, notifying the names of His Majesty's Ships and Vessels, to which the Instructions referred to in the Treaty of the 4th of May 1818, had been given.

I have the honour to be, &c.

(Signed) CHARLES BAGOT.
The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 78.

Baron Verstolk to Sir Charles Bagot.

La Haye, le 21 Juin 1828.

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur de remercier Son Excellence Sir Charles Bagot, Ambassadeur, &c. pour la Communication qu'elle a bien voulu lui faire, par sa Note du 20 de ce Mois, touchant les mutations qui ont eu lieu, par rapport aux Vaisseaux de Sa dite Majesté, autorisés à veiller à la répression de la Traite illicite des Nègres, en vertu des stipulations du Traité, en date du 4 Mai 1818.

(Signed) VERSTOLK DE SOELEN.
Son Excellence Sir C. Bagot,
 &c. &c. &c.

(Translation.)

The Hague, June 21, 1828.

THE Undersigned, Minister for Foreign Affairs, has the honour to thank His Excellency Sir Charles Bagot, &c. for the Communication which he has been so good as to address to the Undersigned, in his Note of the 20th Instant, respecting the alterations which have taken place in regard to the Vessels of His said Majesty, authorized to watch over the repression of the illicit Traffick in Negroes, pursuant to the stipulations of the Treaty, dated May 4, 1818.

The Undersigned avails himself, &c.

(Signed) VERSTOLK DE SOELEN.
His Excellency Sir Charles Bagot,
 &c. &c. &c.

No. 79.

Sir Charles Bagot to The Earl of Aberdeen.—(Received August 4.)

MY LORD,

The Hague, July 28, 1828.

I HAD the honour to receive Yesterday Morning, your Lordship's Despatch of the 9th of this Month, enclosing to me printed Copies of the Papers, which have been laid before the two Houses of Parliament, in the course of the present Session, relative to the Slave-trade.

I have the honour to be, &c.

(Signed) CHARLES BAGOT.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

FRANCE.

No. 80.

The Earl of Dudley to Viscount Granville.

MY LORD,

Foreign Office, January 25, 1828.

IN reference to former Correspondence between the Secretary of State and your Excellency, on the subject of the Trade in Slaves, carried on under the Flag of France; I transmit to your Excellency, for communication to the Government of His Most Christian Majesty, the Copy of a Paper, which I have received from His Royal Highness the Lord High Admiral, containing a List of French Slave-vessels which have been spoken with by His Majesty's Squadron on the African Station, between the 1st of June and the 14th of December 1827.

I am, &c.

(Signed) DUDLEY.

His Excellency Lord Granville, G. C. B.
 &c. &c. &c.

Enclosure in No. 80.

John Barrow, Esq. to John Backhouse, Esq.

SIR,

Admiralty Office, January 19, 1828.

I AM commanded by His Royal Highness the Lord High Admiral to transmit to you, for the information of the Earl of Dudley, a List of French Slave-vessels spoken by His Majesty's Squadron on the African Station, between the 1st of June, and the 14th of December last.

I am, &c.

(Signed) JOHN BARROW.

John Backhouse, Esq.
 &c. &c. &c.

Sub-Enclosure in No. 80.
List of French Slave-vessels boarded by the British Squadron employed on the Western Coast of Africa, between the 1st of June and the 14th of December 1827.

