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# PAPERS

RELATIVE TO

## *THE SLAVE TRADE.*

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### Class A.

CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS AT SIERRA LEONE.

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### Class B.

CORRESPONDENCE WITH FOREIGN COURTS RELATIVE TO THE EXECUTION OF TREATIES CONTRACTED BY THEM WITH GREAT BRITAIN FOR THE PREVENTION OF ILLICIT TRAFFIC IN SLAVES,

AND

CORRESPONDENCE WITH HIS MAJESTY'S COMMISSIONERS IN THE COLONIES OF THOSE POWERS.

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### Class C.

CORRESPONDENCE WITH FRANCE RELATIVE TO THE SLAVE TRADE.

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### Class D.

CORRESPONDENCE WITH THE UNITED STATES OF AMERICA RELATIVE TO THE SLAVE TRADE.

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*Presented to Parliament by Command of His Majesty, 1821.*

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LONDON :

PRINTED BY R. G. CLARKE,

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



**Class A.**

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**CORRESPONDENCE**

WITH

**HIS MAJESTY'S COMMISSIONERS**

AT

**SIERRA LEONE,**

RELATIVE TO

**THE SLAVE TRADE.**

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*Presented to Parliament by Command of His Majesty, 1821.*

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# PAPERS

RELATIVE TO

## *THE SLAVE TRADE.*

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No. 1.

*Viscount Castlereagh to Thomas Gregory Esq. His Majesty's Commissary  
Judge at Sierra Leone.*

SIR,

*Foreign Office, February 19, 1819.*

**H**IS Royal Highness The Prince Regent, acting in the name and on the behalf of His Majesty, has been pleased to appoint you to be His Majesty's Commissary Judge to the mixed English and Spanish Commission, to be established at Sierra Leone, under the Treaty between Great Britain and Spain, for preventing the illegal Traffic in Slaves, signed at Madrid, on the 23d of September 1817, and pursuant to the Act of Parliament passed in the 58th year of His Majesty's reign, for carrying that Treaty into effect.

I have the honour to send you herewith His Royal Highness's Commission, appointing you to be His Majesty's Commissary Judge; Edward Fitzgerald, Esq. to be His Majesty's Commissioner of Arbitration; and Daniel Molloy Hamilton, Esq. to be His Majesty's Registrar, to the Board of Commission aforesaid.

I send you likewise a copy of the Additional Article to the Treaty between Great Britain and Spain, of the 5th July 1814, containing a stipulation on the subject of the Traffic in Slaves; and also copies of the Treaty of the 23d September 1817,\* and of the Act of Parliament referred to. You will consider these documents as laying down the general basis and rule of your conduct in the character to which His Royal Highness has been pleased to appoint you.

One of His Majesty's vessels will be in readiness to convey you forthwith to Sierra Leone, so that no time may be lost in commencing the operations of this Commission.

His Catholic Majesty has nominated Dr. Santiago Janama, His Consul at Amsterdam, to be His Commissary Judge at Sierra Leone under the Treaty in question; and Dr. Juan Camps, late Spanish Consul in Africa, to be His Commissioner of Arbitration.

The vessel which carries you out will receive orders to touch at Cadiz to take up these gentlemen, and convey them together with you to Sierra Leone.

Upon your arrival at that place you will communicate to Mr. Fitzgerald His Royal Highness's Commission, together with the present dispatch and its several other inclosures. They are intended, as well as the other instructions which I may address to you under this head, equally for that gentleman and yourself.

You will yourselves take, in proper form, the oath prescribed, and administer to Mr. Hamilton (the Registrar) the oath prescribed for him. You will confer with the Spanish Officers already referred to; and, ascertaining that their Commission is proper in form and in substance, you will agree with them upon the most eligible course to be pursued, in respect to entering upon the duties of the Commission entrusted to your care, and you will forthwith enter upon them accordingly.

Although His Royal Highness is confident, from your approved integrity and discretion, that you will proceed in the adjudication and arbitration upon the fairest and most honourable principles, and without pressing too far any doubtful points; yet, for the clearer manifestation of the spirit with which He has been actuated in concluding the said Treaty, He is pleased to signify to you His special command, that, throughout the whole of the functions respectively entrusted to you and to Mr. Fitzgerald, you should be careful not to lose sight of your judicial character, and should uniformly endeavour to combine a fair and conscientious zeal for the prevention of the illegal Traffic in Slaves, with the maintenance of the strictest justice towards the parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's subjects, and those of The King of Spain.

His Royal Highness has further commanded, that you shall from time to time transmit to this office an account of your proceedings, in letters addressed to His Majesty's Principal Secretary of State for Foreign Affairs, and that you shall conform to such further instructions and directions as you may hereafter receive from Him.

I am, &c.  
(Signed) CASTLEREAGH.

Thomas Gregory, Esq.  
&c. &c. &c.

---

\* These papers are already before Parliament.

(Inclosure in No. 1.)

*Commission for a British Commissary Judge, a Commissioner of Arbitration, and a Secretary or Registrar, to reside at Sierra Leone, under the Treaty signed at Madrid on the 23d September 1817, between His Majesty and the Catholic King, for preventing illicit Traffic in Slaves.*

*In the Name and on the Behalf of His Majesty.*

(L. S.) GEORGE P. R.

GEORGE the Third, by the grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. &c. &c. To all and singular to whom these presents shall come, greeting: Whereas by a Treaty concluded at Madrid on the twenty-third day of September 1817, between Us and His Catholic Majesty, for preventing our respective subjects from engaging in any illicit Traffic in Slaves, it is, amongst other things, stipulated and agreed, that in order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic in Slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the said Treaty, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for that purpose by their respective Sovereigns, and that these Commissions shall reside, one in a possession to Us belonging, the other within the Territories of His Catholic Majesty. One of which Commissions is stipulated by the said Treaty to be always held upon the coast of Africa, and the other in one of the colonial possessions of His Catholic Majesty: And it was by the said Treaty further stipulated and agreed, that the said Commissions should judge the causes submitted to them without appeal, and according to the regulations and instructions annexed to the said Treaty, of which they should be considered as an integral part. And whereas it was, by the said regulations annexed to the said Treaty, amongst other things provided, that the said Mixed Commissions should be composed in the following manner, that is to say, that We and His Catholic Majesty should each of us name a Commissary Judge and a Commissioner of Arbitration, who should be authorized to hear and decide, without appeal, all cases of capture of Slave vessels which, in pursuance of the stipulations of the said Treaty, might be laid before them, and that there should be attached to each Commission, a Secretary or Registrar, appointed by the Sovereign of the country in which the Commission might reside: and whereas, by an Act of Parliament made and passed in the 58th year of Our Reign, intituled, "An Act to carry into execution a Treaty made between His Majesty and the King of Spain, for the preventing traffic in Slaves," it is, amongst other things enacted, that it shall be lawful for Us, by any Warrant under Our Royal Sign Manual, countersigned by one of our principal Secretaries of State for the time being, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the

said Treaty and Regulations thereunto annexed, mentioned to be appointed by Us; and such Commissary Judges and Commissioners are thereby authorized and empowered to examine and decide all such cases of detention, captures and seizures of vessels and their cargoes detained, seized, taken, or captured under the said Treaty, or Instructions or Regulations, as are by the said Treaty, Instruction, and Regulations, and by that Act made subject to their jurisdiction, and to proceed therein, and give such judgments, and make such orders therein, and do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, as fully and effectually, to all intents and purposes, as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in the said Act: And it was thereby further, amongst other things, enacted, that it should be lawful for the said Commissary Judges, or either of them, and they are thereby respectively empowered, to administer oaths to, and take the depositions of all parties, witnesses, and other persons who may come or be brought before them to be examined, or for the purpose of deposing, in the course of any proceeding, before the said Commissary Judges, or before the said Commissary Judges and the Commissioner of Arbitration, in the cases in which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaty, Instructions, or Regulations, or that Act; and that it should also be lawful for the said Commissary Judges, or for the said Commissary Judges and Commissioners of Arbitration, in the cases aforesaid, to summon before them all persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or matter or thing under their cognizance, and to send for and issue precepts for the producing of all such papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and like means, powers, and authorities as any Court of Vice-Admiralty may do: Now know ye, that we, reposing especial trust and confidence in the approved learning, wisdom, and fidelity of our trusty and well-beloved Thomas Gregory, Esquire, and of our trusty and well-beloved Edward Fitz-Gerald, Esquire, have named, made, constituted, and appointed, as we do by these presents name, make, constitute and appoint our said trusty and well-beloved Thomas Gregory, Esq. to be our Commissary Judge, and our said trusty and well-beloved Edward Fitz-Gerald, Esquire, to be our Commissioner of Arbitration, under and pursuant to the said Treaty and Act of Parliament, to meet the Commissary Judge and Commissioner of Arbitration appointed or to be appointed by His Catholic Majesty, at our Possession or Settlement of Sierra Leone, on the Coast of Africa, there to be resident with them, and to form a Mixed Commission, according to the stipulations of the said Treaty, for the adjudication of all such causes as shall be submitted to the said Commission under the said Treaty, and according to the Regulations and Instructions thereto annexed: And we do hereby give and grant to our said Commissary Judge and Commissioner of Arbitration jointly, in all cases in which they shall or may, by the regulations annexed to the said Treaty be required or directed to act together, and severally, in all cases in which either of them shall or may by the said regulations be required or directed to act separately from the other, full power and authority to examine and decide all such cases of detention, captures and seizures of vessels and their cargoes, detained, seized, taken, or captured under the said Treaty, or Instructions and Regulations, as are by the said Treaty, Instructions, and Regulations, and by the said Act of Parliament, made subject to the jurisdiction of the Commissary Judges and Commissioners of Arbitration respectively, to be by Us appointed, and to proceed in all such cases, and give such judgments, and make such orders therein, and do all such

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other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, as fully and effectually, to all intents and purposes, as if special Powers and Authorities for all and every such purposes were specifically and particularly inserted and given herein in relation thereto. And we do hereby further give and grant to our said Commissary Judge, and our said Commissioner of Arbitration, full power and authority to administer oaths to, and take the depositions of all parties, witnesses, and other persons who may come or be brought before them, or either of them, to be examined under the said Treaty, instructions, or regulations, or under the said Act of Parliament, and to summon before them, or either of them, all persons whom they, or either of them, may deem it necessary or proper to examine in relation to any suit, proceeding, matter, or thing under their respective cognizance, and to send for and issue precepts for the producing of all such papers as may relate to any matters in question before them or either of them; and to enforce all such summonses, orders and precepts, by such and the like means, powers and authorities as any Court of Vice-Admiralty may do. And we do hereby require all and every our Officers and Ministers to be aiding and assisting to them, and each of them, in the due execution of this our Commission: Provided always, and we do hereby will and require, that our said Commissary Judge, and our said Commissioner of Arbitration, before they shall respectively enter upon the execution of any of the duties of their said respective offices, shall, in the presence of the Principal Magistrate then residing and acting in our possession or settlement of Scirra Leone aforesaid, take the following oath, which oath such Magistrate is hereby, and by the said Act, authorised and required to administer. That is to say, "I, Thomas Gregory, (or I, Edward Fitz-Gerald), do solemnly swear that I will, according to the best of my skill and knowledge, act in the execution of my office as Commissary Judge, (or Commissioner of Arbitration,) faithfully, impartially, fairly, and without preference or favour either for Claimants or Captors, or any other persons; and that I will to the best of my judgment and power, act in pursuance of, and according to the stipulations, regulations, and instructions contained in, or annexed to the Treaty between His Majesty and His Catholic Majesty, signed at Madrid, on the 23d day of September 1817. So help me God." And we having made choice of and appointed our trusty and well-beloved Daniel Molloy Hamilton Esquire, to be Secretary (or Registrar) to the said Mixed Commission, pursuant to the said Treaty and Act of Parliament, Our said Commissary Judge is hereby authorized and required to administer to Our said trusty and well-beloved Daniel Molloy Hamilton Esquire, before he enters on the duties of his said office, the following oath, that is to say, "I, Daniel Molloy Hamilton do solemnly swear that I will, according to the best of my skill and knowledge, act in the execution of my office, and that I will conduct myself with respect to the authority of the Commissary Judges and Commissioners of Arbitration of the Commission to which I am attached, and will act with fidelity in all the affairs which may belong to my charge, and without preference or favour either for Claimants or Captors, or any other persons. So help me God."

In witness whereof, we have signed these presents in the name and on the behalf of His Majesty.

Given at the Palace of Carlton-House, the Nineteenth day of February, in the year of our Lord one thousand eight hundred and nineteen, and in the Fifty-ninth year of His Majesty's Reign.

By Command of His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty,

(Countersigned) : CASTLEREAGH.

*Memorandum.*

Similar Instructions *mutatis mutandis* to those contained in the foregoing paper, and in the papers marked No. 4., No. 5., No. 7., and No. 9.; and similar Commissions were issued to His Majesty's Commissioners at Sierra Leone, under the Treaties with Portugal, and with the Netherlands; and to His Majesty's Commissioners at the Havannah, under the Treaty with Spain; to His Majesty's Commissioners at Rio de Janeiro, under the Treaty with Portugal; and to His Majesty's Commissioners at Surinam, under the Treaty with the Netherlands, for the prevention of the illegal Traffic in Slaves.

## No. 2.

*Viscount Castlereagh to Edward Fitzgerald, Esq., His Majesty's Commissioner of Arbitration at Sierra Leone.*

SIR,

Foreign Office, February 19, 1819.

HIS Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, has been graciously pleased to appoint you to be His Majesty's Commissioner of Arbitration at Sierra Leone, under the Treaty between Great Britain and Spain, for preventing the illegal Traffic in Slaves, which was signed at Madrid, on the 23d of September 1817, and under the Convention between Great Britain and Portugal, concluded for the like purpose, at London, on the 28th of July 1817, and pursuant to the Acts of Parliament passed in the 58th year of His Majesty's reign, for carrying the said Treaty and Convention into effect.

Thomas Gregory, Esq., whom His Royal Highness has been pleased to appoint to be His Majesty's Commissary Judge at Sierra Leone, under the above-mentioned Treaty, Convention, and Acts of Parliament, will communicate to you the Commission and Instructions with which he is furnished, and which are equally destined for your guidance and authority, and for the guidance and authority of that gentleman. I beg leave, therefore, to refer you for your further information to Mr. Gregory, who will deliver this dispatch to you, and with whom you will confer upon the best method of entering upon the respective duties entrusted to your care, according to the Commission and Instructions in question.

I am, &amp;c.

*Edward Fitzgerald, Esq.*

(Signed) CASTLEREAGH.

*&c. &c. &c.**Memorandum.*

Similar Instructions to the foregoing were issued to Mr. Fitzgerald, appointing him to be His Majesty's Commissioner of Arbitration at Sierra Leone, under the Slave Trade Treaty signed between Great Britain and the Netherlands, at the Hague, on the 4th of May 1818.

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No. 3.

*One of His Majesty's Under Secretaries of State to Daniel Molloy  
Hamilton, Esq., Registrar at Sierra Leone.*

SIR,

Foreign Office, February 29, 1819.

I HAVE the satisfaction to acquaint you, by direction of Lord Castlereagh, that you have been selected to be Registrar to the Mixed Commissions to be established at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illicit Traffic in Slaves.

You will receive from Mr. Gregory, His Majesty's Commissary Judge, and from Mr. Fitzgerald, His Majesty's Commissioner of Arbitration at Sierra Leone, every information necessary to the discharge of the duties devolving upon you in the character of Registrar; and I am directed by his Lordship to desire, that you will conform to such instructions and directions as you shall receive from the Commissioners for the guidance of your conduct in the situation alluded to.

I am, &c.  
(Signed) WM. HAMILTON.

*Daniel Molloy Hamilton, Esq.*  
&c. &c. &c.

No. 4.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone, under  
the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves.*

GENTLEMEN,

Foreign Office, February 19, 1819.

IT having been judged, that if a set of general interrogatories were furnished to you, to be administered by the Registrar appointed under your Commission, to the witnesses examined from vessels brought in for your adjudication, it would be of material use for your guidance in the execution of the duties committed to you, a set of general interrogatories has accordingly been prepared, with reference to the points to be inquired into under the Treaties, according to the tenor of which you will be called upon to act.

These interrogatories having been submitted to the Law Officers of the Crown, and having been approved by them, I send you herewith ten copies of the same; and I am to convey to you the instructions of His Royal Highness the Prince Regent, that you take care that the questions here enumerated shall, so far as they may apply, be put to the several witnesses to be examined under your adjudication and arbitration; and that, wherever special points may arise, which these interrogatories will not reach, so as to gain the desired information, you will frame additional interrogatories to meet those points, being always mindful and cautious to obtain and weigh the whole facts of the case, before you give your judgment upon it.

I am, &c.  
(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*  
&c. &c. &c.



*(Inclosure in No. 4.)**Interrogatories for the Use of the British Commissioners, to be administered to the Witnesses belonging to the Vessel taken.*

Interrogatory to the Master of the vessel captured.

I. WHERE were you born? Where do you live, and how long have you lived in that place? Of what Prince or State are you a subject? Have you ever been subject of any other? If yea, of whom and when? Are you a married man, and if married, where do your wife and family reside?

Interrogatory to the said Master.

II. Who appointed you to the command of the vessel taken? Where does he live, and of whom is he a subject? Where did you take possession of her, and at what time? What was the name of the person who delivered such possession to you, and where does he live, and of whom is he a subject? How long have you known the ship? When and where did you first see her, and where was she built, as far as you know or believe?

Interrogatory to each Witness, except the Master.

III. What is the name of the Master or Commander of the vessel taken? How long have you known the said Master? Where was he born, and what is his fixed place of abode, or where does he generally reside? Is he married? If yea, where does his wife and family reside?

Interrogatory to each Witness, except the Master.

IV. Who appointed the Master to the command of the vessel, and where does such person reside? Where did the Master take possession of her, and at what time, and what was the name of the person who delivered the possession to him, and where doth he live? How long have you known the said ship, when and where did you first see her, and where was she built, as far as you know or believe?

Interrogate each Witness.

V. Were you present at the taking and seizing the ship or her lading, concerning which you are now examined? Upon what pretence, or for what reason was the vessel seized? Under what colours did the vessel sail? What other colours were on board, and for what reason had you such other colours?

Interrogate each Witness.

VI. What is the name of the ship taken? How long has she been so called? Do you know of any other name or names by which she has been called, and what and when? Of what tonnage or burthen is the said ship? What was the number of the Officers and mariners on board (exclusive of the Master)? To what country does each of the said Officers and mariners respectively belong? Did they all come on board at the same port, or at different ports, and who shipped or hired them, and when and where respectively?

VII. Had you, or any or either of the Officers or mariners, any and what part, share, or interest in the ship taken, or her lading? If yea, set forth who, and what goods or interest you or they have. In what capacity did you belong to the said ship? Were any passengers on board the captured ship? Were any of them secreted at the time of the capture? Who were the passengers by name? Of what nation, rank, profession, or occupation? From what place were they taken on board, and when? To what place were they destined, and upon what business? Had any and which of the passengers any and what property or concern or authority, directly or indirectly, regarding the ship or cargo, or any and what part thereof?

Interrogate each  
Witness.

VIII. Where did the present voyage begin, and where was it to have ended? What was the last clearing port the ship sailed from previously to the capture? To what ports or places did the ship sail, or at what ports or places did she anchor or touch during the voyage in which she was taken? Why or for what reason did she anchor or touch at such ports or places? What communication, either by boats or otherwise, took place between the said ship and the shore, or the natives belonging to such port or place?

Interrogate each  
Witness.

IX. In what place, or in what latitude, and at what time, stating particularly the year, month, and day, did you first see or observe the capturing ship? Set forth as accurately as you can the place of capture. When, and at what time did the chase of the ship taken begin? Towards what port or place was the ship taken steering at the time of her being first pursued? Was her course altered, or was any and what additional sail made, upon the appearance of the vessel by which she was taken? Was her course at all times, when the weather would permit, directed to the place or port for which she appears to have been destined by the ship's papers? Was the ship, before, or at the time of her capture, sailing beyond or wide of the place or port to which she was destined by the ship's papers? At what distance was she therefrom when first pursued? Was her course altered during any part of the voyage in which she was captured? If yea, at what time, and to what port or place? and set forth particularly the reason why her course was so altered.

Interrogate each  
Witness.

X. What guns are mounted on board the ship, and what arms and ammunition were belonging to and on board of her at the time of the capture? Why was she so armed? Was any, and what resistance made at the time of capture? Had you any, and what instructions or directions, and from whom, for resisting or endeavouring to avoid or escape from capture, or for destroying, concealing, or refusing to deliver up any or either of your ship's documents and papers on board? If yea, interrogate particularly as to the tenor of such instructions, and all particulars relating thereto. Let the witness be asked if he is in possession of such instructions, or copies thereof; and if yea, let him be directed to leave the same with the examiner to be annexed to his deposition.

Interrogate each  
Witness.

Interrogate each  
Witness.

XI. Who were the Owners of the ship or vessel, concerning which you are now examined, at the time when she was seized? How do you know that they were the Owners of the said ship at that time? Of what nation or country are such Owners by birth? Where do they reside, and where do their wives and families reside, and of whom are they subjects? How long have they resided there? Where did they reside before, to the best of your knowledge?

Interrogate each  
Witness.

XII. Was any bill of sale made, and by whom, to the aforesaid Owners of the said ship? If yea, in what month and year, where, and in the presence of what witnesses was such bill of sale made? Where did you last see such bill of sale? What was the price or consideration for the said ship? Hath such price or consideration been paid or satisfied; or has any, and what security been given for the payment of the same, and by what person or persons, and where do such person or persons now live? Was the sum so paid or secured a fair and true equivalent for the said ship? Do you know, or believe in your conscience, such sale or transfer has been truly made, and not for the purpose of covering or concealing the real property? Do you verily believe that if the ship should be restored, she will belong to the persons now asserted to be the Owners, and to none others? Are there any private agreements for the return of the ship to her former Owners at any and what period?

Interrogate each  
Witness.

XIII. What are the names of the respective Laders, Owners, and Consignees of each respective lading of merchandize or Slaves on board the ship taken? What countrymen are they respectively? Where do they now live and carry on their business? How long have they resided there? Where did they reside before to the best of your knowledge? Where was the merchandize or Slaves now on board to be delivered, and for whose real account, risk, or benefit? Have any of the Consignees or Laders any and what interest in the said merchandize or Slaves? If yea, whereon do you found your belief that they have such interest? Can you take upon yourself to swear that you believe, that at the time of the lading, and at the present time, and also if the said merchandize and Slaves shall be restored and unladen at the destined ports, the same did, do, and will belong to the same persons whom you state to be the Owners, and to none others? What is the ground of such your knowledge and belief?

Interrogate each  
Witness.

XIV. What lading did the ship bring out on her last voyage, and where was it shipped? Of what does the present cargo consist? How many Slaves were taken on board from the time you commenced trading to the time of completing your present cargo, distinguishing males, females, and children under the age of fourteen years? At what port or ports or places were the said Slaves taken on board, and how many at each? Were they all taken from the shore or quay, or were any and how many Slaves (distinguishing as before) removed or transhipped on board your vessel from any other vessel? If yea, from what other vessel, and to what nation belonging, and when and

where and by whom was the same so done, and from what place had the said Slaves been brought? Had any and how many, and of which description of the Slaves died previous to the capture? Have any and how many, and of which description of Slaves died between the capture and the present time? Into what ports or places has the vessel been carried since the capture?

XV. Were and are all the passports and other papers, which were found on board the ship taken, entirely true and fair, or are any of them false or colourable? Do you know of any matter or circumstance to affect their credit? If yea, set forth the same, and state particularly what variation has been made therein, and when, and why; and by whom.

Interrogate each  
Witness.

XVI. Was the ship, concerning which you are now examined, provided with a royal passport conformable to the model annexed to the Treaty between His Britannic Majesty and His Catholic Majesty, signed at Madrid, on the 23d September 1817? On what day, month, and year, as nearly as you can depose, did you receive such royal passport? By whom was it delivered to you? Who was the Minister of Marine of His Catholic Majesty when the said passport was delivered to you? Who was the principal naval authority of the district, station, or port from whence your vessel cleared out? Let the royal passport be produced to the witness then under examination, and let him be interrogated.—Are the signatures affixed to the said passport in every respect true and genuine, so far as you know or believe?

Interrogate each  
Witness.

XVII. Were any of the papers, bills of lading, letters, or other writings, which were on board the ship at the time she took her departure from the last clearing-port, and before the capture, burnt, torn, thrown overboard, destroyed, or cancelled, concealed, or attempted to be concealed, and when, and by whom, and who was then present? Were any papers delivered out of the vessel and carried away in any manner whatsoever? If yea, when, and by whom, and to whom, were the same delivered, and in whose custody, possession, or power, do you believe the same now are? What was the nature and contents of the papers so delivered out, or carried away, as far as you know or believe?

Interrogate each  
Witness.

XVIII. Are there, in any and what country, any bills of lading, invoices, letters, or other writings, relative to the ship and cargo concerning which you are now examined? If yea, set forth where, and in whose possession, and what is the purport thereof, and when they were carried or sent into such country, and by what means?

Interrogate each  
Witness.

XIX. Was there any charter-party signed for the voyage in which the ship was seized and taken? When, where, and between whom was such charter-party made? Is it amongst the papers delivered up? If not, where, and in whose possession does it now remain? What were the contents of it? How came

Interrogate each  
Witness.

it not to be on board the vessel, and amongst her other papers relating to the voyage?

Interrogate each  
Witness.

XX. Is the ship or goods, or any and what part, insured? If yea, for what voyage is such insurance made? And at what premium, and when, and by what persons, and in what country was such insurance made? Under whose direction and management has the said ship usually been, with respect to her employment in trade? With whom do you correspond on the concerns of the vessel and cargo?

Interrogate each  
Witness.

XXI. Was bulk broken during any part of the voyage, that is, from the time of your sailing from your original port of clearance, up to the time when you were taken? Has bulk been broken, or any and how many and what Slaves disembarked at any time, since the capture of the said ship? If yea, how often has this been done? When and where, by whom, and by whose orders, and for what purpose, and in what manner?

No. 5.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone, Rio de Janeiro, and the Havannah.*

GENTLEMEN,

*Foreign Office, February 19, 1819.*

IN reference to the seventh Article of the Regulations for your guidance, annexed to the Treaty under which you are appointed, respecting the emancipation of Slaves found on board of such vessels as shall be condemned for an unlawful voyage; I am to convey to you His Royal Highness's instructions, that you keep a regular register of Slaves, who may, under those regulations, receive a certificate of emancipation, and be delivered over to the authorities of the country in which your commission is acting; and that you will from time to time send to me, for the information of His Royal Highness's Government, certified copies of the registers so prepared.

I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,  
&c. &c. &c.*

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No. 6.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, February 20, 1819.*

HIS Most Faithful Majesty having promulgated an Alvará, under date of the 26th of January 1818, for the regulation of the Slave Trade still carried on by His Most Faithful Majesty's subjects, I have received the commands of His Royal Highness the Prince Regent to send to you ten copies of the same in original and in translation; and I am to desire, that you will cause a copy thereof to be affixed in some public part of the Court where you preside, and that you will take such other means as may lie within your province, to make the Alvará in question generally known.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*  
 &c. &c. &c.

*(Inclosure in No. 6.)*

*Alvará of His Most Faithful Majesty, dated Rio de Janeiro, January 26th 1818.*

EU EL-REY Faço saber aos que este Alvará com força de Lei virem: Que Attendendo a que a prohibição do Commercio de Escravos em todos os portos da Costa d'África ao Norte do Equador, estabelécida pela Ratificação do Tratado de vinte e dous de Janeiro de mil oitocentos e quinze, e da Convenção Adicional de vinte e oito de Julho de mil oitocentos e dezeseite, exige novas providencias, que, presorevendo as justas e proporcionadas penas, que não de ser impostas aos transgressores, sirvão de regra certa de julgar, e decidir nos cazos occurrentes sobre este objecto, aos Juizes, e mais pessoas encarregadas da sua execução: Hei por bem Ordenar o seguinte.

## §. I.

Todas as pessoas de qualquer qualidade e condição, que sejão, que fizerem armar e preparar Navios para o Resgate e compra de Escravos em qualquer dos portos da Costa d'África situados ao Norte do Equador, incorrerão na pena de perdimento dos Escravos, os quaes immediatamente ficarão libertos, para terem o destino abaixo declarado: E lhe serão confiscados os Navios empregadas nesse trafico com todos os seus aparelhos e pertences, e juntamente a Carga, qualquer que seja, que a seu bordo estiver por conta dos donos e fretadores dos mesmos Navios, ou dos Carregadores de Escravos. E os Officiaes dos Navios, a saber, Capitão ou Mestre, Piloto, e Sobre Carga, serão degradados por cinco annos para Moçambique, e cada hum pagará huma multa equivalente á soldada e mais interesses que haveria de vencer na viagem. Não se poderão fazer Seguros sobre taes Navios, ou sua carregação; e fazendo-se, serão nullos; e os Seguradores, que scientemente os fizerem, serão condemnados no tresdobro do premio estipulado para o caso de Sinistre.

## §. II.

Na mesma pena de perdimento dos Escravos, para ficarem libérrtos, e terem o destino abaixo declarado, incorrerão todas as pessoas de qualquer qualidade e condição, que os conduzirem a qualquer dos portos do Brazil em Navios com bandeira que não seja Portugueza.

## §. III.

Todos os sobreditos cazos serão objecto de denuncia. E no cazo de ter havido confisco de Navio e de sua Carga, ametade de to do o preço, que se realizar em arrematação publica, bem como ametade das outras penas pecuniarias, será para os denunciantes, e a outra ametade para a Minha Real Fazenda, á qual pertencerá tudo quando não houver denunciante. No cazo porém de ter havido preza de Navio, feita por Embarcação de guerra; a respeito d'elle, e sua Carga se observará o que he prescripto pelo Artigo Septimo do Regulamento para as Commissões mixtas adicionado em numero terceiro á sobredita Convencão de vinte e oito de Julho de mil oitocentos e dezesete. Porém só poderão ser demandados dentro de tres annos, contados, no cazo de preza ou confisco do Navio, do dia da entrada do Navio no porto da descarga, e findo este espaço, ficarão prescriptas e extinctas as Accções.

## §. IV.

As Denuncias, e todos os autos do Processo até sentença final e sua execução, serão feitos perante os Juizes dos Contrabandos e Descaminhos do Lugar ou Distrito, onde os Escravos forem conduzidos, ou perante qualquer outro Magistrado ou Juiz, que essa jurisdicção exercitar, aos quaes Hei por bem commetter esta jurisdicção, bem como a necessaria para executarem as Sentenças proferidas pelas Commissões mixtas, nos cazos de seu conhecimento, e para julgar e conhecer dos outros cazos que occorrerem, e suas dependencias, dando os competentes recursos na forma da Ordenação. Qualquer das partes porém poderá requerer á Commissão mixta, para que julgue, se he, ou não, cazo de prohibição; e neste cazo se lhe remetterão os Autos no estado, em que estiverem: E o que por ella for decidido, se executará.

## §. V.

Os Escravos consignados à Minha Real Fazenda pelo modo prescripto no sobredito Septimo Artigo do Regulamento para as Commissões mixtas, e todos os mais Libérrtos pela maneira acima decretada, por não ser justo que fiquem abandonados, serão entregues no Juizo da Ouvidoria da Comarca; e onde o não houver, naquelle, que estiver encarregado da Conservatoria dos Indios, que Hei por bem ampliar, unindo-lhe esta jurisdicção; para ali serem destinados a servir como Libérrtos por tempo de quatorze annos; ou em algum serviço publico de mar, fortalezas, agricultura, e de officios, como melhor convier, sendo para isso alistados nas respectivas estações; ou alugados em praça a particulares de estabelecimento e probidade conhecida, assignando estes Termo de os alimentar, vestir, doutrinar, e ensinar-lhe o officio ou trabalho, que se convencionar, e pelo tempo, que for estipulado; renovando-se os Termos e Condições as vezes que for necessario, até preencher o sobredito tempo de quatorze annos: Este tempo porém poderá ser diminuido por dois

ou mais annos, áquelles Libertos, que por seu préstimo e bons costumes se fizerem dignos de gozar antes d'elle do pleno direito da sua Liberdade. E no caso de serem destinados a serviço publico na maneira sobredita, quem tiver authoridade na respectiva estação nomeará huma pessoa capaz para assignar o sobredito Termo, e para ficar responsavel pela educação e ensino dos mesmos Libertos. Terão hum Curador, pessoa de conhecida probidade, que será proposto todos os triennios pelo Juiz, e approvedo pela Mesa do Desembargo do Paço desta Côrte, ou pelo Governador e Capitão General da respectiva Provincia; e a seu officio pertencerá requerer tudo o que for a bem dos Libertos; e fiscalizar os abuzos; procurar que no tempo competente se lhe dê resalva do serviço; e promover geralmente em seu beneficio a observancia do que se acha prescripto pela Lei a favor dos orfãos, no que lhes poder ser applicado, para o que será sempre ouvido em tudo, o que á cerca delles se ordenar pelo sobredito Juizo.

#### §. VI.

Nos portos ao Sul do Equador, em que he permittido o Commercio de Escravos, se observará o que está ordenado pelo Alvará de vinte e quatro de Novembro de mil oitocentos e treze com as modificações e declarações seguintes; a saber: Ficará abolida a distincção entre tonelladas, que excederem o numero de duzentos e hum, e que não excederem este numero; e sem effeito o que á cerca destas ultimas he ordenado no dito Alvará, para ser regulada a carga de Escravos a razão de cinco por cada duas tonelladas do porte de qualquer Navio, medida pelo antigo padrão. Da prohibição das marcas feitas com ferro no corpo dos Escravos, serão exceptuadas e permittidas as marcas impressas com carimbos de prata. Será licito aos donos ou fretadores dos Navios empregar no serviço destes caldeiras de ferro ou de cobre indistinctamente, com tanto que estas sejam todas as Viagens estanhadas de novo, o que se fiscalizará nas visitas, que se hão de fazer a bordo dos mesmos Navios; E quando a bordo destes não possão andar Cirurgiãos para curar os Escravos, pelos não haver, ou por outra razão equivalente, serão os donos ou fretadores obrigados a trazer a bordo dos ditos Navios pretos Sangradores, intelligentes e experientados no tratamento das molestias, de que ordinariamente são infectados os ditos Escravos, e no conhecimento dos remedios proprios e adequados, de que elles uzão em seus curativos; porque em todos estes objectos tem mostrado a experiencia ser necessario declarar as providencias dadas naquella Avara, que se observará (com as sobreditas explicações) em tudo o mais, que nelle he disposto.

#### §. VII.

Attendendo a que a mudança e alteração superveniente ao Commercio dos Escravos pelas restricções, ajustadas no sobredito Tratado e Convenção Adicional, exige que em grande parte se alterem e modifiquem as disposições das antigas Leis a este respeito feitas sem attenção áquella posterior mudança, pela qual muitas até ficarão sem ter applicação: Hei por bem ordenar que em todos os portos do Brazil seja licito importar Escravos trazidos dos portos em que for licito este Commercio: E que os fretes fiquem á disposição e convenção das partes.

Este se cumprirá como nelle se contém: Pelo que Mando á Mesa do Desembargo do Paço e da Consciencia e Ordens; Presidente do Meu Real Erario; Conselho da Minha Real Fazenda; Regedor da Caza da Supplicação do Brazil; Governador de Relação de Bahia; Governadores e Capitães Gene-



raes ; e mais Governadores do Brazil e dos meus Dominios Ultramarinos ; e a todos os Ministros de Justiça, e mais Pessoas, a quem pertencer o conhecimento deste Alvará, o cumprão e guardem, não obstante qualquer Decisão em contrario, que Hei por derogada para este effeito sómente : E valerá como Carta passada pela Chancellaria, posto que por ella não ha de passar, e que o seu effeito haja de durar mais de hum anno, sem embargo da Lei em contrario.

Dado no Palacio do Rio de Janeiro em vinte e seis de Janeiro de mil oitocentos e dezoito.

## EL REY

Thomaz Antonio de Villanova Portugal.

Alvará com força de Lei, pelo qual Vossa Magestade Ha por bem Estabelecer penas, para os que fizerem Commercio prohibido de Escravos ; e Dar as convenientes providencias a respeito daquelles Escravos, que em consequencia das sobreditas penas ficarem libertos ; tudo na forma acima declarada.

Para Vossa Magestade Ver.

Registado nesta Secretaria de Estado dos Negocios do Reino no Liv. II. de Leis, Alvarás e Cartas Regias a fol. 181. Rio de Janeiro seis de Maio de mil oitocentos e dezoito.

João Baptista de Alvarenga Pimentel.

Luiz Joaquim dos Santos Marrocos o fez.

Na Impressão Regia.

*(Translation of Inclosure in No. 6.)*

*Alvard of His Most Faithful Majesty, dated Rio de Janeiro, January 26th 1818.*

I, The King, make known to those to whom the present Alvará, having the force and effect of a Law, shall come, That, as the Abolition of the Slave Trade in the ports of the Coast of Africa, North of the Equator, established by the Ratification of the Treaty, dated the 22d of January 1815, and of the additional Convention, dated the 28th July 1817, requires the adoption of fresh measures, which, fixing just and adequate penalties that shall attach to offenders, may afford to Judges and other persons charged with the execution of those measures, a standard for deciding upon such cases as shall occur relative to this object, think proper to ordain as follows :

### ARTICLE I.

All persons of whatsoever quality or condition, who shall proceed to fit out or prepare vessels for the traffic in Slaves, in any part of the Coast of Africa lying North of the Equator, shall incur the penalty of the loss of the Slaves, who shall be declared free, with a destination hereinafterwards men-

tioned. The vessels engaged in the traffic shall be confiscated, with all their tackle and appurtenances, together with the cargo, of whatever it may consist, which shall be on board on account of the owners or freighters of such vessel, and of the owners of such Slaves. The officers of such vessel, to wit, the Captain or Master, the Pilot and Supercargo, shall be banished for five years to Mosambique, and each shall pay a fine equivalent to the pay or other profits which he was to gain by the adventure. Policies of Insurance cannot be made on such vessels, or their cargoes; and if they are made, the Assurers who shall knowingly make them shall be condemned in triple the amount of the stipulated premium.

#### ARTICLE II.

All persons of whatever rank or condition who shall import Slaves into Brazil in Foreign vessels shall incur the same penalty of the loss of the Slaves, who shall become Freeman, and be provided for as hereinafter directed.

#### ARTICLE III.

Informations shall be received relative to all the above cases. And if the vessel and her cargo have been confiscated, half of the whole proceeds of the property, sold by public auction, as well as half of the fines, shall be given to the informer, and the other half shall be paid into my Royal Treasury, to which the whole produce shall belong, if there be no informer. In case, however, of a vessel having been captured by a ship of war, such vessel and her cargo shall be subject to the provisions specified in the seventh Article of the Regulations concerning the Mixed Commission, annexed, under number 3, to the above Convention of July the 28th 1817. But in case the ship should be captured or confiscated, it shall not be lawful to commence an action for the recovery of such ship and cargo, except within a term not exceeding three years, to reckon from the date of the ship's entrance into the port where she has unloaded, after the expiration of which period, the said action shall be inadmissible and void.

#### ARTICLE IV.

Informations, and all proceedings inclusive of the final sentence and its execution, shall be brought before the Judges appointed to try causes respecting contraband goods and embezzlement in any place or district, whither the Slaves have been carried, or before any other Magistrate or Judge competent to decide on those matters, to whom I deem proper to commit this Jurisdiction, as well as the authority requisite for carrying into execution the sentences passed by the Mixed Commission, in cases cognizable by the latter, and for trying and determining other cases that may occur, as also those accruing from them, allowing the party to bring an appeal conformably to the Ordinance. It shall, however, be lawful for either of the parties to apply to the Mixed Commission for them to determine, whether, or not, the case have reference to the Abolition, in which event the proceedings upon it shall be delivered up to the Commission in the state in which they are; and whatever the Commission may decide, shall be carried into effect.