By what Ship.	Boarded		Name of the			Rig.	Number of			When sailed.	Where.			Under what Colours.	Cargo.	REMARKS.
	When.	Where.	Vessel.	Master.	Owner.		Men.	Guns.	Tons.		From.	Bound.	Belonging.			
Sybille	1827. June	Lat. Long. 12° 4. 14. N. 8. 44. W.	La Fortunée	Dulescourt		Schooner	14	63	8	1827. June 8	{ Garraway, } { Grain Coast }	Along the Coast	Martinique	French	{ Bullocks, } { Rice, &c. }	Fitted for Slaves.
Clinker	"	15 Old Calabar River.	Fanny	Le Land.		"	19	120	16	"	Martinique	Guadaloupe	"	281 Slaves		
Esk	"	28 Off St. Thomas	Louise	A. Gorée	Monnerol	Brig	28	4	141	"	River Bonny	"	"	366 "		
"	July	Do.	Le Bavarrois	{ A. Ichamean, } { late Durand }	Glisset	"	12	6	132	"	River Brass	"	"	248 "		
Clinker	"	22 River Gaboon	Sophie	G. Griffe.		Schooner	17	2	48	"	Guadaloupe	Rio Janeiro	Guadaloupe	"	{ Tobacco } { and Rum }	Said to be trading for Palm Oil, but evidently fitted for Slaves.
"	"	Do.	Ceophaines	J. Peirce.		"	19	2	60	July 2	"	"	"	"	General	Ditto
Sybille	September	3° 7. N. 4. 28. E.	André-Audrienne	Vergneute	D'Argentin	Brig	19	2	148	August 30	River Bonny	Martinique	Martinique	"	308 Slaves	
Esk	"	17° 3. 32. N. 6. 3. E.	Henriette	Bonnefere.		"	21	3	190	Sept. 9	"	"	St. Maloes	"	400 "	{ Was only 8 days in } { the River Bonny. }
North Star	August	14 Porto Praya	Le Valentin	Picento	Valentine	Cuttler	14			August 10	Bonavista	Goree	Goree	"	Rice	
"	October	10 Off Little Bassam	La Melaine	Wm. Allain	F. Flink	Schooner	16	2	69	June 13	Guadaloupe	Trading Voyage	Guadaloupe	"	{ Rum and } { Gumpow- } { der - - }	Fitted for Slaves.
"	"	11 Timbo	Victoire	Dubedot	{ Jerquinet } { LeMoine }	"	18			August 1	"	Coast of Africa	"	"	"	
"	December	4 Cape Mount	Flora	J. Dours	Guarud	"	1			Sept. 11	St. Bartholomew	Cape Coast	Martinique	"	Ballast	{ Do.—They are nearly } { ready at the Gallinas. }

(Signed)

F. A. COLLIER, Commodore.

No. 81.

The Earl of Dudley to Viscount Granville.

MY LORD,

Foreign Office, February 2, 1828.

IN addition to the specifick information contained in my Despatch to your Excellency, of this Series of the Slave-trade, dated the 25th Ultimo, I have further to transmit to your Excellency, the accompanying Copy of a Communication, which has recently been addressed to the Secretary to the Admiralty, from Sir F. A. Collier, in which it is alleged, "that the Slave-trade between the Gambia and Cape Palmas, is carried on solely almost under the French Flag."

I am, &c.

(Signed)

DUDLEY.

His Excellency Viscount Granville, G. C. B.

&c.

&c.

&c.

Enclosure in No. 81.

*Commodore Collier to J. W. Croker, Esq.**His Majesty's Ship "Sybille,"**Princes Island, October 29, 1827.*

SIR,

IN reply to your Letter of the 14th of August 1827, enclosing Extracts of a Despatch addressed by the Governor of Sierra Leone, to Earl Bathurst, respecting the increase of the Slave-trade on the Coasts adjacent to that Colony;

I have to state to you, for the information of His Royal Highness the Lord High Admiral, that since I have had the honour of being entrusted with the command on this Station, I have placed the Squadron along this *long line* of Coast for the suppression of the Slave-trade, to the best of my humble abilities, bearing in mind the Instructions I received from the Admiralty, respecting the preservation of the health of the Squadron, in keeping them as much as possible out of the rains, which, from the sick returns, will prove I trust satisfactory to His Royal Highness.