#### ARTICLE V.

The Slaves made over to my Royal Treasury in the manner specified in the above seventh Article of the Regulations concerning the Mixed Commissions, and those declared free by the above Article (as it would be unjust to

abandon them without support) shall be delivered into the Office of the Judge of the District, or where there is none, into that of the Judge charged to watch over the Rights of the Indians, whose powers I enlarge with that Jurisdiction, to serve as freedmen for fourteen years in any public service of the navy, the fortresses, agriculture, or manual trades, as may be thought most convenient, being for that purpose enrolled in the respective stations; or shall be hired out to individuals of known property and probity, who shall be bound to support, clothe, and instruct them, teaching them some handicraft or labour, that may be agreed upon, during the stipulated period; the terms and the conditions of which shall be renewed as often as necessary, till the fourteen years are expired; the time of servitude may be shortened by two or more years, according as the good conduct of these persons may entitle them to the enjoyment of full freedom. In case these freedmen are destined for the public service, the officer who shall have authority in the respective stations to which they are assigned, shall nominate a proper person to fix the period as above-mentioned, who shall be responsible for their education and treatment. They shall have as Curator a person of known probity, who shall be nominated every three years by the Judge, and approved by the Judicial Council or Governor, and Captain General of the Province. To him it shall belong to provide every thing which may contribute to their well being, to testify abuses that may affect them, to procure them release after their proper term of service, and enforce generally, for their benefit the observance of the Laws prescribed for the protection of orphans, in as far as those Laws are applicable to them, to the end that whatever is ordered concerning them may be strictly executed.

#### ARTICLE VI.

In the ports to the South of the Equator, where the traffic in Slaves is still permitted, the Regulations passed in the Law of the 24th November 1813, shall be observed with the following modifications:—The distinction between vessels which shall exceed or shall not exceed 201 tons, shall be abolished, and the number of Slaves shall be regulated according to the tonnage of the vessel, in the proportion of five to every two tons, according to the ancient measure. The prohibition respecting marks made with iron on the body of the Slaves, shall not extend to marks imprinted with silver *earimbo*s, which, being excepted, shall be permitted. It shall be allowed to the persons who own or freight Slave vessels, to use, indiscriminately, iron or copper kettles, provided the latter every voyage be tinned anew, which shall be ascertained by proper officers visiting those vessels. If Surgeons do not sail on board such vessels, on account of the impossibility of procuring them, or for some other reason equally conclusive, the owners shall be obliged to carry with them *black sangrados*, experienced in the treatment of the diseases with which the Slaves are commonly afflicted, and in the remedies proper for curing them; because, in regard to all these objects, experience has evinced the necessity of specifying the provisions set forth in this Alvará, which, under the above modifications, shall be observed in all its details.

#### ARTICLE VII.

Whereas the alteration effected in the Slave Trade by the restrictions contained in the above Treaty and Additional Convention, requires considerable modifications in the provisions of the former Laws enacted on this subject, independent of the last change which will tend to render many of them void, I think proper to order, that it shall be permitted to import into the ports

of Brazil, Slaves from any ports where this traffic is not prohibited, and that the freight shall continue to be settled by the parties :

The present injunctions shall be strictly complied with ; wherefore I direct the Tribunal of the Privy Council, of Conscience and of Orders ; the President of my Royal Exchequer ; the Council of my Royal Treasury ; the Chief Justice of the Supreme Court of Appeal in Brazil ; the President of the Tribunal of Bahia ; the Governors and Captains General ; and the other Governors of Brazil, and of my Dominions beyond sea ; also all the Ministers of Justice, and other persons whom the present Alvará may concern, to comply with and observe the same, notwithstanding any decision that may be at variance with it, and which I rescind for this end only : and it shall have the force and effect of a letter issued by the Chancellery, though it be not actually issued by the same, and though its validity extend beyond a year, notwithstanding the law to the contrary. Given at the Palace of Rio de Janeiro, the 26th of January 1818.

## THE KING,

Thomas Antonio de Villanova Portugal.

Alvará having the force and effect of a Law, by which Your Majesty is pleased to enact penalties against those who shall carry on illicit Slave Trade, and to direct the proper measures respecting such Slaves as, in consequence of the above penalties, shall become free ; all in the form set forth above.

For Your Majesty's inspection.

Registered at this Secretary of State's Office for the Affairs of the Kingdom in Book II. of the Laws, Alvarás, and Royal Letters, at p. 181. Rio de Janeiro, May 6th 1818.

John Baptista de Alvarenga Pimental.

Drawn up by Louis dos Santos Marrocos.

Printed at the Royal Office.

No. 7.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, Feb. 20, 1819.*

The printed Memoranda of which I send to you herewith ten copies have been drawn up with a view to afford you every requisite facility and assistance in the technical part of your duties as His Majesty's Commissary Judge and Commissioner of Arbitration.

You will communicate a copy of them to the Commissioners of His Catholic Majesty, and to the Commissioners of His Most Faithful Majesty, and you will propose to them the adoption of the substance of this document as the guide of the form of your proceedings, as far as circumstances will admit.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,**&c. &c. &c.**(Inclosure in No. 7.)*

*Memoranda for the guidance of the Commissions appointed for carrying into effect the Treaties for the Abolition of the Slave Trade.*

THESE Commissions are framed in pursuance of the following Treaties between His Britannic Majesty, and His Most Faithful Majesty the King of Portugal, His Catholic Majesty the King of Spain, and His Majesty the King of the Netherlands.

The Treaty with Portugal was made on the 28th July, 1817, and ratifications were exchanged at Rio Janeiro on the 27th November 1817.

The Treaty with Spain was made on the 23d September 1817, and ratifications exchanged at Madrid on the 22d November 1817.

The Treaty with the King of the Netherlands was made the 4th May 1818, and ratifications exchanged at the Hague on the 25th May 1818.

It may not in the first place be improper to take a short review of these Treaties, as they regard the illicit traffic in Slaves.

The Treaties between this Country and Portugal and Spain, and the Acts of Parliament for carrying those Treaties into effect, declare illicit all traffic in Slaves by British ships;—all traffic in Slaves by Portuguese or Spanish ships in parts therein specified, and all such traffic in other parts by Portuguese or Spanish ships for or on account of the subjects of any other Government, or bound for any port not in the dominions of the Sovereign to which the ship may belong.

By the Treaty with the King of the Netherlands, that Sovereign engages within eight months, or sooner if possible, from the exchange of the ratifications, to prohibit all his subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of

Slaves; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, being found ineffectual, or insufficient, the High Contracting Parties mutually engage to adopt such further measures, by legal provision, or otherwise, as may from time to time appear best calculated to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

It is expressly stipulated by all the High Contracting Powers, that no vessels shall be detained, but those having Slaves actually on board: that they are to be carried as soon as possible for judgment to the nearest place, where one of the Mixed Commissions is sitting, or which the captor thinks he can soonest reach from the spot where the Slave ship shall have been detained; and no cruizer is legally authorized to detain any vessel, unless such cruizer forms part of the British, Portuguese, Spanish, or Netherland Royal Navies, and is furnished with the special instructions pointed out in the Treaties for visiting merchant vessels suspected of having Slaves on board; the visitation and search are directed to be done in the most mild manner; and in no case is the search to be made by an officer holding rank inferior to that of Lieutenant in the British, Portuguese, or Netherland Royal Navies; or of Ensign of a ship of the Line in the Spanish navy.

By the Treaty with Spain it is declared to be illegal at present for any Spanish subject to carry on the Slave Trade on any part of the coast of Africa, north of the equator, upon any pretext, or in any manner whatever; and His Catholic Majesty engages that the Slave Trade shall be abolished throughout the entire Dominions of Spain on the 30th May 1820, and after that period it shall not be lawful for any Spanish subject to purchase Slaves, or carry on the Slave Trade; but the same is then to cease entirely. A term, however, of five months from the said 30th May 1820, is allowed for completing the voyages of those vessels which shall have cleared out lawfully, previous to the said 30th May 1820.

By the separate Article to the Additional Convention with Portugal, dated London, 11th September 1817, it is stipulated, that as soon as the total Abolition of the Slave Trade for the subjects of the Crown of Portugal shall have taken place, the two High Contracting Parties agree to adapt to that state of circumstances the stipulations of the said Convention, dated 28th July 1817; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years, from the day on which the general Abolition of the Slave Trade shall so take place on the part of the Portuguese Government.

All traffic in Slaves by the Portuguese to the northward of the Equator is prohibited, and the only trading in Slaves to the south of the Equator, which is at present allowed to the Portuguese by the Treaty or Convention of 28th July 1817, is limited to the Territories possessed by the Crown of Portugal upon the Coast of Africa; viz. the territory lying between Cape Delgado Bay, and the Bay of Laurenzo Marques, upon the eastern Coast of Africa; and upon the western Coast all the territory which is situated from the 8th degree to the 18th degree of south latitude.

No vessels to be detained but those having Slaves actually on board.

Cruizer to form part of the royal navies.

Search by Officer not inferior to Lieutenant in British, Portuguese, or Netherland navies, or Ensign of Spanish ship of the line.

Abolished throughout the entire dominions of Spain, 30th of May 1820.

Five months allowed for completing voyages.

- By the 2d Article of the Treaty it is declared, that the Territories over which the King of Portugal has retained the rights of Sovereignty on the Coast of Africa, south of the Equator, are those of Molembo and Cabinda upon the *eastern* Coast, from the 5 deg. 12 min.: to the 8th degree south. This must be an error, as those places are on the *western* Coast of Africa.
- Vessels to be provided with Royal Passports.** Every Portuguese or Spanish vessel engaged in this trade must be provided with a royal passport permitting such traffic.
- Mixed Commission to consist of two Commissary Judges, two Commissioners of Arbitration, a Secretary or Registrar.** The Mixed Commissions are to consist of two Commissary Judges, and two Commissioners of Arbitration; one of each to be named by His Britanic Majesty, and the others by the Kings of Portugal and Spain, as they shall be established in their respective Dominions: To each Commission is to be attached a Secretary or Registrar, whose appointment is vested in the Sovereign of the Country in which the Commission may reside, and the proceedings under the Commissions are to be written down in the language of the Country, where the same may be respectively established.
- Proceedings to be written in language of country where Commission established.**
- Indemnity to Portuguese vessels improperly detained after 1st July 1814.** The British Government has undertaken to indemnify the proprietors of all Portuguese vessels improperly detained after the 1st July 1814; but no claim for compensation can be admitted for a larger number of Slaves than was permitted according to the rate of tonnage of the vessel captured; and the individuals having a just claim are to be paid the same within the space of a year at farthest from the decision of each case.
- Negro servants or sailors not cause for detention.** It has been before observed that no vessels are legally liable to be captured, but those having Slaves actually on board for the express purpose of the traffic; so that a vessel having Negro servants or sailors on board is not for that reason to be detained: and no merchantman or Slave ship is to be visited or detained, whilst in the port or roadstead belonging to either of the High Contracting Powers, or within cannon shot of the batteries on shore, excepting on the Continent of Africa north of the Equator; but no Slave ship, either Portuguese or Spanish, is to be elsewhere detained near the land, or even on the high seas south of the Equator, unless after a chace, which shall have commenced north of the Equator; and if any vessel be detained south of the Equator, the proof as to the illegality of the voyage is to be exhibited *by the captor*; and in all cases of Slave ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished *by the vessel so detained*.
- South of Equator, proof of illegality by captor.**
- North of Equator, proof of legality by claimant.**
- Number of Slaves not agreeing with passport; not sufficient to justify detention.** It is stipulated, that, notwithstanding the number of Slaves found on board any vessel may not agree with the number contained in the passport, yet that shall not be a sufficient reason to justify the detention of the ship.
- Master and part of crew to be left on board.** When a Slave ship shall be detained, the Master thereof and a part at least of the crew are to be left on board, and the captor is directed to draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; and to deliver to the Master of the Slave ship a signed certificate of the papers seized on board such detained vessel, as well as the number of Slaves found on board. None of the Slaves are to be disembarked till after the vessel shall have arrived at the
- Slaves not to be disembarked unless for urgent reasons.**

place, where the legality of the capture is to be tried, unless urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, should make a disembarkation (entirely or in part) necessary before the vessel's arrival: the commander of the capturing ship, however, takes upon himself the responsibility of such disembarkation, and the necessity thereof must be stated in a certificate in proper form, and the following are considered as proper declarations or certificates, to be used as circumstances may arise.

Captor takes upon himself responsibility of disembarkation.

*Form of Declaration of the state of the Vessel at the time of Capture.*

I \_\_\_\_\_ Commander of Form of Declaration of state of vessel captured to be made by Captor.  
 His Britannic Majesty's ship \_\_\_\_\_  
 hereby declare that on this \_\_\_\_\_ day of \_\_\_\_\_  
 being in or about latitude \_\_\_\_\_ longitude \_\_\_\_\_  
 I detained the ship or vessel named the \_\_\_\_\_  
 sailing under \_\_\_\_\_ colours, armed with \_\_\_\_\_  
 guns \_\_\_\_\_ pounders, commanded by \_\_\_\_\_  
 who declared her to be bound from \_\_\_\_\_  
 to \_\_\_\_\_ with a crew consisting of \_\_\_\_\_  
 Men \_\_\_\_\_ Boys \_\_\_\_\_ Supercargo \_\_\_\_\_  
 Passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board \_\_\_\_\_  
 Slaves, said to have been taken on board at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ and are enumerated as follows,  
 viz.

	HEALTHY.	SICKLY.
Men . . .		
Women .		
Boys . . .		
Girls . . .		

I do further declare that the said ship or vessel appeared [or not] to be seaworthy, and was [or not] supplied with a sufficient stock of water [or not] and provisions for the support of the said Negroes and crew on their destined voyage to

I do further declare

[Here insert any observations of the state and condition of the ship and crew, and Slaves, which may appear important to notice and record.]

To be witnessed by two Officers, of whom the Surgeon to be one, if on board.



*Form of Certificate to be given to the Master of a Vessel captured.*

Form of Certificate to be given to the Master of the vessel captured.

I \_\_\_\_\_ Commander of His Britannic Majesty's ship \_\_\_\_\_ hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ being in or about latitude \_\_\_\_\_ longitude \_\_\_\_\_ I detained the ship or vessel named the \_\_\_\_\_ sailing under \_\_\_\_\_ colours, armed with \_\_\_\_\_ guns, \_\_\_\_\_ pounders, commanded by \_\_\_\_\_ who declared her to be bound from \_\_\_\_\_ to \_\_\_\_\_ with a crew consisting of \_\_\_\_\_ Men \_\_\_\_\_ Boys \_\_\_\_\_ Supercargo \_\_\_\_\_ Passengers, and having on board \_\_\_\_\_ Slaves, viz.

	HEALTHY.	SICKLY.
Men ..		
Women ..		
Boys ..		
Girls ..		

and that the Papers and Documents seized by me on board the said ship or vessel, being marked from No. 1 to No. are enumerated in the following List :

[Here the List is to follow.]

*Form of Certificate of the necessity of Disembarking Slaves from a Captured Vessel.*

Form of Certificate when Disembarkation of Slaves is necessary.

I \_\_\_\_\_ Commander of His Britannic Majesty's ship \_\_\_\_\_ hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ being in or about latitude \_\_\_\_\_ longitude \_\_\_\_\_ I detained the ship or vessel named the \_\_\_\_\_ sailing under \_\_\_\_\_ colours, armed with \_\_\_\_\_ guns, \_\_\_\_\_ pounders, commanded by \_\_\_\_\_ who declared her to be bound from \_\_\_\_\_ to \_\_\_\_\_ with a crew consisting of \_\_\_\_\_ Men \_\_\_\_\_ Boys \_\_\_\_\_ Supercargo \_\_\_\_\_ Passengers, and having on board \_\_\_\_\_ Slaves, viz.

	HEALTHY.	SICKLY.
Men....		
Women .		
Boys ...		
Girls ...		

I do further declare, that finding it necessary to disembark  
 \_\_\_\_\_ of the Slaves before the vessel  
 could arrive at \_\_\_\_\_  
 to which place it was my intention to send her for Adjudication  
 on account of  
 [Here insert the cause, such as there not being a sufficient  
 quantity of provision or any other circumstance to justify the  
 disembarkation.]  
 I did on the \_\_\_\_\_ day of \_\_\_\_\_ disembark \_\_\_\_\_  
 of the Slaves at \_\_\_\_\_  
 where they remained

To be witnessed by two Officers.

THE following is recommended as a Form of Proceeding for  
 the guidance of the Commissioners and Registrar, being assi-  
 milated, as near as can be, to the proceedings of the High  
 Court of Admiralty; and with the view of making the subject  
 more intelligible, the case of a Portuguese vessel is supposed to  
 be captured by His Britannic Majesty's ship of war *Confiance*,  
 and carried to Sierra Leone.

Form of proceeding  
 and steps to be  
 taken on arrival in  
 port.

The first step to be taken on the part of the seizer, is im-  
 mediately on the arrival of the detained vessel in port, to make an  
 affidavit setting forth when and where the seizure was made,  
 and to which must be annexed the whole of the papers found  
 on board the detained ship, and that such papers are in the  
 same plight and condition, as when they were found or  
 delivered up.

*The following Affidavit is given as a Form for that purpose.*

Our Sovereign Lord the King  
 against  
 The ship *Escravo*, *Pereiro de Mattos*, Mas-  
 ter, her tackle, apparel, and furniture, the  
 goods, wares, merchandize, and Slaves on  
 board the same, taken by His Majesty's ship  
 of war *Confiance*, Sir James Lucas Yeo, Knt.  
 Commander, and brought to Sierra Leone.

Appeared personally Sir James Lucas Yeo, Knight, Com-  
 mander of His Majesty's ship of war *Confiance*, duly autho-  
 Form of Affidavit,  
 as to ship papers.

As the fact may be.

rized and empowered, according to the provisions of the Additional Convention to the Treaty between His Britannic Majesty and His Most Faithful Majesty, to make seizures of vessels under Portuguese colours engaged in the Slave Trade, being duly sworn maketh oath, that on the 9th day of the month of May 1819, being in latitude            and longitude            he seized and detained the ship or vessel called *Escravo*, whereof *Pereiro de Mattos* was Master, by reason that the said ship was employed in the Traffic in Slaves, contrary to the existing Treaties entered into with His Britannic Majesty, and His Most faithful Majesty the King of Portugal: and the deponent further maketh oath, that the papers, writings, and documents hereunto annexed marked from No. 1 to No.            inclusive, were given or delivered up to this deponent by the Master of the said ship or vessel, and that the same are now brought and delivered up, in the same plight and condition, as when so received by this deponent, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

On the 25th day of May 1819, the said }  
Sir James Lucas Yeo, Knight, was duly } *James Lucas Yeo.*  
sworn to the truth of this affidavit.

Before me

*Thomas Gregory*, Commissary Judge [or as the case may be.]

It is not absolutely necessary that the affidavit should be made by the Commander of the capturing ship, the Officer in charge of the ship captured is equally competent thereto.

Suppression or concealment of Papers

In cases where there shall have been any suppression, concealment, or discovery of papers, the same should be set forth in the affidavit; the circumstances and the place where the same were concealed or discovered should be minutely stated, and if any letters or papers were delivered up at any other period, than at the time of capture, that fact should be introduced in the affidavit, together with the name of the person or persons who delivered the same.

No Papers being on board.

In the event of a vessel being captured, and there being no papers found on board of her, it will be necessary that the captor should make the affidavit conformable to the facts, in order that proceedings may be instituted thereon, such affidavit and papers, or the affidavit accounting for them, being the foundation of the proceedings: and upon the affidavit being brought in before one of the Commissary Judges or Commissioners of Arbitration, in the presence of the Registrar, a minute of the following tenor should be recorded by the latter Officer, who should keep a book, into which he should enter all the acts, minutes and decrees had under the Commission, as the same may respectively occur, which being indexed in the captured ship's name, reference may be easily had to the whole of the proceedings in each case.

The Ship ESCRAVO, Pereiro de Mattos, Master.

Our Sovereign Lord the King against the ship or vessel Escravo, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and all and singular the goods, wares, merchandize and Slaves on board the same, and therewith seized and taken by His Majesty's ship Confiance, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, and against all persons in general.

On which day A. B. exhibited for our Sovereign Lord the King, and brought in Attestation of Sir James Lucas Yeo, Knight, Commander of His Majesty's said ship Confiance, with ship papers annexed, marked from No. 1 to No. inclusive. That the said ship Escravo, whereof Pereiro de Mattos was Master, during her voyage from to was taken and seized by reason that the said vessel was employed in the Traffic in Slaves, contrary to the existing Treaties entered into with His Britannic Majesty, and His Most Faithful Majesty the King of Portugal, and brought into this Port for Adjudication, wherefore he prayed, and the said Commissary Judge at his petition decreed, that all persons whatsoever, who have, or pretend to have, any right, title, or interest in the said ship Escravo, and her lading, so seized and taken, be monished, cited, and called to judgment, so that they appear before the said Commissary Judges named in the Mixed Commission established at this place, at <sup>Form of minute upon decreeing Monition.</sup> on the twentieth day after service of the said Monition, to shew and allege in due form of law a reasonable and lawful cause, if any they have, why the said ship Escravo, and her lading so seized and taken, should not be pronounced at the time of the seizure of the same to have been employed in an illegal traffic in Slaves; and further directed, that it be thereby intimated unto the said persons, that if they do not appear at the time and place aforesaid, and shew a reasonable and just cause to the contrary, the Commissary Judges will proceed to Adjudication on the said capture, and may pronounce the said ship, Escravo, and her cargo, liable to be adjudged forfeited, and to be disposed of, as directed by the said Treaties, and may pronounce all and singular the Slaves found on board to be emancipated from slavery, the absence or rather contumacy of the persons so cited and intimated in any wise notwithstanding.

*The following is the Form of a Monition:*

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to C. D., or his Deputy whomsoever, greeting; Whereas our trusty and well-beloved Thomas Gregory, and E. F. the Commissary Judges appointed by Us, and His Most Faithful Majesty the King of Portugal, to hear and determine all, and all manner of causes and complaints as <sup>Form of Monition.</sup>

to ships, goods, and Slaves, seized and taken for the illegal traffic in Slaves, and in contravention of the Treaties or Conventions between Us and His said Most Faithful Majesty, specially constituted and appointed, rightly and duly proceeding at the petition of A. B.

on behalf of Sir James Lucas Yeo, Knight, Commander of our ship of war *Confiance*, hath decreed all persons in general who have or pretend to have any right, title, or interest in the ship or vessel called the *Escravo*, whereof *Pereiro De Mattos* was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken and seized by our said ship of war *Confiance*, to be monished, cited, and called to judgment at the time and place underwritten, and to the effect hereinafter expressed (justice so requiring); we therefore strictly charge and command you jointly and severally that you omit not, but that by affixing these presents upon

Some conspicuous place should be stated. The Monition in the Court of Admiralty mentions one of the Pillars of the Royal Exchange, London.

Or such other time as the Commissary Judges may think proper.

at the usual time of the public resort of merchants and other persons thither, and by leaving thereon affixed a true copy thereof, you do monish and cite or cause to be monished and cited peremptorily all persons in general, who have or pretend to have any right, title, or interest in the said ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves laden therein, to appear before the said Commissary Judges, in our colony of Sierra Leone, upon the twentieth day after service of these presents, if it be a court day, or else on the court day next following, between the hours of nine and eleven A. M. of the said day, then and there to shew and allege in due form of law, a reasonable and lawful cause, if they have any, why the said ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same should not be pronounced to have been employed illegally, and to be disposed of, as is directed by the Treaties or Conventions in such case made and provided; and further to do and receive in this behalf as to justice shall appertain, and that you duly intimate or cause to be intimated peremptorily to all persons aforesaid in general, to whom by the tenor of these presents we also intimate, that if they shall not appear at the time and place abovementioned, or appearing shall not shew a reasonable and lawful cause to the contrary, the aforesaid Commissary Judges do, intend, and will proceed to adjudication on the said Capture, and may pronounce that the said ship *Escravo*, her tackle, apparel, and furniture, and the goods, wares, and merchandize as aforesaid are liable and subject to be adjudged forfeited, and to be disposed of, as directed by the Treaties in that case made and provided; and also to pronounce all and singular the Slaves to be emancipated, the absence or rather contumacy of the persons so cited and intimated in any wise notwithstanding; and that you duly certify to the said Commissary Judges what you shall do in the premises, together with these presents. Given at Sierra Leone aforesaid, under the seal of the said Commission this 25th day of May 1819, and of our Reign the 59th.

(Seal)

D. M. HAMILTON, Registrar.

This Monition must be prepared by the Registrar, and delivered to the person representing the Captor, who is to cause a copy thereof to be made and delivered to the person to whom the Monition is addressed, and such person is then to execute the same, by affixing the original for a short period at the place mentioned therein, and then leaving the copy affixed. The original Monition is then to have the following Certificate endorsed thereon, and signed by the person executing it.

Registrar to prepare  
Monition.

Say half an hour,  
to give a sufficient  
time for it to be  
seen.

“ I do hereby certify, that I duly affixed this Monition  
“ for some time upon  
“ and left a true copy thereof affixed to the said place.”

Certificate of service  
of Monition.

C. D.

The Commissioners are directed to proceed in the first place upon the examination of the papers of the vessel, and the depositions on oath of the Captain, and two or three at least of the principal individuals on board of the detained vessel. The Master is the only individual specifically pointed out, whose examination is absolutely necessary to be taken, leaving it at the option of the captors to select any other person belonging to the captured vessel; but it has been usual in Prize Courts to direct that either the Mate or the Boatswain should be one of the other witnesses to be examined; these persons being considered as the most likely to have a correct knowledge of the general circumstances attending the course and employment of the vessel. If there be a Supercargo on board, he should also be examined, as supposed to be intimately acquainted with all the circumstances relating to the cargo, and the trade in which it was engaged.

Master of detained  
vessel to be exa-  
mined.

Mate or Boatswain.

Supercargo.

The Witnesses should be produced and sworn as soon as possible after their arrival in port, and if practicable, at the same time that the attestation of the captor is exhibited and the monition prayed as before stated; and if any of them do not sufficiently understand the language of the Country where the Commission is holden (it being directed that the proceedings, under each Commission, should be in the language of the Country where it may be held,) the oath must be administered through an Interpreter, who, unless he be a Notary Public, must be previously sworn, that he will faithfully interpret the oath, as also the depositions of the witnesses.

Witnesses to be exa-  
mined upon arrival.

Upon the production of the witnesses, the Registrar should enter upon record a minute to the following purport:

Ship ESCRAVO, Pereiro de Mattos, Master.

A. B. produced as witnesses in preparatory in the above Cause, the said Pereiro De Mattos, the Master, C. D. the Mate, and E. F. one of the Mariners, who were duly sworn and monished: the said C. D. and E. F. by the interpretation of G. H. who was first sworn faithfully to interpret between the parties in this cause, without favor or affection to either of them.

*The Form of the Oath to the Interpreter is as follows:*

“ You swear that you are well versed in the English and Portuguese Languages, that you will faithfully interpret

Oath to Interpreter.

“ between the Parties in this Cause, without favour or affection to either of them.”—“ So help you God.”

If the Interpreter be a Notary Public, no Oath is necessary.

*The Form of the Oath to be administered to the Master and others belonging to the captured Ship is as follows :*

Oath to Witnesses. “ You are produced as a Witness respecting the Ship  
“ Escravo, of which you are [Master, Mate, or as the fact  
“ may be] and you swear, that at the time of your examination, you will speak the truth, the whole truth, and  
“ nothing but the truth, indifferently between the parties  
“ concerned.”—“ So help you God.”

Upon the witnesses being so produced and sworn, they should be admonished by the Registrar to attend and undergo their examination at such times as he may appoint, and which should be within twenty-four hours after they have been produced and sworn as aforesaid, or as soon after as possible. The Registrar, or such person as he may appoint, subject to the approbation of the Commissary Judges, is the proper Officer to take down the examinations, and he should be a Notary Public, if one can be had ; if not, it would be proper that an oath should be administered to the person selected, that he will, as Examiner, execute such office faithfully, impartially, fairly, and without preference or favour, either for Claimant, Captor, or any other person : such Examination is to be taken down in writing on the Interrogatories, which have been prepared for that purpose, and are hereto annexed, and which it is believed, will embrace all the material points necessary to be inquired into in most cases ; but should any additional interrogatories be rendered necessary, there can be no objection to the same being administered for the purpose of obtaining evidence of particular facts ; but it would be advisable upon such an occurrence, and the better to answer the purposes of justice, that such additional interrogatories should previously be approved by the Judges of the Commission, preparatory to their being administered to the witnesses, as it will prevent parties from entering into extraneous matter, which should, as much as possible be prevented.

Examination on Interrogatories as settled.

Additional Interrogatories to be approved by Commissary Judges.

No person to be present during examination.

No person should be present during the examination, except the Registrar or the Examiner and the witness under examination (together with the Interpreter, if the same be by interpretation.) The Examiner must carefully take down the witness's answer to each interrogatory separately, and not blend two or more interrogatories together. If a witness plead ignorance, or appear to withhold the disclosure of facts presumed to be within his knowledge, the Examiner should admonish him, of the oath he has taken to speak the truth, the whole truth, and nothing but the truth, and to endeavour to obtain from him a disclosure of all he knows of the matters inquired after ; and that if he cannot absolutely speak to the precise fact interrogated, he should answer to the best of his belief.

Persons neglecting or refusing to be examined, to be served with a Compulsory.

In the event of any of the persons neglecting or refusing to attend to be sworn and examined under the Commission, a Compulsory or Monition should be prayed before one of the Commissary Judges, and a minute to the following effect recorded by the Registrar :

A. B. alledged, that Pereiro De Mattos, the Master, is a material witness to be examined in the said Cause, and that notwithstanding applications have been made to him to attend for that purpose, he hath hitherto declined [or refused] to attend.—Compulsory, decreed at petition of A. B.

*The following is the Form of the Compulsory, and is to be prepared by the Registrar.*

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To C. D. or his deputy whomsoever, greeting, Whereas Our Trusty and Well Beloved Thomas Gregory and E. F. the Commissary Judges, appointed by Us, and His Most Faithful Majesty, the King of Portugal, to hear and determine all and all manner of Causes and Complaints, as to Ships, Goods, and Slaves, seized and taken in consequence of the Treaties or Conventions between Us, and His said Most Faithful Majesty, for the purpose of preventing the illicit Traffic in Slaves, especially constituted and appointed in a certain business moved and prosecuted before Us under the said Commission, on behalf of Sir James Lucas Yeo, Knight, Commander of Our ship Confiance, against the ship called the Escravo, whereof Pereiro De Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by Our said ship of war Confiance, and brought to Sierra Leone, rightly and duly proceeding at the petition of A. B. alleging that Pereiro de Mattos is a necessary Witness in the said cause or business, but he has refused to come and give his testimony therein, unless by law compelled thereto, Hath decreed the said Pereiro de Mattos to be monished, cited, and called to Judgment at the time and place underwritten, and to the effect hereinafter expressed, Justice so requiring, We do therefore strictly charge and command you, jointly and severally, that you omit not, by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited preremptorily and personally, the said Pereiro de Mattos, that he appear before the Commissary Judges aforesaid, or their Registrar, at

on the day of

next ensuing, between the hours of nine and eleven of the said day there, then and there to take the oath by witnesses usually taken, and to testify the truth of what he knows in this behalf; and further to do and receive in this behalf as to Justice shall appertain, under pain of the law, and the peril which will fall thereon, and that you duly certify to the said Commissary Judges what you shall do in the premises, together with these presents. Given at Sierra Leone, under the seal of the said Mixed Commission, the

day of May in the year of our Lord 1819 and of our Reign the 59th.

Or such other time as the Commissary Judge may think proper.

(L. S.) D. M. HAMILTON, Registrar.



Any number of persons may be included in one Compulsory.

Although this Compulsory has only the name of one person introduced into it, yet any indefinite number of persons may be included in one Compulsory, which instrument is to be delivered to the person at whose application the same may have been prayed, who should make as many copies as may be wanted, to be served upon the parties, and the mode of service is by shewing the original to each of them under seal, and leaving with them a true copy thereof.

The person serving this instrument should write and sign a certificate on the back thereof of the following tenor.

Certificate of service of Compulsory.

This Compulsory was duly served on \_\_\_\_\_ by shewing the same under seal to them respectively, and leaving with each of them a true copy thereof, this day of May 1819.

By me, C. D.

In case either of the persons named in the Compulsory do not pay due obedience to the same, they should be pronounced to be contumacious and ordered to be attached; and under such order, kept in custody until they express a readiness to undergo their examination, when they may be dismissed on paying the expences they have occasioned. The attachment, like all other instruments which issue from the Commission, should be prepared by the Registrar, and may easily be done by varying the preceding form of Monition to an attachment, by directing the said C. D. to cause \_\_\_\_\_ to be attached and arrested, and him so attached and arrested to keep under safe and secure arrest until." [Here insert the cause for which the attachment issues.]

Examinations not to be inspected until publication decreed.

The Examinations are not to be perused or inspected by any person until the whole are completed, and publication thereof decreed, which should be done at the prayer of the person acting on behalf of the captors, and should not then be perused by any person, except the parties in the cause; and no claimant is to have reference thereto until his claim (hereafter mentioned) has been duly filed; and no examinations of other witnesses on the standing interrogatories are to be taken, after the evidence has been inspected either by captor or claimant, unless the Commissary Judges should give directions for that purpose.

Registrar to furnish copies of examinations and papers.

Upon publication being decreed, it is the duty of the Registrar to furnish the captor and claimant with official copies of the examinations, if required, and of such of the papers as may be ordered by either party, and also to cause translations to be made of any other of the papers as may be in a foreign language, and to deliver copies of such translations to the parties in the cause; the expence of the translations should be charged to the party ordering the same, the opposite party having only to pay the expence of the copies. It should be observed that whatever copies of papers are ordered by one party, and intended to be used as evidence in the cause, must also be delivered to the opposite party. The translations are of course to be kept in the Registry for the use of the Officers of the Court.

It has been usual in Admiralty Courts, after the monition has been executed, for the person representing the captors to give an allegation, stating the grounds of detention, and which must be delivered by him to the Registrar to be filed; and the following is the form of an allegation, which may be varied according to the circumstances applying to each particular capture:

Before the Mixed Commission appointed by His Britannic Majesty, and His Most Faithful Majesty the King of Portugal.

On the        day of May 1819,

In the Case of the Ship *Escravo*, whereof *Pereiro De Mattos* was Master. Form of Allegation

<p>Our Sovereign Lord the King against the said ship <i>Escravo</i>, whereof <i>Pereiro De Mattos</i> was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same taken and seized by His Majesty's ship <i>Confiance</i>, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, and against all persons in general.</p>	}	<p>On which day A. B. exhibited for the said Sir James Lucas Yeo, Knight, by all lawful ways and means, and to all effects in law whatsoever alleged, pleaded, and articulately propounded as follows, to wit :</p>
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1st. That in and by a certain Convention entered into between His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, and His Most Faithful Majesty the King of Portugal, and signed at London the 28th day of July 1817, having for its object the prevention of any illicit traffic in Slaves by British and Portuguese subjects, it is therein expressly stipulated and agreed as follows :

“ The territories in which the traffic in Slaves continues to be permitted, under the Treaty of the 22d of January 1815, to the subjects of His Most Faithful Majesty, are the following :

“ 1st. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator, that is to say : upon the eastern coast of Africa, the territory lying within Cape Delgado Bay, and the Bay of Laurenco Marques, and upon the Western Coast all that which is situated from the 8th to the 18th degree of south latitude.”

“ 2d. Those territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely,

“ The territories of Molembo and Cabinda.”

And that in furtherance of the terms of the said Convention, it was also declared and stipulated that Commissions should issue, and Commissions did accordingly issue, authorising and empowering the Commissary Judges, and others, therein respectively named, in conjunction with the Commissary Judges, and others named, or to be named, by, and on the part and behalf of His said Most Faithful Majesty, to proceed upon all and all manner of seizures of all ships, goods, and Slaves belonging to either of the said High Contracting Parties, that were, or should be, taken by any ship

or ships belonging to the royal navies of Great Britain and Portugal, and duly authorized to seize and detain all ships and vessels found, or engaged in the traffic of Slaves, contrary to the provisions of the said existing Treaties, and to hear and determine the same according to the true intent and meaning of the said Convention; and the party proponent doth allege and propound every thing contained in this and the subsequent articles of this allegation jointly and severally.

- 2d. That the said ship *Escravo*, whereof the said *Perfeiro de Mattos* was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves, natives of Africa on board the same, were on or about the 9th day of May 1819, seized and taken by His Majesty's said ship *Confiancee*, Sir James Lucas Yeo, Knight, Commander, being duly and legally authorized and deputed to make seizures and captures of ships, goods, and Slaves, trading contrary to the provisions of the said Treaty; and that the said ship *Escravo* was at the aforesaid seizure thereof, engaged or employed in an illicit traffic in Slaves, contrary to the provisions of the said Treaty, and thereby the said ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, were liable and subject to confiscation and condemnation, and ought to be confiscated and condemned to our Sovereign Lord the King, and the said Slaves, natives of Africa ought to be emancipated and delivered over to His Majesty, to be employed as servants or free labourers, and the party proponent doth allege and propound as before.
- 3d. That all and singular the premises were and are true, public and notorious, and thereof there was and is a public voice, fame, and report, of which legal proof being made, the party proponent prays right and justice to be effectually done and administered in the premises by you the Commissary Judges and others named in the Commission established at Sierra Leone, for carrying into effect the Convention aforesaid; and that the said ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize taken therein as aforesaid, be pronounced to have been engaged or employed illegally, and as such liable to confiscation and condemnation; and that the Slaves, natives of Africa on board the same, be entitled to be emancipated from Slavery, and to decree the said Slaves, viz. men, women, boys, and girls, to be delivered over to His Majesty, to be employed as servants or free labourers, in pursuance of the said Treaty or Convention of the 28th July 1817.
- (Signed) A. B.

Upon return of  
Monition sentence  
be given.

If no claim be given for the property, the Commissary Judges are, upon the return of the Monition, to proceed to sentence upon the evidence before mentioned, and in case of their not agreeing in opinion on the sentence to be pronounced,

they are to draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents and proceedings, is to consult with the two Commissary Judges, and the final sentence is to be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration, and of the above-mentioned Commissioner of Arbitration to be drawn by lot.

The form of the sentence will follow hereafter, but it may not be improper here to observe, that in cases where there is no claimant before the Court, the following words should precede every interlocutory decree or act in the proceedings :—

“ In pain of parties cited thrice called and not appearing, A. B. [the person acting for the captors] prayed, &c. &c.”

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*The following is the Form of a Claim.*

Ship *Escravo*, *Pereiro de Mattos*, Master,  
May 1819.

The claim of the said *Pereiro de Mattos*, the Master of the said ship, a subject of His Most Faithful Majesty the King of Portugal, for the said ship, her tackle, apparel, and furniture, goods, wares, and merchandize, and

Africans, or so many thereof as were on board the said ship at the time of the capture thereof, by His Majesty's ship *Confiance*, Sir *James Lucas Yeo*, Knight, Commander, and brought to *Sierra Leone*; and for the value of such of the Slaves as may have departed this life since the said capture, for the said ship, her tackle, apparel, and furniture, and her cargo, as the sole property of

an inhabitant and native of *Rio Janeiro*, and as protected by the Treaty or Convention between His Britannic Majesty, and His said Most Faithful Majesty, dated 28th July 1817. And for his, the claimant's, private adventure of two Africans, and for one African, the private adventure of the Mate of the said ship. And for all costs, charges, losses, damages, demurrage, and expences, as have arisen or shall or may arise by means of the capture and detention of the said ship and her cargo as aforesaid.

To be signed by the Master or person making the claim.

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*Form of the Affidavit to annex to the Claim.*

Ship *Escravo*, *Pereiro de Mattos*, Master,  
May 1819.