His Excellency the Governor of Sierra Leone recommends, that a Man-of-War should be *constantly stationed* at the Isles de Loss, and cruising on the adjacent Coast: were his suggestion to be adopted during the rainy season, I am perfectly convinced the Vessel placed there would lose two-thirds of her Crew, and in appropriating one Vessel entirely to that service, I should be obliged to neglect, in my humble opinion, more important points, as I feel confident in stating, that where 5 Slaves are embarked from the vicinity of the Isles de Loss and Sierra Leone, 200 are shipped from the Bights of Benin and Biafra; and I have likewise further to state, that the Slave-trade between the Gambia and Cape Palmas, is carried on solely almost under the French Flag. I have heard but of 1 Spanish Vessel that has been on that line of Coast, and of no other Flag but French.

From Portendic to Cape Mount, the "North Star" has been stationed since Commodore Bullen left this, visiting the different Rivers according to the Seasons. In September she was at the Isles de Loss, and cruising in that neighbourhood, when Captain Arabin, at the requisition of the Governor of Sierra Leone, left that Station, and has proceeded with a Company of Troops to the River Gambia.

I trust this explanation will meet His Royal Highness the Lord High Admiral's approbation, and have, &c.

(Signed)

F. A. COLLIER, Commodore.

J. W. Croker, Esq.

&c. &c. &c.

No. 82.

Viscount Granville to The Earl of Dudley.—(Received February 4)

MY LORD,

Paris, February 1, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave-trade, dated the 25th Ultimo, and I lost no time in transmitting to the Comte de la Ferronnays, the List therein enclosed, of French Slave-vessels which have been spoken with by His Majesty's Squadron on the African Station, between the 1st of June and the 14th December 1827.

I have, &c.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

(Signed)

GRANVILLE.

No. 83.

Viscount Granville to The Earl of Dudley.—(Received February 11.)

MY LORD,

Paris, February 8, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave-trade, dated the 2d Instant, and I have in consequence addressed a Note to M. le Comte de la Ferronnays, on the subject of it.

I have, &c.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

(Signed)

GRANVILLE.

No. 84.

Viscount Granville to The Earl of Dudley.—(Received February 18.)

MY LORD,

Paris, February 15, 1828.

I HAVE the honour to enclose a Copy of the Answer which I have received from the Comte de la Ferronnays, in reply to a Note which I had addressed to His Excellency, enclosing a List of French Vessels, suspected of Slave dealing on the Coast of Africa.

I have the honour to be, &c.

The Right Hon. The Earl of Dudley,
 &c. &c. &c.

(Signed)

GRANVILLE.

Enclosure in No. 84.

The Comte de la Ferronnays to Viscount Granville.

MONSIEUR L'AMBASSADEUR,

Paris, le Février 1828.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire, la Note qui l'accompagnait relative à plusieurs Navires sous Pavillon Français, soupçonnés de faire la Traite des Noirs, sur la Côte Occidentale d'Afrique. Je l'ai transmise immédiatement au Ministre de la Marine avec invitation de

prendre des informations et d'ordonner, dans le cas où elles confirmeraient les faits, les poursuites nécessaires contre les Auteurs de ces coupables spéculations.

J'ai l'honneur d'être, &c.

(Signed) COMTE DE LA FERRONNAYS.

Son Excellence l'Ambassadeur d'Angleterre,
&c. &c. &c.

(Translation.)

MY LORD,

Paris, February , 1828.

I HAVE received the Letter which your Excellency did me the honour to write to me, and also the Note which accompanied it, relative to several Ships, under French Colours, suspected of carrying on the Slave-trade, on the Western Coast of Africa. I immediately transmitted them to the Minister of Marine, requesting him to institute enquiries; and, in the event of the facts being confirmed, to direct the necessary prosecutions to be commenced against the Authors of those culpable speculations.

I have the honour, &c.

(Signed) COMTE DE LA FERRONNAYS.

His Excellency the Ambassador of England,
&c. &c. &c.

No. 85.

The Earl of Aberdeen to Viscount Granville.

MY LORD,

Foreign Office, June 17, 1828.