Appeared personally the said *Pereiro de Mattos*, the master of the said ship, and maketh oath, that he is a subject of His Most Faithful Majesty the King of Portugal, and was

Master of the said ship, at the time of the capture thereof by His Majesty's ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and that the said ship was so captured on the 9th day of this present month of May, in the prosecution of her voyage from \_\_\_\_\_, on the coast of Africa, to \_\_\_\_\_, with a cargo consisting of \_\_\_\_\_ Africans, and brought to Sierra Leone. And he further maketh oath that \_\_\_\_\_, of Rio Janeiro, a subject of His said Most Faithful Majesty, was at the time of the said capture and now is the true, lawful, and sole owner and proprietor of the said ship *Escravo*, her tackle, apparel, and furniture, and of the said cargo and Slaves on board the same. The deponent is the true, lawful, and sole owner and proprietor of the two Africans, one of which is a privileged African, and the other a present from \_\_\_\_\_

That the Mate of the said ship is also the true, lawful and sole owner and proprietor of one African; and the deponent further maketh oath, that he verily believes the said ship, cargo and slaves are protected by the Treaty or Convention between His Britannic Majesty and His said Most Faithful Majesty [here the Master, or whoever gives the claim, should state any circumstances he may be advised for the interest of himself and owners]; and he further maketh oath, that no person or persons, other than the persons before mentioned, have any right, title, or interest in the said ship, her tackle, apparel and furniture, goods, wares, merchandize, or Slaves, 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, and that he shall be able to make due proof and specification thereof.

On the \_\_\_\_\_ day of May 1819, the said }  
 Pereiro de Mattos was duly sworn to } *Pereiro de Mattos.*  
 the truth of this affidavit, and of the }  
 claim hereto annexed,

Before me,

*Thomas Gregory, Commissary Judge.*

If Captor neglects to proceed, he may be called upon by Monition to proceed to adjudication;

In the observations before made, it will be seen that the common and ordinary case of a detained Portuguese vessel is presumed, and the regular course of proceeding to have taken place, viz. that the captor, immediately upon bringing the vessel into port, proceeds to the adjudication thereof; but in the event of his not doing so within a reasonable time after the arrival of the vessel, the mode of proceeding will be, for the person representing the owners of the property to have a claim and affidavit prepared as before-mentioned, and he should then appear before one of the Commissary Judges and pray a Monition against the captor to proceed to adjudication, and a Minute to the following effect should be filed by the Registrar amongst the proceedings:

Before our trusty and well-beloved Thomas Gregory,  
Commissary Judge, on the day of 1819,

Present; D. M. Hamilton, Registrar.

Ship *Escravo*, *Pereiro de Mattos*, Master, taken and seized by His Britannic Majesty's ship *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone.

On which day G. H. exhibited, for and on behalf of *Pereiro de Mattos*, and alleged that the said ship *Escravo*, whereof the said *Pereiro de Mattos* was Master, having taken on board her cargo at sailed therewith bound to but in the prosecution of her said voyage was seized and taken upon suspicion of being engaged in an illicit Traffic in Slaves and brought to Sierra Leone; but notwithstanding the premises, no proceedings have been had to bring the said ship, cargo, and slaves to adjudication, and he now exhibited a claim of the said *Pereiro de Mattos* for the said ship, cargo, and slaves, as the sole property of *Rio Janeiro*, merchant, a subject of His Most Faithful Majesty the King of Portugal, together with the sworn attestation of the said *Pereiro de Mattos* thereto annexed, which he prayed to be admitted; and the said Commissary Judge at his petition decreed the said Sir James Lucas Yeo, Knight, Commander of His Britannic Majesty's ship *Confiance*, to be monished to appear before him and E. F. the Commissary Judge appointed by His Most Faithful Majesty, specially constituted and appointed in this behalf, at situate in and place of judicature, there, on the sixth day after he shall have been served with a Monition under seal of this Commission to that effect, if it shall be a Court day, otherwise on the Court day then next following, at the usual and accustomed hours of hearing causes there, then and there to proceed to the adjudication of the said ship, cargo, and Slaves therein and therewith taken and seized as aforesaid, whether trading legally in the Traffic of Slaves or not, and to shew and allege in due form of law a reasonable and lawful cause, if they have or know any, why the said ship, cargo, and Slaves should not be restored to the said *Pereiro de Mattos* the claimant, for the use of the owner and proprietor thereof, with costs, charges, damages, demurrage and expences, with intimation that if they do not appear at the time and place aforesaid, or appearing do not shew good and sufficient cause concludent in law to the contrary, the said Commissary Judges, or some other competent judges in this behalf, do intend to proceed, and will proceed to the decreeing the said ship, cargo, and Slaves to be restored to the said *Pereiro de Mattos*, for the use of the aforesaid owner and proprietor thereof, with his costs, charges, damages, demurrage, and expences, the absence or rather contumacy of the said Sir James Lucas Yeo, Knight, in any wise notwithstanding.

Act of Court decreeing Monition to proceed to adjudication.

It will then be the duty of the Registrar to prepare a Monition calling upon the captor to proceed to adjudication, and the following is a form for that purpose.

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*Form of Monition to proceed to Adjudication.*

Form of Monition  
to proceed to adju-  
dication.

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to all and singular Our vice-Admirals, Justices of the Peace, Mayors, Sheriffs, Bailiffs, Marshals, Constables, and to all Our Officers, Ministers, and others, as well within liberties and franchises, as without, greeting: Whereas Our trusty and well-beloved Thomas Gregory, Commissary Judge, appointed by Us under the Mixed Commission at Sierra Leone, for the purpose of preventing the illegal traffic in Slaves, specially constituted and appointed to hear and determine all and all manner of causes and complaints as to ships, goods and Slaves seized and taken in such illicit Traffic in a certain business moved and prosecuted before him under the said Commission, on behalf of Pereiro de Mattos, the master and claimant of the ship *Escravo*, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves taken on board the same, for and on behalf of

of Rio Janeiro, merchant, inhabitant and subject of His Most Faithful Majesty the King of Portugal, the true, lawful and sole owner and proprietor thereof at the time the said ship, cargo and Slaves were taken and seized by Our ship of war the *Confiance*, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, against the said Sir James Lucas Yeo, Knight, rightly and duly proceeding, at the petition of G. H. on behalf of the said master and claimant, alleging that the said ship *Escravo* was taken and seized as aforesaid on the 9th day of May instant, and was at the time of such capture bound on a voyage from

to with a  
cargo of and

Slaves; and that notwithstanding the capture and seizure aforesaid, no proceedings whatever have been had to bring the said ship, cargo and Slaves to adjudication, hath decreed the said Sir James Lucas Yeo, Knight, to be monished, cited, and called to judgment at the time and place under written, and to the effect hereinafter expressed (justice so requiring): we do therefore strictly charge and command you jointly and severally, that you omit not by reason of any liberty or franchise, but that you monish and cite, or cause to be monished and cited peremptorily the said Sir James Lucas Yeo, Knight, that he appear before us, or the Commissary Judge or Judges of the said Commission, at

situate at , the 6th day after he shall be served therewith, if it be a Court day, or else the next Court day following, between the usual hours of hearing of causes, then and there to proceed under the said Commission to the legal adjudication of the said ship, her

tackle, apparel and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken and seized as aforesaid, whether the same has been justly detained or not, or to shew and allege in due form of law a reasonable and lawful cause, if any, why the said ship, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same should not be decreed to be released from the aforesaid capture, and restored and delivered to the said Pereiro de Mattos, the master and claimant, for the use of the owner and proprietor thereof, together with all such costs, damages, and expences arising or to arise from or by means of the said capture and detention, and further to do and receive as to justice shall appertain, and that you intimate moreover, or cause to be intimated peremptorily to the said Sir James Lucas Yeo, Knight (to whom by the tenor of these presents we do also intimate), that if he shall not appear at the time and place above-mentioned, or appearing shall not shew a reasonable and lawful cause to the contrary, the said Commissary Judges do intend and will proceed to the decreeing the said ship, her tackle, apparel and furniture, and the goods, wares, merchandize, and Slaves to be released from the capture and seizure aforesaid, and to be restored and delivered to the said Pereiro de Mattos, the master and claimant, for the use of the owner and proprietor thereof, together with all the costs, damages, and expences arising, or to arise from, or by means of the said capture and seizure, the absence, or rather contumacy of the said Sir James Lucas Yeo, Knight, in anywise notwithstanding; and that you duly certify us, or the said Commissary Judges, what you shall do in the premises, together with these presents.—  
 Given at Sierra Leone, under the Seal of the Mixed Commission, the                    day of                    in the year of our Lord 1819, and of our reign the 59th.

(L. S.)                    D. M. HAMILTON, Registrar.

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Notwithstanding the proceedings may commence in this form, the ship's papers should be brought into the Registry, or accounted for, and the witnesses produced, sworn, and examined in the manner before pointed out; for although the above Monition intimates that the Commissary Judges should pronounce the captor contumacious if he does not appear and proceed to adjudication, yet that of itself and without the regular evidence would not be a sufficient cause to warrant the Commissary Judges to make a final decree or sentence, which, it must not be forgotten, is without appeal; should the captor appear to the said Monition, the same steps and proceedings are in every respect to be taken on his behalf as has been before stated, viz.; the praying of the Monition, the producing of the witnesses, and giving in the allegation, &c.

Notwithstanding  
 Monition to pro-  
 ceed to adjudica-  
 tion, same evidence  
 to be taken.



Form of a Decree appointing a Commissioner of Arbitration.

*The following is a Form for a Decree, where the Commissary Judges do not agree in the sentence they are to pronounce.*

Ship ESCRAVO, Pereiro de Mattos, Master.

G. H. prayed the claim by him given to be admitted, and the said ship, cargo and Slaves to be restored as claimed, with costs, damages, and expences. A. B. on behalf of the captors prayed the said claim to be rejected, and the said ship and cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges having heard the said claim and proofs read, directed the cause to stand over for further hearing before them and Edward Fitzgerald, Esquire, one of the Commissioners of Arbitration, who was drawn by lot, by reason of the said Commissary Judges not agreeing in the sentence they ought to pronounce.

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*The following is a Form for a Decree of Condemnation.*

Ship ESCRAVO, Pereiro de Mattos, Master.

Form for Decree of condemnation and emancipation.

G. H. prayed the claim by him given to be admitted, and the said ship, cargo, and Slaves to be restored as claimed, with Costs damages, and expences. A. B. on behalf of the Captors prayed the said claim to be rejected, and the said ship and cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges and Commissioner of Arbitration [if the fact be so,] having heard the said claim and proofs read, pronounced the said ship Escravo, 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 traffic in Slaves, and as such subject and liable to confiscation, and condemned the said ship, her tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, as taken in such illicit traffic by His Majesty's ship of war, Confiance, Sir James Lucas Yeo, Knight, 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  
 men,  
 women, boys, and girls,  
 children under fourteen years of age, did compose the whole of the Slaves so decreed to be emancipated.

*The following is a Form for a Decree of Restitution.*

Ship ESCRAVO, Pereiro de Mattos, Master.

G. H. prayed the claim by him given to be admitted, and the said ship, cargo, and slaves to be restored as claimed, with costs, damages and expences. A. B. on behalf of the captors prayed the said claim to be rejected, and the said ship and cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges and Commissioner of Arbitration [if the fact be so,] having heard the said claim and proofs read, admitted the said claim, pronounced the ship, 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.

Form for Decree of Restitution.

*The following is a Form for a Decree where further Proof is directed to be made*

G. H. prayed the claim by him given to be admitted, and the said ship, cargo, and Slaves to be restored as claimed, with costs, damages and expences. A. B. on behalf of the Captors prayed the said claim to be rejected, and the said ship and cargo to be condemned, and the Slaves to be emancipated. The Commissary Judges having heard the said claim and proofs read, admitted the said claim for the ship, cargo, and Slaves, and directed Further Proof to be made *as to the port or place where the said Slaves were taken on board, [or as the fact may be.]* And moreover assigned the Claimant to exhibit such Further Proof within (A time should be specified, and considering the great loss of demurrage and expences which must necessarily be occasioned by the detention of a cargo of Slaves, the same should be as short as possible.)

Form for a Decree ordering Further Proof.

Time to be limited.

The time to be limited for the further proof to be exhibited must depend entirely upon the nature of the proof required, and the place from whence it is to be procured; and in case the same is not produced within the time prescribed, and no satisfactory reason given on oath for the non-production thereof, the Commissary Judges should proceed to give their judgment against the party directed to produce such further proof.

Excuse to be given on Oath.

The nature of the further proof ordered must of course depend upon the circumstances of each particular case. It may sometimes be required on account of an alleged want of provisions, or the damaged state of the vessel, or other causes immediately connected therewith, in which case the Commissary Judges might be better satisfied of the facts by having an inspection made by indifferent persons, than by requiring affi-

deavits in explanation either of Captor or Claimant, and the following is a Form for a Commission of Inspection, which is to be prepared by the Registrar, and should be directed to such persons as may be approved of by the Commissary Judges.

*Form of Commission of Inspection.*

Form of Commission of Inspection.

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To \_\_\_\_\_, greeting: whereas our trusty and well-beloved Thomas Gregory, our Commissary Judge named in the Mixed Commission established at Sierra Leone, for the purpose of preventing the illegal traffic in Slaves, and E. F., the Commissary Judge named by His Most Faithful Majesty the King of Portugal, specially constituted to hear and determine all and all manner of causes and complaints as to ships, goods, and Slaves seized and taken in such illicit traffic, in a certain business, moved and prosecuted before the said Commissary Judges on our behalf, against the ship called the Escravo, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by our ship Confiance, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone; and also against Pereiro de Mattos, the Claimant of the said ship, cargo, and Slaves, rightly and duly proceeding on the day of the date hereof, at the petition of \_\_\_\_\_ hath decreed the said ship and the goods, wares, and merchandize laden therein

[Here state the particulars required to be inspected either of ship or otherwise.]

As the fact may be justice so requiring, we do therefore by these presents authorize and empower you jointly and severally, and do strictly charge and command you, that you forthwith inspect and view the said ship [and the several goods, wares, and merchandize on board the said ship] Escravo, and that you reduce the same into a true, perfect, and particular inventory in writing, and that you transmit a certificate by you subscribed, of the particulars, names and descriptions, and sortments of the said goods, together with their general marks and numbers, and the nature, use, quantities, and qualities thereof to our aforesaid Commissary Judges immediately after the execution thereof, together with these presents. Given at Sierra Leone aforesaid, under the seal of the said Commission, the day of \_\_\_\_\_ in the year of our Lord 1819, and of our reign the 59th.

(L. S.) D. M. HAMILTON, Registrar.

It is the practice of the Court of Admiralty when costs, damages, or expences are decreed by the Court for the party in whose favour the decree has been made to bring in his account of such costs, &c. as he considers himself entitled to, which is referred to the Registrar to ascertain the amount due, and the Registrar takes to his assistance one or two Merchants of known respectability, and makes his report as to the amount to be paid under the decree. Either party is at liberty to object to the report; but in case no objection is made thereto within a short period after its being brought in, the same is confirmed by the Court. Although this is the practice in the High Court of Admiralty, yet, as the allowance to be made for demurrage and other damages is so clearly pointed out under the Treaties, it may not be generally applicable to these Commissions. If, however, there should be any occasion to estimate damages not within the precise terms of the Treaties, it may be convenient that the practice of the Court of Admiralty should be adopted.

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*The following is the Form of a Registrar's Report.*

Ship ESCRAVO, Rereiro de Mattos, Master.

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

Whereas by your decree of the            day of            Form of Registrar's  
1819, you pronounced the said Ship, Cargo, and Report.  
Slaves to have belonged as claimed, and decreed the same to be restored to the Claimant, for the use of the owner and proprietor thereof, with costs, damages and expences, and referred the consideration of such costs, damages and expences to your Registrar, and on the            day of            following you referred an account, brought in on behalf of the Claimant, of the costs, damages and expences, to report thereon. Now I do most humbly report, that having taken the same, together with what was urged by the parties and their agents on both sides into consideration, I am of opinion, that the Claimant is intitled under your said decree, to the several sums mentioned in the schedule hereunto annexed.

All which is humbly submitted by  
D. M. HAMILTON, Registrar.

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Is directed by the Regulations for the Mixed Commissions, and forms part of the Treaties, that in case of the condemnation of a Vessel, for an unlawful voyage, she shall be declared lawful prize, as well as her Cargo, of whatever description the same may be, with the exception of the Slaves, and the said Vessel and Cargo are ordered to be sold for the profit of the two Governments. It will therefore be proper that Ship and Cargo to be sold for the profit of the Two Governments.

some Officer should be appointed by the Commissary Judges for the purpose of executing such sales, and the following is the Form of a Commission to issue for that purpose, which is to be prepared by the Registrar.

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*Form of a Commission of Appraisalment and Sale.*

Form of Commission of appraisalment and sale.

GEORGE the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To

greeting: Whereas our Trusty and Well Beloved, Thomas Gregory, our Commissary Judge, named in the Mixed Commission, established in our Colony of Sierra Leone, for the purpose of preventing the illegal Traffic in Slaves, and E. F. the Commissary Judge, named by His Most Faithful Majesty, the King of Portugal, specially constituted to hear and determine all and all manner of causes and complaints, as to Ships, Goods, and Slaves, seized and taken in such illicit Traffic, in a certain business moved and prosecuted before the said Commissary Judges, on Our behalf, against the Ship called the Escravo, whereof Pereiro de Mattos was Master, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slaves on board the same, taken by our Ship Confidence, Sir James Lucas Yeo, Knight, Commander, and brought to Sierra Leone, rightly and duly proceeding, hath decreed a Commission to issue for the appraisalment and sale of the said Ship Escravo, and all and singular the goods, wares, and merchandize on board the same (justice so requiring). We do therefore, by these presents, authorise and empower you jointly and severally, and do strictly charge and command you, that you fail not to reduce into writing, a full, true and perfect inventory of the said Ship and Cargo, and that you choose two good and lawful men [or one if the property is small] well experienced in such affairs, and swear them faithfully and justly to appraise the same, according to their true value, and that you so appraise and value, or cause the same to be so appraised and valued, and the appraisalment being taken, that you expose, or cause the aforesaid Ship Escravo, and all and singular the goods, wares, and merchandize on board the same, to be exposed to public sale, and that you sell or cause the same to be sold to the best bidder, and that you pay or cause to be paid, the produce money arising from such Sale into the hands of the Registrar of our aforesaid Commission, within two months from the day of the date hereof, and that at the same time you duly transmit the Appraisalment subscribed by you, and the said appraisers, together with the account of such sale, also subscribed by you, to our aforesaid Commissary Judges, together with these presents. Given at Sierra Leone aforesaid, under the Seal of the said Commission, the day of \_\_\_\_\_ in the year of our Lord 1819, and of our reign the 59th,

(L. S.) D. M. HAMILTON, Registrar.

It will be seen by the tenor of the Commission, that the property is to be sold, and the Commission returned with the account of sales and proceeds, to the Registry, within two months. If, however, in any instance, this period should be considered too short, it may be extended by application to the Judges, otherwise the Commission should be returned, and the proceeds paid into the hands of the Registrar by the time limited in the Commission; and on failure thereof, the Commissary Judges may enforce the same by monition or attachment, and the Registrar should, every six months, make a return of the business done under the Commission, and also transmit an account, together with the amount of the proceeds, to such person or persons as His Majesty's Government may think proper to appoint.

No. 8.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, April 3, 1819.*

IN reference to the second Article of the Convention between Great Britain and Portugal, of the 28th July 1817, I send to you for your information a copy of an arrangement, which has this day been signed by the Conde de Palmella and myself, respecting the expressions made use of in the article in question, as to the situation of the Territories of Molembo and Cabinda.

You will freely communicate to your Portuguese Colleagues a certified copy of this document; and you will consider yourselves authorized to take cognizance of it in your proceedings, as an integral part of the Convention of the 28th of July 1817.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,**&c. &c. &c.*

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*(Inclosure in No. 8.)*

HAVENDO-se concluido entre Sua Magestade Britannica e Sua Magestade Fidelissima huma Convenção, assignada em Londres, aos 28 de Julio de 1817, que tem por objecto o impedir o trafico illicito d'escravatura :

E tendo-se declarado pelo Artigo segundo da sobredita Convenção que o trafico d'escravatura continua a ser permittido aos vassallos Portuguezes, unicamente em certos territorios que no mencionado Artigo se descrevem :

E porquanto os Territorios de Molembo e Cabinda, se achão designados no sobredito Artigo como situados na costa Oriental de Africa, o que evidentemente se mostra ser hum engano de palavras, pois que os ditos Territorios de Molembo e Cabinda estaõ de facto situados na costa *Occidental*, e naõ na costa *Oriental* de Africa :

Declaraõ os abaixo assignados que se terá por annullada a palavra *Oriental* n'aquella parte de Artigo segundo acima mencionada, substituendo-se-lhe a palavra *Occidental*, e que a ultima parte de referido Artigo fica portanto sendo de teor seguinte :

“ Os Territorios de Molembo e Cabinda na costa *Occidental* da Africa, “ desde o quinto grau e doze minutos até ao oitavo grau de latitude meridional.”

Convieraõ outrosim os abaixo assignados em que a presente declaração seja considerada como parte integrante da sobredita Convenção.

Em testemunho e fé do que os abaixo assignados, Secretario d'Estado de Sua Magestade Britannica da Repartição dos Negocios Estrangeiros, e Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidelissima junto a Sua Magestade Britannica, firmáram a presente declaração con os seus proprios punhos, e a sellarem com os sellos das suas armas, em Londres aos trez dias do mez de Abril do anno do nascimento de Nosso Senhor Jezus Christo mil outocentos e dezenove.

(L. S.)

CONDE DE PALMELLA.

(L. S.)

CASTLEREAGH.

*(Translation of Inclosure in No. 8.)*

WHEREAS a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 28th of July 1817 :—

And whereas by the second Article of that Convention the traffic in Slaves was declared still to be permitted to Portuguese subjects, only within certain Territories therein described :

And whereas the Territories of Molembo and Cabinda are described by that Article to be on the Eastern Coast of Africa ; and whereas this description is evidently a verbal mistake, the said Territories of Molembo and Cabinda, lying in fact upon the *Western* and not upon the *Eastern* Coast of Africa :—

It is hereby declared, by the undersigned, that the word *Eastern*, in that part of the second Article above alluded to, shall be held to be annulled, and the word *Western* to stand in it's place ; and the latter part of the Article in question shall accordingly be held to run thus :—

“ The Territories of Molembo and Cabinda, upon the *Western* Coast of Africa, from the fifth deg. twelve min. to the eighth deg. south latitude.”

It was further agreed between the undersigned, that the present declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the undersigned, His Britannic Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's, have hereunto set their hands and seals, at London, this third day of April, in the year of our Lord one thousand eight hundred and nineteen.

(L. S.) CASTLEREAGH.  
(L. S.) COUNT DE PALMELLA.

## No. 9.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, June 9, 1819.*

IN reference to the latter part of a former dispatch I have to desire, that in reporting your proceedings for the information of His Royal Highness's Government, you will send home to me copies or abstracts of the evidence on each ship brought before you for judgment, with a view of putting His Royal Highness's Government in possession of every possible intelligence and document, that may be of service on the subject of the Traffic in Slaves.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*

*&c. &c. &c.*



## No. 10

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G., &c. &c., dated  
Sierra Leone, June 21, 1819.—Received September 15, 1819.*

MY LORD,

I HAD the honour, under date of the 1st of May, to inform your Lordship of my arrival at Cadiz, and of my being about to proceed immediately from thence with His Catholic Majesty's Commissary Judge and Commissioner of Arbitration, to this place, in order to enter upon the duties entrusted to our care, under the Mixed Commission for preventing the illegal Traffic in Slaves.

I now take the earliest opportunity of informing your Lordship that we landed here on the 8th instant, and agreeably to my instructions I, without loss of time, fully communicated with Mr. Fitzgerald, His Majesty's Commissioner of Arbitration, on the subject of our appointments; and laid before him His Royal Highness's Commission, with the other documents which I brought with me relating to the duties of my mission. We immediately, together with the Spanish Commissary and Commissioner, took, in proper form, the oath prescribed, and administered to Mr. Hamilton (the Registrar) the oath prescribed for him.

His Excellency Governor MacCarthy, in pursuance of the Instructions which he has received from His Majesty's Government, has ordered a convenient house to be got ready for us, as an office to carry on the duties of the different Mixed Commissions, and Mr. Fitzgerald, Mr. Hamilton, and myself are perfectly prepared, in conjunction with the Spanish Commissary and Commissioner, to enter upon our duties accordingly, whenever any Spanish Slave vessel, acting in violation of the Treaties, may be captured and sent into this port by any of His Majesty's cruisers. In the mean time I have to observe, for your Lordship's information, that Mr. Hamilton (who had been employed by Captain Willis when on this station last year), has put into my hands the documents relating to the detention of the Spanish Slave ship the *Josefa*, captured on the 15th of May 1818 by His Majesty's ship *Cherub*, and on the 26th of November sent into this place, where she sunk on the 24th of May last, after having first landed her Slaves (twenty-eight in number), who were delivered over to the Governor. I shall immediately, in conjunction with Don Francisco le Fer, the Spanish Commissary, go into the merits of this case, and in my next dispatch shall have the honour of laying the results before your Lordship.

I am sorry to be under the necessity of informing your Lordship, that no Commissioners are yet come forward from Rio Janeiro on the part of His Most Faithful Majesty, and, consequently, it is not in our power at present, to take cognizance of any Portuguese vessel that may be sent in under the before-mentioned circumstances; there are, however, now actually here two small Portuguese vessels, a schooner, and a brig captured by His Majesty's ship *Tartar*, Commodore Sir George Collier.

I now presume to assure your Lordship, that in the execution of the duties of my mission, I shall ever keep in view that part of my Instructions, where I am commanded to endeavour uniformly to combine a fair and conscientious zeal for the prevention of the illegal Traffic in Slaves, with the maintenance of the strictest justice towards the parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's subjects and

those of the Kings of Spain and Portugal. I will only add, that in every part of the performance of my official duties; my utmost zeal and exertions will be used to evince how anxious I am to merit the full approbation of your Lordship, and to shew that the Commission with which I have been honoured by His Royal Highness the Prince Regent, has not been unworthily bestowed.

I have the honour, &c.

(Signed) THOMAS GREGORY.

Viscount Castlereagh, K. G.

&c. &c. &c.

No. 11.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, July 24, 1819.—Received October 23, 1819.*

MY LORD,

I HAD the honour of addressing your Lordship under date of the 21st ultimo, and I have now that of inclosing a duplicate thereof, as also to inclose a statement of the case of the Spanish Slave ship Josefa.

As my colleague, Don Francisco Le Fer, the Spanish Commissary Judge, does not conceive himself authorized to take the abovementioned case of the Josefa into consideration, on account of its being unknown whether or not Captain Willis, the Captor, was provided with the special instructions alluded to in the ninth and eleventh Articles of the Treaty of the 23d September 1817, I have not deemed it necessary to press the matter upon him; especially as I conceive that no detriment can happen either to the captors or to the captured, by delay; the ship being sunk, and the few unfortunate Slaves who were landed from her profiting by the humane care and protection of Governor MacCarthy.

The Portuguese Commissioners have not yet arrived from Rio de Janeiro.

I have the honour to be,

&c., &c.,

(Signed) THOMAS GREGORY.

Viscount Castlereagh, K. G.

&c. &c. &c.

(Inclosure in No. 11.)

*The Case of the Spanish Ship Josefa, Buenaventura Llarena, Master.*

THIS ship sailed from Puerto Rico for the coast of Africa on the 22d February 1818, three months subsequent to the exchange of the Ratification of the Treaty of the 23d September 1817. After making the coast of Africa, near Mesurado, in latitude 6 deg. 5 min. north, they commenced trading, and purchased forty-five Slaves between that place and Cape Appollonia in latitude 5 deg. north. On the 15th of May the Josefa was captured whilst lying off Cape Appollonia, by His Majesty's ship Chernb, Captain Willis, and taken to Jamaica, from whence she was sent to the Havannah, and from this latter place to Sierra Leone, where she arrived on the 26th November 1818, and, on the 24th of May last, being in a very leaky state, she sunk.

On leaving Puerto Rico the Josefa had on board, as Supercargo, an American citizen of the name of Samuel Ives, who, just before the capture of the vessel, left her in the long boat, taking with him ten Slaves.

The crew of the Josefa, consisted of thirty-three men, twenty Spaniards, and thirteen foreigners, principally Americans.

Ives the Supercargo directed the course of the ship, and pointed out to the Master the places where he intended to trade for Slaves.

Such is, in abstract, the declaration on oath of the Master of the Josefa. His avowal of the fact of forty-five Slaves having been purchased betwixt Cape Mesurado and Cape Appollonia, corroborated by the circumstances of part of the Slaves having been found on board at the time of the capture, and the ship not being in possession of the requisite royal passport, are more than proofs sufficient to stamp the voyage with illegality.

No. 12.

*His Majesty's Commissaries to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, July 24, 1819.—Received October 23, 1819.*

MY LORD,

WE have the honour to inform your Lordship, that when the Members of the Mixed Commission met, on the morning of the 9th June, at the Government House, preparatory to taking the official oaths, the British Commission was, in the first instance, produced and read; and, in pursuance of your Lordship's instructions to us, to ascertain that the Commission of our Spanish Associates was proper in form and substance, we invited them to produce it. We were informed, that they had not any Commissions similar to ours; but they exhibited to us their respective Letters of Appointment, signed by the Marquis de Casa Irujo, comprizing some short instructions relative to the Treaties and other matters. Mr. Camps, the Commissioner of Arbitration, observed at the same time, that every Government had its own forms of authenticating its Agents.

In obedience to your Lordship's instruction, to combine a spirit of conciliation and harmony with the due discharge of our official duties, and with the most cordial disposition to fulfil that injunction, we forbore to make any exception, and the oaths were accordingly taken by all the Members of the Commission; but, on separate consultation, at repeated opportunities, we have concurred in the propriety of notifying to your Lordship the absence of a Royal Commission from His Catholic Majesty, in order that immediate proceedings might be taken to supply the deficiency, if your Lordship should think that necessary.

We have the honour to be, &c. &c.

Signed

THOMAS GREGORY.  
EDWARD FITZGERALD.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

P. S. A copy of the printed Memoranda, which were drawn up with a view to afford us assistance in the technical part of our conduct, as His Majesty's Commissary Judge and Commissioner of Arbitration, have been, agreeably to your Lordship's directions, communicated to the Commissioners of His Catholic Majesty; and they agree to adopt with us the regulations therein stated.

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No 13.

*His Majesty's Commissioners and Registrar to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, July 24, 1819.—Received October 23, 1819.*

MY LORD,

WE feel it a particular obligation of duty to convey to your Lordship, in the strongest manner, our acknowledgments for the respect shewn to the Mixed Commission for this Settlement and its objects, by His Excellency Governor MacCarthy, and also for his hospitality and personal attention to all the Members of the Commission.

We have the honour to be, &c.

(Signed)

THOMAS GREGORY.  
EDWARD FITZGERALD.  
D. M. HAMILTON.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 14.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, August 23, 1819.—Received October 8, 1819.*

MY LORD,

I HAVE now to inform your Lordship, that Captain Kelly, of His Majesty's ship Pheasant, brought into this port, on the evening of the 19th instant, a small Portuguze schooner, called the Nova Felicidade, Antonio Ioquin, Master, which vessel Captain Kelly captured on the 30th of July, in latitude 2 deg. 23 min. north, with seventy-one Slaves on board: and that Captain Strong, of His Majesty's ship Morgiana, brought in the next day the Spanish schooner the Nuestra Senora de Regla, commanded by Santiago Mazana, which vessel Captain Strong captured in latitude 4 deg. 43 min. north, on the 13th instant, with only one Slave on board.

As to Captain Kelly's prize, the Portuguze schooner, the Nova Felicidade, there not being any Commissioners yet come forward from Rio de Janeiro, on the part of His Most Faithful Majesty, that vessel cannot at present be brought to adjudication; and the case must therefore remain in the same state as those vessels captured by Commodore Sir George Collier, to which subject I alluded in my dispatch of the 21st of June.

And as to the case of the Nuestra Senora de Regla, captured by Captain Strong, that must also stand over for the present, owing to the melancholy state of health to which Don Francisco Le Fer, the Spanish Commissary Judge is now in: that gentleman, I am sorry to observe, has been at the point of death; and is still in a most precarious situation, occasioned by the fever of the country.

In my last dispatch, I had the honour to state to your Lordship, that the printed memorandum of regulations, intended for the use of the Mixed Commission, and which I was directed to submit to the consideration of the Gentlemen of the Spanish Commission, had been accordingly laid before them, and approved of by them, as it was intimated to me by Don Francisco le Fer, the Spanish Commissary Judge. The unfortunate illness of this gentleman having, in some measure, brought forward Mr. Camps, the Commissioner of Arbitration, who has hitherto declined appearing as a member of the Mixed Commission, to take any part in discussing questions relative to that Commission; this gentleman now objects to the regulations, in so much as neither himself or his colleague have received directions from their own Court to adopt them as the guide of their proceedings.

Conceiving it therefore my duty to state this circumstance to your Lordship, I, at the same time, humbly suggest the expediency of the regulations in question being sent to them officially by their own Court, with orders to adhere to them, as forming the model of the proceedings of the Mixed Commission Court: I also humbly beg leave to suggest the expediency of similar orders being sent from His Most Faithful Majesty to the Commissioners on the part of Portugal; as also from His Majesty the King of the Netherlands, to the members of the Mixed Commission, who may be sent hither from that country.

In consequence of the application of Captain Kelly, whose letter I have the honour of inclosing, I immediately procured Governor MacCarthy's sanction to have the Slaves landed, and they are now under His Excellency's protection.

I have the honour to be, &c. &c.

(Signed) THOMAS GREGORY.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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*(Inclosure in No. 14.)*

*B. M. Kelly, Esq., to Thomas Gregory, Esq., His Majesty's Principal Commissioner of the Mixed Commission, Sierra Leone.*

*His Majesty's Ship Pheasant,*

SIR,

*Sierra Leone, August 20th 1819.*

THE great inclemency of the weather, added to the present exposed state of the unfortunate Slaves on board the Portugueze schooner Nova Felicidade, detained by me, and now lying in this river, rendering it absolutely necessary for the preservation of their health, and perhaps their lives, that they should be immediately removed to a place of greater shelter and comfort, I have to request you will be pleased to give some directions for that purpose.

I am, Sir, &c. &c.

(Signed)

B. M. KELLY, Commander.

*Thomas Gregory, Esq.*

*&c. &c. &c.*

## No. 15.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, November 18, 1819.*

I HAVE duly received your dispatches to the 23d August, and have laid the same before The Prince Regent.

I send to you herewith the copy of a letter addressed to me by the Count de Palmella, the Portuguese Envoy at this Court, under date of the 29th October 1819, and of my answer to the Count, dated this day, respecting the non-arrival of the Portuguese Commissioners at Sierra Leone, and the consequent proposition of the Count de Palmella, that you should proceed to the judgment of the Portuguese vessel the *Nova Felicidade*; and I am to convey to you the Instructions of His Royal Highness the Prince Regent, that you proceed to the judgment of that vessel, without waiting for the arrival of the Portuguese Commissioner, according to the tenor of this correspondence.

I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*

*&c. &c. &c.*

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*(First Inclosure in No. 15.)*

*Le Comte de Palmella à Viscomte Castlereagh, K. G. &c. &c.*

MI LORD,

*Londres, ce 29 Octobre 1819.*

J'AI reçu la Lettre que Votre Excellence m'a fait l'honneur de m'adresser en date du 25 courant, dans la quelle, après vous être referé à l'extrait (qui accompagnait votre Lettre) du rapport reçu d'un des Commissaires Britanniques à Sierra Leone, relativement au Navire Portugais, *Nova Felicidade*, que le Batiment de guerre de Sa Majesté Britannique y a amené, et qui, faute de Commissaires de la part de Sa Majesté Très Fidelle n'a pas pu être jugé, votre Excellence me recommande de représenter à ma Cour les inconveniens qui resultent du retard de l'arrivée des susdits Commissaires Portugais à Sierra Leone, et la nécessité d'en presser le départ afin de remédier, le plutôt possible à ces mêmes inconveniens.

En réponse, je dois vous assurer, my Lord, que mon Gouvernement ne merite aucunement d'être blâmé du retard dont vous semblez l'accuser dans votre Lettre. Malgré toute sa sollicitude, il n'a pas pu trouver des personnes capables qui aient voulu accepter la place de Commissaire à Sierra Leone; et c'est ce qui l'a obligé, à la fin de m'autoriser à les choisir d'entre les individus Portugais établis à Londres, si je le pouvais, ou de transmettre cette même autorisation à Messieurs les Gouverneurs du Royaume de Portugal. Voilà aussi ce que j'ai dû faire, et je me flatte, à l'heure qu'il est que Leurs Excellences auront trouvées des personnes capables qui aient voulu accepter le susdit emploi de Commissaires à Sierra Leone et qu'elles ne tarderont pas à se rendre à leur destination.

En attendant, permettez moi de vous proposer, My Lord, de faire appliquer au cas actuel du navire Nova Felicidade cette partie de l'art. XIV du réglément pour les Commissions Mixtes, qui regarde cette établie à Sierra Leone, où il est dit " que dans le cas de mort d'un ou de plusieurs des Commissaires, ceux qui leur survivront, seront autorisés à juger les batimens dont les cas seront portés par devant cette Commission, bien entendu cependant *qu'il restera aux parties intéressées la faculté d'appeller de ce jugement* par devant la Commission Mixte établie à Rio de Janeiro.

En faisant cette proposition, je prie votre Excellence de la regarder comme une nouvelle preuve du désir constant qui anime le Gouvernement de Sa Majesté Très Fidelle de voir remplies complètement et aussi promptement que possible les stipulations de la Convention additionnelle du 28 Juillet 1819.

J'ai l'honneur d'être, My Lord, &c.

(Signé) LE COMTE DE PALMELLA.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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*(Translation of First Inclosure in No. 15.)*

*Count de Palmella to Viscount Castlereagh, K. G. &c. &c.*

MY LORD,

*London, October 29, 1819.*

I HAVE received the letter which your Excellency has done me the honour of addressing me, dated the 25th instant, in which after referring to the extract (which accompanied your letter) of the report received from one of the British Commissioners at Sierra Leone, relative to the Portuguese ship Nova Felicidade, which one of His Britannic Majesty's ships of war carried into that port, and which, owing to there being no Commissioners appointed on the part of His Most Faithful Majesty, could not be proceeded against, your Excellency recommends me to represent to my Court the inconveniences that result from the delay of the arrival of the aforesaid Portuguese Commissioners at Sierra Leone, and the necessity of urging their immediate departure, in order to remedy the said inconveniences as soon as possible.

In answer, I have to assure your Lordship, that no blame should in any respect be attached to my Government for the delay with which your letter appears to charge it.—Notwithstanding all its solicitude, it has not been able to find suitable persons who would accept the situation of Commissioner at Sierra Leone, and this has at length compelled it to empower me to select them from amongst the Portuguese individuals established at London, if possible, or to transmit this authority to the Governors of the kingdom of Portugal.—This I have thought it my duty to do, and I flatter myself that their Excellencies will by this time have selected proper persons, who will have accepted the aforesaid situations of Commissioners at Sierra Leone, and that they will without delay proceed to their destination.

In the mean time, permit me, my Lord, to propose to you to apply to the case of the ship in question (the N. Felicidade) that part of the 14th article of the regulations for the Mixed Commissions which regards the one established at Sierra Leone, wherein it is said, " that in case of the death of one or more of the Commissioners, those surviving shall be authorised to proceed to the adjudication of the ships which shall be brought before that Commission—

it being nevertheless well understood, that the parties interested shall have the right of appeal from this judgment to the Mixed Commission established at Rio Janeiro.

I beg your Excellency will consider this proposition as a fresh proof of the constant desire which animates the Government of His Most Faithful Majesty to see completely fulfilled, and with all possible expedition, the stipulations of the additional Convention of the 28th of July 1819.