WITH reference to the Despatch from Mr. Secretary Canning, marked Slave-trade, and dated October 27, 1825, and to your Excellency's Despatch, marked Slave-trade, and dated November 10th in the same Year, on the subject of certain Slaves clandestinely and illegally conveyed from the Island of Mauritius to that of Bourbon; I herewith transmit to Your Excellency the Copy of a Letter from Sir Lowry Cole, accompanied with an Abstract from the French Paper, the "Quotidienne," of the 28th May 1827, containing the Decision of the Court of Cassation in the Case of the Slaves in question; and I am desirous, that you will press the French Minister for an Answer to the Representation which you addressed to him upon this subject, in November 1825.

Your Excellency will, at the same time, intimate to the French Minister, that the Case is considered to be one of very great importance to the interests of the Mauritius; it being the opinion of the Local Authorities of that Island, that so long as the Courts of Bourbon act upon the principle by which they appear to have been guided in the present instance, so long will persons be induced to carry on a speculation in the illegal Traffick in Slaves, in consequence of the high price obtained for Slaves at Bourbon, in comparison to that for which they can be disposed of at the first mentioned Island.

I am, &c.

(Signed) ABERDEEN.

His Excellency Viscount Granville, G. C. B.
&c. &c. &c.

Enclosure in No. 85.

Sir Lowry Cole to R. W. Hay, Esq.

SIR,

Mauritius, January 10, 1828.

ALTHOUGH you will probably have been apprized of the circumstances, by means of our Ambassador at the Court of Paris, yet I cannot help enclosing to you an Extract from the *Quotidienne*, of the 28th May 1827, which contains the Decision of the Court of Cassation, in the Case of M. Calmet's Slaves, who, as reported in my Despatch to Earl Bathurst, had been clandestinely removed from Mauritius to Bourbon.

It is not for me to make any observation upon the decision of the Court of Cassation; but, as it may have an injurious effect as regards the interests of this Colony, I think it right to request that you will bring the subject to Mr. Huskisson's notice.

I have, &c.

R. W. Hay, Esq.
 &c. &c. &c.

(Signed) J. LOWRY COLE.

Sub-Enclosure in No. 85.

Decision of the Court of Cassation in Paris, in the Case of certain Slaves, clandestinely and illegally removed from the Mauritius to Bourbon.

LA Cour de Cassation (Section Criminelle) s'est occupée hier et avant hier d'une question relative à la Traite des Noirs. Les Sieurs Imbert, Germewil-Chauvet, et Robin, Frères, Capitaine et Armateurs du Navire "*La Marie*," avoient subi devant le Conseil de Révision de l'Isle Bourbon, un Arrêt d'après lequel le Sieur Imbert fut interdit de tout commandement, et le Navire fut confisqué ainsi que sa Cargaison. Le motif de cette Sentence, rendue le 21 Mars 1825, était que "*La Marie*," avait été employée, *sans autorisation*, à transporter des Nègres de *L'Isle Maurice* à *L'Isle Bourbon*.

Le Pourvoi des condamnés a été soutenu par leurs Avocats, qui ont développé quatre moyens; la Cour Suprême a repoussé les deux premiers; le troisième résultoit de la violation des Articles 73, 74, et 75 du Code d'Instruction Criminelle, en ce que l'Arrêt attaqué avoit rejeté, sans en donner les motifs, l'Appel incident que les exposans avoient interjeté, de la disposition qui avoit statué sur l'irrégularité par eux prétendue des enquêtes produites dans la Cause. Le quatrième étoit pris de la fausse application de la Loi du 21 Avril 1818, sur ce que les faits déclarés constans, par l'Arrêt, n'établissaient en aucune manière le délit de Traite des Noirs.

La Cour de Cassation a accueilli ces deux derniers moyens, attendu qu'il ne résulte pas de l'Arrêt attaqué que les *Noirs* introduits à Bourbon fussent des *Noirs de Traite*, comme il n'y avoit dans le *transport, ni crime, ni délit, a cassé cet Arrêt sans renvoi*, conformément à l'Article 429 du Code.

(Translation.)