I have the honour to be, &c.

(Signed) COUNT DE PALMELLA.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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(Second Inclosure in No. 15).

*Viscount Castlereagh to Count de Palmella, &c. &c.*

*Foreign Office, November 18, 1819.*

THE undersigned has the honour to acknowledge the receipt of the Count De Palmella's note of the 29th October 1819, expressive of the difficulties experienced by the Government of His Most Faithful Majesty in selecting proper persons able and willing to undertake the duties of Portuguese Commissioners at Sierra Leone; and proposing, that, in the particular case of the Nova Felicidade, the adjudication should be proceeded in by the British Commissioners alone, in the absence of any on the part of His Most Faithful Majesty: under an application to them of that part of the Art XIV. of the regulation for the Mixed Commissions, which states, that in the case of the death of one or both of the Portuguese Commissioners at Sierra Leone, judgment shall be proceeded in by the remaining individuals of the Mixed Commission there.

The undersigned has received His Royal Highness's directions to give instructions to His Majesty's Commissioners, in conformity with the above-mentioned proposition on the part of the Count De Palmella, subject, nevertheless, to the understanding, that neither the British captors nor His Majesty's Government, shall be held to be liable to any increased expence arising out of the non-arrival of the Portuguese Commissioners.

The undersigned, &c. &c.

(Signed)

CASTLEREAGH.

*Count de Palmella,*

*&c. &c. &c.*



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No. 16.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, December 30, 1819.*

I HAVE the honour to send herewith to you, for your information, the copy of a note, dated the 13th of October 1819, from M. de Villanova Portugal, the Secretary of State at Rio de Janeiro, to Mr. Chamberlain, His Majesty's Chargé d'Affaires at that Court; by which you will perceive the steps, which the Brazilian Government have taken, in execution of the fourth and seventh Articles of the Convention of the 28th of July 1817.

I have, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*  
*&c. &c. &c.*

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*(Inclosure in No. 16.)*

THIS dispatch will be found among the papers containing the correspondence with His Majesty's Mission in Brazil.

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No. 17.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, December 30, 1819.*

I HAVE the honour to acquaint you, that advices have been received from His Majesty's Chargé des Affaires at Rio de Janeiro, bearing date the 13th of October 1819, stating, that the Government of Brazil had caused passports to be struck off and instructions to be printed, with which vessels engaged in the Slave Trade ought to be provided, in conformity with the fourth and seventh Articles of the Convention of the 28th July 1817, and that all the vessels carrying on that Trade, had in consequence begun to be cleared, as well from Rio de Janeiro as from the other ports in Brazil, with the formalities indicated therein. Orders had likewise been sent to Mosambique, Angola, and St. Thomas's, to build schooners and other vessels of war, to be especially employed in preventing the illicit Traffic in Slaves, according to the stipulations of the seventh Article of the abovementioned Convention.

I am &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*  
*&c. &c. &c.*

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No. 18.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, January 4th 1820.*

I HAVE the honour to furnish you, for your information, with the accompanying copy of a dispatch, dated the 13th of October 1819, from His Majesty's Chargé des Affaires at Rio de Janeiro, relating to the delay of the installation of the Mixed British and Portuguese Commission at that place, and to the Commission given by His Most Faithful Majesty to the Conde de Palmella, to select proper persons to be His Most Faithful Majesty's Commissioners at Sierra Leone.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,**&c. &c. &c.*


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(Inclosure in No. 18.)

THIS dispatch will be found among the papers containing the correspondence with His Majesty's Mission in Brazil.

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No. 19.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, January 18, 1820.*

IN reference to your dispatch, dated the 15th of July 1819, on the mode of appointment of the Spanish Commissioners at Sierra Leone, I inclose to you a translation of the note which was addressed upon this subject by the Spanish Secretary of State to Sir Henry Wellesley, on the 1st of December 1819.

As it is therein stated to be customary, that the Spanish Secretary of State should sign Commissions of this description, and that his signature is sufficient to give to the proceedings of the Spanish Commissioners the same validity as would be imparted to them by the Royal Sign Manual, there need be no further hesitation on this point.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,**&c. &c. &c.*

(Inclosure in No. 19.)

(Translation.)

SIR,

Palace, December 1, 1819.

I HAVE laid before the King, my august Master, your Excellency's note of the 24th November last, in which, on account of the difference existing in the mode of appointment of the Spanish and British Commissioners at Sierra Leone, (and consequently at the Havannah) that of the former being signed only by His Majesty's First Secretary of State, while that of the latter is made out under the Royal Sign Manual, your Excellency requests that a decision may be taken by the Spanish Government, whether the appointment signed by the said Secretary is sufficient to give to the proceedings of the Spanish Commissioners the same solemnity and validity as would be imparted to them by the Royal Sign Manual—and His Majesty commands me to reply to your Excellency, that, according to the practice and usage of His Cabinet, with regard to such Commissions, the signature of his First Secretary of State gives all the necessary force to the proceedings of the Spanish Commissioners in the present instance since the date of their nomination; by which declaration all further apprehension must be precluded with regard to the difference in the powers of the Mixed Commissioners alluded to in your Excellency's aforesaid note.

I avail myself, &c.

(Signed) L. EL DUQUE DE SAN FERNANDO Y QUIROGA.

No. 20.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

Foreign Office, February 6, 1820.

I HAVE the honour to acquaint you that the Count de Palmella, the Portuguese Envoy at this Court, has announced to me, that the Governors of the kingdom of Portugal have, in virtue of the authority delegated to them to that effect by His Most Faithful Majesty, nominated Messieurs Joaõ Jacomo Altavilla and Joaquim Cesar de la Figaniere, to form part of the mixed British and Portuguese Commission at Sierra Leone, the first mentioned gentleman as Commissary Judge, and the second as Commissioner of Arbitration, on the part of His Most Faithful Majesty.

These two gentlemen, who are now at Lisbon, will take their departure by the first convenient opportunity; probably by one of His Majesty's ships, if, without injury to His Majesty's service, the ship can touch at Lisbon to accommodate them with a passage to Sierra Leone.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*

&c. &c. &c.

## No. 21.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, October 10, 1819.—Received February 13, 1820.*

MY LORD,

I HAVE the honour to inform your Lordship that, after having waited with anxious hope for the recovery from severe illness of my colleague Don Francisco Le Fer, and finding that there was little chance (as the result has proved), of his being speedily in a state to attend to any business whatever, both Mr. Fitzgerald and myself deemed it necessary to solicit Don José Camps to act for him as Commissary Judge on the part of His Catholic Majesty, in taking cognizance of the capture and detention, by the Morgiana, of the Spanish schooner N. S. de Regla. M. Camps at first declined to act in any shape in the business, but at length, after having stated the grounds on which he would agree to sit at the Board, he met us, Mr. Fitzgerald and myself, and proceeded in conjunction with us to the adjudication of the vessel, the case of which was rather intricate, owing to there being but one Slave on board at the time of her capture.

For your Lordship's information, I have the honour to inclose herewith a copy of the case and condemnation (which took place on the 13th ultimo) of the Spanish schooner above alluded to, as also a copy of the conditions which Don José Camps insisted on before he would proceed to the adjudication of that vessel.

I have further the honour of stating to your Lordship, that Captain Strong sent into this port another prize on the 3d instant, the Spanish schooner Fabiana, which he captured by the boats of the Morgiana on the 18th ultimo, after a long chase, in latitude 4 deg. 10 min. N. and longitude 7 deg. 52 min. W. with thirteen Slaves on board.

The case of the Fabiana, which, with a copy annexed thereto of the condemnation of that vessel, I have also the honour of inclosing for your Lordship's information, is so clear in stamping the voyage with illegality, that no question could arise as to the sentence which we ought to pronounce, and the sentence of condemnation was accordingly pronounced unanimously.

In your Lordship's dispatch, under date of the 9th of June, addressed to Mr. Fitzgerald and myself jointly, it is desired, that in reporting our proceedings here for the information of His Royal Highness's Government, we should send to your Lordship copies or abstracts of the evidence on each vessel brought before our Board for judgment, in order to put His Royal Highness's Government in possession of every possible intelligence and document that may be of service on the subject of the Traffic in Slaves. Your Lordship's commands on this, as on every other occasion, will be strictly attended to.

If the abstracts of the cases of the two Spanish schooners, the N. S. de Regla and the Fabiana, which I have now the honour to inclose, should not be deemed sufficient for the information of His Royal Highness's Government, I shall, on receiving such notification, immediately send copies of all the original documents found on board the captured vessels, as well as copies of the answers to the interrogatories, and every other sort of evidence that may come before the Court.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

I have the honour to be, &c.  
(Signed) THOMAS GREGORY.

*(First Inclosure in No. 21.)*

*Recapitulation of Evidence on the Case of the N. S. de la Regla.*

THE Captain of the *Morgiana* maketh oath as to the facts of the capture of the *N. S. de la Regla* on the 10th of August 1819, in 4 deg. 43 min. N. latitude, and 9 deg. 3 min. W. longitude, and to there being one Slave on board; and that when the schooner was captured, the Captain of her was at Petit Bassa, where he was supposed to be treating for his cargo, and purchasing Slaves for his return.

Bora, the Negro, who was found on board the schooner, and in consequence of which she was detained, swears, through the interpretation of three of his countrymen, that he was sent on board as a Slave, and treated as such whilst there.

Mr. W. Winnet, Midshipman of the *Morgiana*, maketh oath, that the Second Mate of the schooner the *N. S. de la Regla*, repeatedly declared to him, that their standing into Petit Bassa for the Captain would be of no use, for, on his seeing the *Morgiana*, he would know what was the matter, and would run into the bush. Mr. Winnet further maketh oath, that he is decidedly of opinion the schooner had no need to put into Petit Bassa for repairs; that the repairs could have been done at sea, that there were materials on board for the purpose, and that he himself with ten seamen could have put her in a state, in a few hours, to proceed to any port to the south of the Equator.

Mr. H. S. Head, Lieutenant of the *Morgiana*, maketh oath, that on the 14th of August he was sent by Captain Strong to endeavour to bring off from Petit Bassa the Captain of the schooner, with a view that he might have an opportunity to give reasons why she should not be brought away, but could not succeed.

The declarations of the two Mates and the Boatswain belonging to the schooner *N. S. de la Regla* will go for very little, as it cannot be supposed that they should criminate themselves. They alledge, that she put into Petit Bassa to repair her damages, but they were forced to allow that a Negro had been brought on board at that place; they could not, however, say whether he was or was not a Slave.

J. Millet, the Second Mate, allows, that before the schooner reached Petit Bassa the dry goods were opened and arranged in the cabin.

Mr. Seymour, the Harbour Master and Pilot, a person conversant in shipping, and well acquainted with Petit Bassa, having frequently been there; and Mr. Simmons, the Shipwright, were commissioned by the Court to go on board the *N. S. de la Regla*, and examine into her situation, as to the damages which the two Mates and the Boatswain allege she had sustained. Mr. Seymour maketh oath that the damages in question were not such as to make it at all necessary to put in any where to repair—that Petit Bassa was not a place where any repairs could be made; and moreover that the repairs might easily have been done at sea, there being sufficient materials on board for that purpose. Mr. Simmons corroborates on oath the whole of Mr. Seymour's statement, except that of Petit Bassa not being a place fit to repair in—to this he could not speak, never having been there.

*The following is the Case of the Schooner N. S. de la Regla, Santiago Mazana, Master.*

THIS vessel was fitted out at the Havannah, and furnished with a royal passport, and with all the other requisite documents in due form for a trading Slave vessel going to the South of the Equator.

She was captured on the 10th of August, 1819, in N. latitude 4 deg. 43 min. and W. longitude 9 deg. 3 min. by His Majesty's Ship the *Morgiana*, Captain Strong, and brought to Sierra Leone on the 19th of the same month for adjudication.

The Master of the *N. S. de la Regla* was *not* on board of her when she was taken possession of—he had been left seven or eight days before at Petit Bassa, from whence it appears the vessel was driven to sea in a gale of wind.

There was one Slave found on board when the schooner was captured.

The two Mates and the Boatswain of the schooner allege that the motive for the Captain's anchoring off Petit Bassa was to repair the damages they had suffered on the voyage from the Havannah. But it is clearly proved by the annexed evidence of Mr. Winnet, the Midshipman of the *Morgiana*, Mr. Seymour, the Harbour Master and Pilot, and Mr. Simmons, the Shipwright, that the damages sustained were not of such magnitude as to make it at all necessary to put in any where before they might have crossed the Equator—that there were plenty of materials on board to repair those damages—that they could have been repaired better at sea than at Petit Bassa, and consequently the Captain must have had other motives than those alleged for going to that place of notorious Slave dealing: he had been there before, and was acquainted with Sambo, the Chief, a known dealer in Slaves.—Petit Bassa is in about 6 deg. North latitude, and about 9 deg. West longitude: the schooner was captured about 56 miles to the South of that place, where the Captain was landed—and near 20 degrees, or twelve hundred miles distance (counting the latitude and longitude together) from any port to the South of the Equator, where she could have legally traded for Slaves.

It may be necessary here to take notice, that there was no regular log-book found on board—as the book given in as such by Captain Strong was any thing but a log-book; and the unintelligible scrawl subsequently produced by the first Mate, goes to nothing, except that it states the time of the schooner's having been at anchor off Petit Bassa, to be nearly three days, whereas the two Mates and the Boatswain had before declared on oath that they put to sea again the day after they had first anchored.

Lieutenant Head's oath, that he was sent in the *Morgiana's* boat by Captain Strong when that ship stood close into Petit Bassa, accompanied by the schooner, to invite the Captain of that vessel off to defend his cause, and the Captain declining such an invitation, is the strongest presumptive proof that his cause could not be defended.—And, under all the circumstances of the case, I feel myself bound to declare, it is my decided opinion that the *N. S. de la Regla* was engaged in an illicit traffic in Slaves: if my opinion is erroneous, I am happy to think it will be set right by those of more experience and better judgment—by my colleagues: but I feel no diffidence in the decision which I am about to pronounce, namely, that the vessel and cargo ought to be condemned.

(Signed) THOMAS GREGORY.

(*Second Inclosure in No. 21.*)

Court of the British and Spanish Mixed Commissions, Sierra Leone.

Before Thomas Gregory, Esq. Commissary Judge, and Edward Fitzgerald, Esq. Commissioner of Arbitration of His Britannic Majesty, and Don José Camps, Commissioner of Arbitration of His Catholic Majesty the King of Spain, (Don Francisco Le Fer, his said Catholic Majesty's Commissary Judge being unable to attend through severe sickness.)

Present, Daniel Molloy Hamilton, Esq. Notary Public, Registrar.

Monday, the 13th day of September, in the year of our Lord 1819, Nuestra Senora de Regla, Spanish Schooner, Santiago Mazana, Master.

Our Sovereign Lord the King, against the said Schooner, her tackle, apparel, and furniture, and the goods, wares, merchandize, and Slave on board the same, taken and seized by His Majesty's ship Morgiana, Charles B. H. Strong, Esq. Commander, and brought to Sierra Leone, and against all persons in general.

IN pain of parties cited thrice, called and not appearing, Robert Barry Fitzgerald, Esq. prayed the said schooner and cargo to be condemned and the Slave to be emancipated. The said Commissary Judge and Commissioners of Arbitration having heard the Proofs read, pronounced the said Spanish schooner, Nuestra Senora de Regla, 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 Traffic 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 lawful prize, and as taken in such illicit Traffic by His Majesty's ship of war Morgiana, Charles B. Strong Esq. Commander, and moreover pronounced the said Slave, native of Africa, to be emancipated from slavery, and to be employed as a servant or free labourer, and also that it had been proved that at the time of passing the said sentence one man did compose the whole of the Slaves so decreed to be emancipated.

And the said Commissary Judge and Commissioners of Arbitration further pronounced and decreed that in consequence of the said Master, Don Santiago Mazana, being left on shore at Petit Bassa, and being thereby possibly unable to claim the said schooner, cargo and Slave, or to bring further proof in the time limited by the Treaty for that purpose; a reasonable time be allowed for his claiming the proceeds that shall arise from the sale of the said schooner and cargo consequent upon the aforesaid condemnation, such reasonable time for such claim not to exceed one year from this day; and that neither in the event of such claim, or otherwise, shall the said Charles B. Strong Esq. be subject or liable to pay any costs, demurrage, or other damages whatsoever on account of the capture and seizure of the said schooner, cargo and Slave.

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(*Third Inclosure in No. 21.*)

*Don José Camps to Thomas Gregory, Esq. and Edward Fitzgerald, Esq.*

THE undersigned having seen the Petition of Mr. R. B. Fitzgerald, Proctor for Captain Strong, of His Britannic Majesty's ship Morgiana, praying the

undersigned and Thomas Gregory, Esq. His Britannic Majesty's Commissary Judge, to proceed to the adjudication of the Spanish schooner N. S. de Regla, thinks it his duty to make the present Declaration to his Britannic Majesty's Commissary Judge and Commissioner of Arbitration, of the mixed Commission of which he himself is a member.

When, in consequence of the weighty reasons urged in the conference with the said Commissioners, the Undersigned first proposed, and afterwards agreed, to act in the proceedings to be instituted in the case of the said schooner, he did so, reserving to himself his right as Commissioner of Arbitration, when ever judgment on the said vessel should be pronounced.

However, considering that the process is finished; that the subject in question is of a kind that by delay occasions expences, which the maintenance of a numerous crew increases, and that the same object now detained in the River is in danger of perishing, and that all the parties concerned in the case suffer great inconveniences; such as were experienced in the case of the Spanish ship Josefa, now completely lost to all parties for want of judgment; the undersigned cannot but agree in giving to the Treaty from which the mixed Commission is derived, a liberal interpretation convenient to each Government, and to every party concerned, by looking upon the unfortunate illness suffered by his Catholic Majesty's Commissary Judge as a civil or moral death, for as such it may be held in this country, in which the least of the probabilities respecting human life, is, that the four Commissioners will not be all of them at the same time in good health, or that all of them will be able at the same time to perform the duties consigned to their care.

Upon these considerations, the undersigned has no objection to concur in pronouncing immediate sentence upon the N. S. de Regla. But, as from the mere fact of doing so, the equilibrium which should be preserved in the mixed Commission would be thereby destroyed; the undersigned could only undertake the charge on the condition that the parties concerned, if they thought proper, should have the same right of appealing to the mixed Commission at the Havannah as is given to them by the Treaty in case of the death of one of the four Commissioners in Africa: and on condition that the party applying for judgment should, on being acquainted with the present Declaration, again petition the undersigned on the subject.

The undersigned has the honour on the present occasion to make to the Commissary and Commissioner of his Britannic Majesty a tender of his esteem and consideration.

(Signed) JOSE CAMPS.

*Free Town of Sierra Leone, Sept. 3, 1819.*

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(Fourth Inclusion in No. 21.)

*The Case of the Spanish Schooner the Fabiana, Juan Garcia, Master.*

THE Fabiana was fitted out and sailed from the Havannah on the 4th of June last, furnished with the regular royal passport and every requisite document required for a Slave-trading vessel, destined to the south of the Equator; instead, however, of proceeding to the south, conformably to the vessel's papers, she came to an anchor off Trade Town, a notorious Slave Trading place, in latitude 5 deg. 40 min. N., and longitude 9 deg. 45 min. W., where the Captain was landed on the afternoon of the 1st of September, when he gave orders that the vessel should again put to sea, and stand off and on in the neighbourhood.



The next morning, three Slaves were brought on board by canoes from the shore, on which the officers and crew unanimously protested against the illegal conduct of the Captain, who remained on shore carrying on his traffic.

On the evening of the 6th, the schooner's boat came off, bringing four more Negroes; and on the afternoon of the 8th a large canoe brought six more Slaves, with orders from the Captain that the vessel should cruize in sight of the place a few days longer.

On the 18th of September the *Fabiana*, in endeavouring to regain her station, where the Captain was left on shore, and from whence she had been driven almost one hundred and fifty miles to the south and east by the prevalent winds and currents which reign on this coast, was captured by His Majesty's ship the *Morgiana*, Captain Strong, in latitude 4 deg. 10 min. N. and longitude 7 deg. 52 min. W., and brought to Sierra Leone on the 3d instant for adjudication.