THE Court of *Cassation* (Criminal Section) was Yesterday, and the day before, occupied with a question relating to the Slave-trade; in the Case of Messrs. Imbert, Germeuil-Chauvet, and Robin, Brothers, Master and Owners of the Vessel "*La Marie*," who had had pronounced against them by the Council of Revision, in the Isle of Bourbon, a Decree, according to which Mr. Imbert was deprived of his command, and the Vessel and Cargo confiscated. The ground of this Sentence, given on the 21st March 1825, was,

that "*La Marie*," had been employed, *without authority, in carrying Negroes from the Mauritius to the Isle of Bourbon.*

The Appeal of the Defendants was conducted by their Counsel, who insisted upon four points of law. The two first were rejected by the Supreme Court. The third was grounded on a violation of Articles 73, 74, and 75, of the Code of Criminal Instruction, inasmuch as the Decree in question had, without assigning the reason, refused the Appeal interposed by the Defendants against the Award, disallowing of the irregularity alleged by them of the enquiries set on foot in the Cause. The fourth turned on the misapplication of the Law of the 21st April 1818, it being contended that the facts, which the Decree had declared to be substantiated, did not at all establish the crime of the traffick in Slaves.

The Court of Cassation entertained the two last points, seeing that it cannot be inferred from the contested Decree, that the Blacks imported into Bourbon were intended *for sale*; and as the mere *carrying* was neither a *crime* nor a *misdemeanour*, the Court reversed the Decree, without Appeal, conformably to Article 429 of the Code.

No. 86.

Viscount Granville to The Earl of Aberdeen.—(Received June 22.)

MY LORD,

Paris, June 20, 1828.

I HAVE the honour to acknowledge your Lordship's Despatch, marked Slave-trade, dated the 17th Instant, enclosing a Despatch from Sir L. Cole, and referring to a former Despatch of mine, on the subject of certain Slaves clandestinely and illegally conveyed from the Island of Mauritius to that of Bourbon; and I shall, without delay, address to the French Government the Representation which Your Lordship points out.

I have the honour to be, &c.

(Signed)

GRANVILLE.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

No. 87.

Lord Stuart de Rothesay to The Earl of Aberdeen.—(Received July 28.)

MY LORD,

Paris, July 25, 1828.

THE Article in the *Moniteur*, of which I enclose a Copy, announces that His Most Christian Majesty's Cruizers have detained and captured three French Vessels, illegally employed in the Slave-trade.

I have the honour to be, &c.

(Signed)

STUART DE ROTHSAY.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 87.

Article respecting the Capture of French Vessels engaged in the Slave-trade.

TROIS Bâtimens ont été capturés par la Station Française à la Côte Occidentale d'Afrique, comme étant employés à la Traite des Noirs dans ces parages.

Un de ces Bâtimens (le Brick le *Lévrier*), est entré récemment à Brest.
 Le second (le Brick l'*Eclair*), est attendu dans le même Port.
 Le troisième, ayant à bord quelques Noirs, a été dirigé sur la Guiane Française.

(Translation.)

THREE Ships have been captured by the French Ships, stationed on the Western Coast of Africa, as being employed in the Slave-trade in that Quarter.

One of these Ships (the Brig *le Levrier*), has recently arrived at Brest.

The second, (the Brig *l'Eclair*), is expected in the same Port.

The third, having some Negroes on board, has steered towards French Guiana.

No. 88.

Lord Stuart de Rothesay to The Earl of Aberdeen.—(Received August 25.)

MY LORD,

Paris, August 22, 1828.

I HAVE the honour to enclose the accompanying Article in the French Official Paper, announcing the condemnation of a Vessel by the French Colonial Tribunal, under the enactments for the abolition of the Slave-trade.

I have the honour to be, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

Enclosure in No. 88.

Article relative to the condemnation of the French Slave-vessel,
 "Le Céron."

LA saisie du Navire Français "*le Céron*," ayant eu lieu pour motif de contravention à la Loi du 15 Avril 1818, relative à la répression de la Traite des Noirs, la confiscation de ce Bâtiment a été prononcée par Jugement du Tribunal de Première Instance du Fort-Royal, rendu le 12 Mai dernier, et devenu définitif.

(Translation.)

THE seizure of the French Ship "*le Céron*," having taken place, on account of the infraction of the Law of the 15th April 1818, relative to the repression of the Slave-trade, the confiscation of that Ship was pronounced by a Judgment of the Tribunal of the First Instance at Fort-Royal, of the 12th of last May, and has become definitive.

No. 89.

The Earl of Aberdeen to Lord Stuart de Rothesay.

MY LORD,

Foreign Office, August 30, 1828.

I TRANSMIT herewith to your Excellency, the Copy of a Communication which has been received at this Office from the Admiralty, containing a List of 8 French Slave-vessels, which were boarded by the British Squadron on the Coast of Africa, between the 1st of January and the 14th of May last.

Your Excellency will communicate this Paper to the Government of His Most Christian Majesty, drawing their attention to the further proof which it furnishes, of the prevalence of the Slave-trade under the French Flag on the Coast of Africa.

I am, &c.

(Signed)

ABERDEEN.

His Excellency Lord Stuart de Rothesay, G. C. B.

&c.

&c.

&c.

Enclosure in No. 89.

J. W. Croker, Esq. to John Backhouse, Esq.

SIR,

Admiralty Office, July 12, 1828.

I AM commanded by His Royal Highness the Lord High Admiral, to transmit to you, for the information of the Earl of Aberdeen, a List of French Slave-vessels, boarded by the Squadron on the Coast of Africa, between the 1st of January and 14th of May last.

I am, &c.

(Signed)

J. W. CROKER.

John Backhouse, Esq.

&c. &c. &c.

FRANCE

Sub-Enclosure in No. 89.

List of French Slave Vessels, boarded by the British Squadron employed on the Western Coast of Africa, between the 1st of January and the 14th of May, 1828.

Ships boarded by.	When.		Where.		VESSEL.	MASTER.	OWNER.	Rig.	Men.	Guns.	Tons.	When Sailed.	From	Where bound.	Belonging	Colours.	Cargo.	REMARKS.
	1828.	Do.	Lat.	Long.														
Black Joke	Feb. 5,		Cape Mount		Africaine	M. Silvia	J. Carmichael	Brig	15	4	116	Dec. 7, 1827.	Nantz	Mesurado	Nantz	French	{ Camwood & Ivory }	On a Trading Voyage.
Do.	" 13,		5.54.N. 10.16.W.		La Jeanie	M. Jaurie	J. Harris	Schooner	16		64	Nov. 30, "	Guadaloupe	Princes Island	Guadaloupe	"	Sundries	Fitted for Slaves.
North Star	" 24,		Off Cape Lopez		Edward	Dauthon	F. Valois	Brig	16	4	164	June 10, "	Nantz	Coast of Africa	Nantz	"	Ballast	
Sybillie	Mar. 19,		2.58.N. 5. 4. E.		Fanny	J. Constantin	{ Barrouffe & Lavallere }	Schooner	21	1	110	Mar. 14, 1828,	R. Calabar	Guadaloupe	Guadaloupe	"	282 Slaves	{ Detained and sent to Sierra Leone, by the Sybillie, having found Dutch Colours on board. She has made 3 Voyages to the Coast, and cleared out from St. Jago de Cabra.
Black Joke	" 31,		1.21.N. 6.43.E.		L'Emilie	M. Souze	M. Souze	Brig	11	2	130	Jan. 29, "	Havre	Princes	Havre	"	General	
Sybillie	" "		Off Princes		La Dauphine	M. Douillard	J. M. Laune	"	20	4	94	Mar. 13, "	R. St. John	Martinique	Martinique	"	214 Slaves	
Clinker	Feb. 2,		River Gaboon		Edward	W. Dauthon	S. John	"	8	4	175		Princes Island	Nantz	Nantz	"	Coffee	Trading for Ivory.
Do.	Mar. 18,		At Sea		African	J. Gabetis	C. Carmichael	"	15	6	116		Nantz	Gaboon	"	"	General	

(Signed)

F. A. COLLIER, Commodore.

No. 90.

Lord Stuart de Rothesay to The Earl of Aberdeen.—(Received Sept. 18.)

MY LORD,

Paris, September 15, 1828.

IN obedience to the directions contained in your Lordship's Despatch of the 30th Ultimo, I carried to the knowledge of the French Government, the List of Vessels which have been seen by His Majesty's Ships of War, carrying on the Slave-trade under the French Flag, together with the Note of which I enclose a Copy; I forward the Answer which I received the day before Yesterday.

I have the honour to be, &c.

(Signed)

STUART DE ROTHESAY.

The Right Hon. The Earl of Aberdeen,
&c. &c. &c.

 First Enclosure in No. 90.
Lord Stuart de Rothesay to M. de Rayneval.

SIR,

Paris, September 6, 1828.

THE Reports transmitted to His Majesty's Government, by the Officers in command of the Naval Station on the Coast of Africa, offer undoubted proofs of the continuation of the Slave-trade, and I regret that the Flag of France appears in various instances to have been assumed by the Persons engaged in such undertakings.

The enclosed List of Vessels under the French Flag, engaged in this commerce, which have been boarded by His Majesty's Ships, may facilitate the efforts of His Most Christian Majesty's Government, to enforce their Regulations for the suppression of this trade, and offers the best proof of the desire of my Court, to concur cordially in every measure which can facilitate their endeavours to obtain that object.

(Signed)

STUART DE ROTHESAY.

Mons. de Rayneval,
&c. &c. &c.

 Second Enclosure in No. 90.
M. de Rayneval to Lord Stuart de Rothesay.

MONSIEUR L'AMBASSADEUR,

Paris, 11 Septembre 1828.

J'AI reçu la Lettre que Votre Excellence m'a fait l'honneur de m'écrire le 6 de ce mois, avec une Liste de Bâtimens, sous Pavillon Français signalés comme faisant la Traite des Noirs sur la Côte d'Afrique.

Je prie votre Excellence de recevoir mes remerciemens de cette Communication, dont le Gouvernement du Roi s'empressera de faire usage.

J'ai l'honneur d'être,

(Signed)

RAYNEVAL.

S. E. Monsieur l'Ambassadeur d'Angleterre.

(Translation.)

MY LORD,

Paris, September 11, 1828.

I HAVE received the Letter which your Excellency did me the honour to write to me on the 6th of this Month, with a List of the Vessels under French Colours, described as carrying on the Slave-trade on the Coast of Africa.

I beg your Excellency to receive my thanks for that Communication, of which The King's Government will hasten to make use.

I have the honour, &c.

(Signed) RAYNEVAL,

H. E. the Ambassador of England.

DENMARK.

No. 91.

*The Right Hon. H. W. Wynn to The Earl of Aberdeen.—
(Received September 2.)*

MY LORD,

Copenhagen, August 26, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the Slave-trade series, dated the 9th Ultimo, transmitting to me the Papers which had been laid before both Houses of Parliament during the late Session. I have nothing to communicate to your Lordship on the subject.

The Danish Government was the first to abolish the Slave-trade. They have religiously adhered to the Engagement then taken, nor has there been any instance of the Danish Flag having covered illicit transactions, such as have given cause for so many repeated complaints in other Countries.

I have, &c.

(Signed)

H. W. WILLIAMS WYNN.

*The Right Hon. The Earl of Aberdeen,
&c. &c. &c.*

SWEDEN.

No. 92.

The Hon. J. Bloomfield to The Earl of Aberdeen.—(Received August 23.)

MY LORD,

Stockholm, August 8, 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, addressed to Lord Bloomfield, of the 9th Ultimo, marked Slave-trade, enclosing Papers relative to the Slave-trade, which have been laid before Parliament in the course of the present Session.

I have the honour to be, &c.

(Signed) J. BLOOMFIELD.

The Right Hon. The Earl of Aberdeen,
 &c. &c. &c.