It may be remarked here, that the *Fabiana* was found at sea in the same situation that the former prize of Captain Strong, *N. S. de la Regla*, was captured in, namely with no Captain on board.

The fact of there being thirteen Slaves on board the *Fabiana*, and most of them in irons at the time of capture, with the circumstance of the officers and crew protesting against the illegal conduct of their Captain in sending such Slaves on board from a place to the north of the Equator, rendered any discussion on the occasion quite unnecessary; and the Court, therefore, as soon as the papers could be arranged, proceeded to judgment, and on the 7th instant pronounced the sentence of confiscation against the said Spanish schooner and cargo, with the emancipation of the thirteen Slaves.

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(Fifth Inclosure in No. 21.)

*Recapitulation of Evidence on the Case of the Spanish Schooner the Fabiana.*

THE correctness of Captain Strong's narrative respecting the capture on the 11th of September, in latitude 4 deg. 10 min. North, longitude 7 deg. 52 min. West of the *Fabiana*, with thirteen Slaves, who were taken on board the schooner at Trade Town, in latitude 5 deg. 40 min. North, and longitude 9 deg. 45 min. West, is sworn to (in the absence of Captain Strong) by the second Lieutenant of the *Morgiana*, Mr. H. S. Head.

Augustine Marsal, the first Mate of the *Fabiana*, maketh oath as to the fact of thirteen Slaves—twelve men and one woman being taken on board at Trade Town. This is corroborated by the oath of Pedro Betra, the second Mate.

Juan Priva, the Boatswain of the schooner, maketh oath, that they first took a Pilot on the coast, and proceeded to Trade Town, where three Negroes were put on board, when the first Mate protested against the Captain for sending them; that four more Negroes were sent some days after, and at length six more. And to the interrogatory put by the Court as to how these Negroes were treated, his answer was, that some of them were put in irons—that they were fed with rice, &c.

There are three entries made in the schooner's log-book, under their respective dates, of the Slaves being sent on board, and a notification under each entry, that the officers and crew protested against the illegal conduct of their Captain in sending the Slaves on board.

Finally, without any other proof to stamp the voyage with illegality, there is a protest, drawn up and signed by the two Mates, the Boatswain, and all the crew, against their Captain's conduct in trading in Slaves to the North of the Equator.

(Signed) THOMAS GREGORY.  
Sierra Leone, October 7, 1819.

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(Sixth Inclosure in No. 21.)

Court of the British and Spanish Mixed Commission, Sierra Leone.

Before Thomas Gregory, Esq., Commissary Judge of His Britannic Majesty; Edward Fitzgerald, Esq., His Britannic Majesty's Commissioner of Arbitration; and Don José Camps, Commissioner of Arbitration of His Catholic Majesty The King of Spain, (His said Catholic Majesty's Commissary Judge being ill).

Present, Daniel Molloy Hamilton, Esq., Registrar.

Thursday the 7th day of October, in the year of our Lord 1819.  
Fabiana Spanish Schooner, Don Juan Garcia, Master.

Our Sovereign Lord The King against the said Schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize, and Slaves on board the same, taken and seized by His Majesty's ship Morgiana, Charles B. Strong, Esq., Commander, and brought to Sierra Leone, and against all persons in general.

In pain of parties cited, thrice called, and not appearing, Robert Barry Fitzgerald, Esq. prayed the said Schooner and cargo to be condemned, and the Slaves to be emancipated. The said Commissary Judge and Commissioners of Arbitration, having heard the proofs read, pronounced the said Spanish Schooner, Fabiana, 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 Traffic 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 taken in such illicit traffic, by His Majesty's ship of war Morgiana, Charles B. Strong, 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, twelve men and one girl did compose the whole of the Slaves so decreed to be emancipated.

## No. 22.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, October 10, 1819.—Received February 18, 1820.*

MY LORD,

ON the 4th September we had the honour to receive, by His Majesty's brig Snapper, your Lordship's Letter addressed to us, transmitting His Majesty's Commission appointing us respectively to the same offices under the Treaty with the King of the Netherlands, which we already had the honour to hold under the other Treaties for preventing illicit traffic in Slaves.

We beg leave to assure your Lordship of our grateful sense of this additional important trust, and of our determination to execute the duties attached to it with the same fidelity as those belonging to our prior Commissions.

Immediately after the arrival of the Snapper, we again took the oaths comprised in the Commission, in the presence of His Excellency Governor Maccarthy, in conjunction with Colonel Van Sirtema and M. Bonnouvrié, Commissary Judge and Commissioner of Arbitration of His Majesty The King of the Netherlands, at whose instance we had previously been sworn in the same manner and form, soon after their arrival here in His Netherland's Majesty's frigate Comet on the 28th August, in order that they might be enabled to announce by the same vessel to their Government, and through the Ports on this coast belonging to the Netherlands, the actual establishment of the Commission.

No further proceeding has hitherto been required under the Netherlands Commission.

We have the honour to be,

&c. &c. &c.

(Signed)

THOS. GREGORY,  
EDWD. FITZGERALD.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

## No. 23.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, November 12, 1819.—Received February 12, 1820.*

MY LORD,

LIEUTENANT HAGAN, of His Majesty's brig Thistle, having on the 7th instant brought into this harbour two schooners, taken trading under Netherland colours, we proceeded on the 8th to hold a preliminary meeting with the Commissary and Arbitrator of His Majesty The King of the Netherlands, for the purpose of making the necessary arrangements for taking the cases of these vessels under consideration.

The necessary subordinate appointments under the Commission having been made with much difficulty on the part of the Dutch Commissioners, it was proposed to the Commissioners of His Majesty The King of the Netherlands, that Mr. Robert Barry Fitzgerald and Mr. John O'Neil Walsh, should be admitted as Proctors; having been already admitted and sworn in the Spanish Court. This proposition, however, was distinctly and decidedly opposed by Mr. Van Sirtema, who considered the admission of Proctors inconsistent with the Treaty, unnecessary and inexpedient.

The Court, as described by the Treaty, he considered as a close Court, to comprehend only the sitting Judges, the Secretary and the Witness under examination, or such other party as may be called in for purposes of business. We expressed ourselves of a different opinion as to the construction of the Treaty, observing that the very name of a Court included every thing incidental, without specifying the details: but finding Mr. Van Sirtema determined, and Mr. Bonnouvrié coinciding with him, "as the Treaty made no mention of Proctors," we agreed that no Proctors should be admitted to practice in the Court; always reserving the right of giving due attention to the claims of those parties, who might think the assistance of a Proctor necessary to the management of their particular affairs before the Commissioners. We had previously communicated to Messrs. Van Sirtema and Bonnouvrié, the regulations and forms sent out for our direction, but these being framed entirely on the practice of Courts of Admiralty and recognising Proctors or Agents of parties, were of course not accepted.

We conceive it not out of order to mention here, that on the following day, (the 9th instant), in the Spanish Court, M. Le Fer, His Catholic Majesty's Commissary Judge, proposed to rescind the resolution, admitting the same gentlemen as Proctors, and declared that he would not proceed with any business, if Proctors were admitted.

M. Le Fer's proposition for expunging from the Journal the minute recognizing the admission of Mr. Robert Barry Fitzgerald and Mr. John O'Neil Walsh, as Proctors in the Spanish Court, was, upon representation, altered to a resolution, that no Proctors should be admitted to practice within the Court until further notice. The object of this modification was to avoid casting any imputation upon these gentlemen, whose character and conduct were admitted to be beyond reproach.

On the 10th instant, in the Netherland's Court, the discussion respecting Proctors was resumed in full sitting, in consequence of an application from Lieutenant Hagan, representing the heavy penalties attached to the failure of captors, in establishing grounds of condemnation, and insisting upon his right to the assistance of a Proctor to manage his prosecutions, declaring himself personally incompetent to the charge, and disabled from attending to it by the calls of his naval command. After a discussion of several hours, the sitting terminated with a Minute, recording the opinion of the British Commissioners, that Proctors ought to be admitted, when parties require the assistance of such persons as necessary to the due management of their affairs before the Court. The Commissioners for the Netherlands were of the opposite opinion, which was recorded in the same Minute. The Secretary was permitted to communicate this Minute to Lieutenant Hagan, as the answer to his application.

We have the honour to be,

&c. &c. &c.

(Signed)

THOS. GREGORY.

EDWD. FITZGERALD.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

## No. 24.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, November 27, 1819.—Received February 12, 1820.*

MY LORD,

ON the 23d of November all the Members of the Commission were again convened, in consequence of a representation by letter from Lieutenant Hagan, stating the difficulties under which he laboured in prosecuting the schooner *Eliza*, from being refused the aid of a Proctor, and not knowing what was in evidence concerning that vessel; as well as from being deprived of the due facilities of bringing forward further proofs, which he regarded as most essential to the ends of justice. He prayed that the evidence already before the Court might be published for his information; and understanding that the two Judges had pronounced opposite opinions, and that an Arbitrator was introduced, he was desirous that the further proofs, which he considered so essential, should be let in before the final decision. After a whole day consumed in deliberations and discussions, Mr. Van Sirtema was at length persuaded to concur in the propriety of allowing Mr. Hagan a copy of the evidence. The interrogatories proposed in further proof by Mr. Hagan were also admitted and examinations took place upon them; but, ultimately, these examinations were excluded from the materials of the judgment, in which Mr. Bonnouvrié, the Arbitrator for His Majesty The King of the Netherlands, pronounced on the evidence originally before the Judges, that the schooner *Eliza* was lawful prize; thus concurring fully with the British Judge, as explained more particularly in the dispatch relating to the case and condemnation of that vessel.

We find in all these transactions the strongest grounds for wishing the speedy consent of the Foreign Courts to the Rules and Regulations sent out for the guidance of the Mixed Commission; for the greater part of every sitting is now consumed, at least in the Court of the Netherlands, in debates upon points of practice, with scarcely the hope or prospect of bringing these debates to any good or permanent result, much less to any result that could bear comparison with the provisions for the same objects contained in that summary.

We have the honour to be, &c. &c.

(Signed)

THOMAS GREGORY.

EDWARD FITZGERALD.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

## No. 25.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, November 30, 1819.—Received February 12, 1820.*

MY LORD,

I HAVE the honour to state, for your Lordship's information, that since the beginning of the present month, His Majesty's cruizers, the Morgiana, the Snapper, and the Thistle, have sent in here, for adjudication, the following four Slave trading vessels, captured under the Portuguese, the Spanish, and the Netherland flags, viz.

The schooner Cintra, captured under Portuguese colours by the Morgiana, Captain Strong, off Manna, in Latitude 6 deg. 29 min. North, and Longitude 11 deg. 12 min. West, with twenty-six Slaves, who had been taken on board two days prior to the capture. The Commissioners on the part of His Most Faithful Majesty not being yet arrived from Rio de Janeiro, the adjudication of the Cintra must stand over for the present; in the the mean time, I have the honour to inclose this statement No. 1, detailing the circumstances of the case.

The Spanish schooner, the Juanita, with nine Slaves on board, captured by the Snapper, Lieutenant Henderson Commander, in Latitude 5 deg. 39 min. North, and Longitude 4 deg. West, off Quitta, where the Slaves were shipped, and the Master of the schooner was landed to sell his goods and to purchase Slaves, having been put on shore prior to the capture. The circumstances connected with this case are detailed in the statement, No. 2, here inclosed.

The schooner, the Virginia, captured under Netherland colours by the Thistle, Lieutenant Hagan, Commander, in Latitude 5 deg. 29 min. North, and Longitude 9 deg. West, with thirty-one Slaves on board. The Master, Officers and crew, all but one, deserted the vessel, and landed before the Thistle's boat could get possession of her. The circumstances attending this capture are detailed in the statement, No. 3, here inclosed.

The schooner Eliza, under Netherland colours, captured also by the Thistle, in Latitude 5 deg. 39 min. and Longitude 9 deg. west. The Eliza, on her being chased by the Thistle, ran on shore before she was captured, and landed a number of Slaves prior to the brig's boat getting on board. There was one Slave however found on board the schooner; and the irons, still on deck which had been knocked from the legs of those who were hurried on shore in canoes, which hovered about the vessel to receive them. The circumstance of there being but one Slave left in the Eliza has caused some difficulty in the Court, when the matter was brought before the Board for its cognizance and adjudication, as will be seen by the statement No. 4., which I have the honour also to enclose for your Lordships information.

In the case of the Eliza before alluded to, I have stated the grounds upon which my conviction was founded, when I declare it to be my decided opinion, that the Master of her was captured actually in carrying on the Slave Trade in violation of the Treaty subsisting between his own country and that of Great Britain. The fifth Article of the Treaty it is true, states that "no cruiser shall detain any vessel not having Slaves on board," and it appears to be principally owing to this expression "Slaves," that Mr. Van Sirtema founded his opposition to the condemnation; but the Eliza had one Slave on board, and landed many others, in sight of the captor; and moreover she was fitted up in every respect as a Slave Trader; and consequently in my opinion, has been justly condemned, according to the spirit, if not

altogether according to the letter, of the Treaty. If my opinion is erroneous, I can only say, that I formed it with conscious rectitude and from the general impression which the whole case made upon my mind.

I feel it my duty humbly to state to your Lordship, that notwithstanding both Mr. Fitzgerald and myself have ever in conformity to the instructions given to us jointly under date of the 11th of May last, studiously endeavoured to cultivate a spirit of conciliation and harmony with the Commissary and Commissioner of His Majesty The King of the Netherlands, we have not been so fortunate as to succeed, hardly in any one instance, to please the former of these persons, Mr. Van Sirtema the Commissary Judge. In the affair of the Eliza, he appears to be more the anxious advocate of these convicted dealers in Slavery than the Judge, and he has not even hesitated to blame his colleague M. Bonnouvrié, the Commissioner of Arbitration on the part of the Netherlands, for having decided agreeably to his own conscience.

I should not have presumed to have troubled your Lordship with this recital of my own opinion, had it not been supported by the more enlightened judgement of Mr. Fitzgerald, my respectable colleague, who, with myself, deems it expedient jointly but humbly to represent the various instances wherein unnecessary obstacles have been opposed in the way of our now constant and daily duties.

I have the honour to be,

&c. &c. &c.

(Signed) THOMAS GREGORY.

Viscount Castlereagh, K. G.

&c. &c. &c.

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(First Inclosure in No. 25.)

*The Case of the Schooner the Cintra, Juan Dupony, Master, Captured under Portuguese Colours.*

THE Cintra was seized by the boats of His Majesty ship the Morgiana, Captain Strong, on the night of the 26th of October last, in latitude 6 deg. 29 min. N. and longitude 11 deg. 12 min. W. at an anchor off Manna, a notorious Slave trading place on the coast, where the vessel had, two days prior to her capture embarked twenty-six Slaves, who were still on board; which probably would not have been the case had there been time to land them; but the night favoured the approach of the boats, and they boarded the schooner unperceived. The Master of the Cintra, Juan Dupony, declares on oath, that he is a French subject, but at present domiciled at Trinidad de Cuba, that James Dorley of Baltimore, an American citizen, appointed him Master of the Cintra, that her crew consisted of nineteen in number, two of whom were Spaniards, nine Americans and the rest Frenchmen, most of whom were shipped at Bristol, in the United States, where the schooner took in her cargo to trade on the coast of Africa, that the voyage began at Bristol, in the United States, and was to have ended at Trinidad de Cuba, that he believes the owners to be the beforementioned James Dorley of Baltimore, and W. Baker, now residing in Trinidad de Cuba, both American Citizens, that he took the twenty-six Slaves on board himself for account of the beforementioned owners, and that they were to be delivered to the said W. Baker, at Trinidad de Cuba, that the Slaves were all taken on board at Manna, where the cargo was landed.

The Cintra had no royal passport to authorise her to trade in Slaves, even South of the equator; nor had she any document whatever, to identify her as a Portuguese vessel, except a passport granted in the year 1818, by the

then Governor of Port Praya, wherein she is called a Portuguese vessel. Her being however captured under Portuguese colours, with twenty-six Slaves on board, taken in at Manna, in Latitude 6 deg. 29 min. North, and destined for the island of Cuba, will be quite sufficient, I conceive, for the Commissioners of His Most Faithful Majesty to join in the condemnation of the vessel when they arrive here. But, at present, all that could be done was to request His Excellency Governor Maccarthy to take charge of the Slaves, who have been accordingly landed, and delivered over to him in the same manner as those who were brought in here in a Portuguese vessel, by Captain Kelly, on the 19th August last.

(Signed)

THOS. GREGORY.

*Sierra Leone, November 22d 1819.**(Second Inclosure in No. 25.)**The Case of the Spanish Schooner, the Juanita, J. B. Nunez, Master.*

THIS vessel was fitted out at and sailed from the Havannah, on the 27th of July 1819, furnished with a royal passport to trade for Slaves to the south of the Equator; but, instead of proceeding to the Equator, the Master was put on shore at Quitta, a slave trading Place in latitude 6 deg. North and longitude 4 deg. West, where the cargo was landed and Slaves collected; nine of whom were on board the Schooner when she was captured, on the 30th of September last, in latitude 3 deg. 39 min. N. and longitude 4 deg West, by His Majesty's Brig the Snapper, Lieutenant Henderson, Commander, and brought to Sierra Leone, on the 8th of November for adjudication.

The Master of the Juanita being on shore at Quitta, as before stated, at the time of her capture, the vessel was commanded by the chief Mate, Diego Dias de la Roca, (who died on his passage up to Sierra Leone,) and the second Mate being taken on board of the Snapper, there was no other competent witness to examine than the Boatswain, Juan Antonio Montone, who was sworn; and deposed, that the Master of the Schooner shipped at Quitta the nine Slaves who were found on board at the time of her capture, and that the Slaves were consigned to the owners of the vessel Don Dominge Massias of the Havannah.

Mr. T. M. Marshall Midshipman of the Snapper, who conducted the Juanita to Sierra Leone, was sworn as to the facts stated in Lieutenant Henderson's declaration relative to the seizure. And there remaining no doubt as to the illicit traffic in which the Schooner was engaged, the Court decided immediately on the case, and on the 12th instant pronounced sentence of confiscation against the said Schooner Juanita, with the emancipation of the Slaves.

(Signed)

THOS. GREGORY.

*Sierra Leone, November 22d 1819.**(Third Inclosure in No. 25.)**The Case of the Schooner the Virginie, B. Canex, a Frenchman, Master, captured under Netherland Colours.*

THE Virginie was seized by His Majesty's Brig the Thistle, Lieutenant Hagan Commander, on the 10th of October last, in latitude 5 deg. 29 min. North, and longitude 9 deg West, and brought to Sierra Leone, on the 8th instant for adjudication.



When the *Virginie* was first discovered by the *Thistle*, she was at an anchor, off Rock Sesters; and on being approached, the crew cut the cables and endeavoured to run on shore; but not succeeding in their attempt, the Master, Mate and Crew, (John Peters a seaman excepted,) quitted her before the *Thistle's* boat could come up. There were on board the *Virginie*, thirty-one Slaves, men, women, and children.

John Peters the seaman who was found still in the vessel, deposed on oath, that the Master of the Schooner was named Canez, that he was a Frenchman, and that his place of residence was Guadaloupe, where he had his family; that the possession of the vessel was given to Canez, by a Mr. Suffram of St. Thomas's, that she sailed under Dutch Colours, that some of the sailors and all the officers were Frenchmen, that the voyage began at St. Eustatia and was to have ended at Guadaloupe, that part of the cargo was landed at Currow, where the thirty-one Slaves were shipped.

There being full proof of the illegality of the voyage, the Court on the 15th instant. pronounced the sentence of condemnation against the said Schooner the *Virginie*.

(Signed) THOMAS GREGORY.

*Sierra Leone, November 22, 1819.*

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(*Fourth Inclosure in No. 25.*)

*The Case of the Dutch Schooner Eliza, John Discombe, Master.*

THIS vessel was captured by His Majesty's brig the *Thistle*, Lieutenant J. R. Hagan, Commander, on the 9th of October, in latitude 5 deg. 35 min. North, and longitude 9 deg. West; although the schooner sailed under Netherland colours, there was not a single native Dutchman on board of her. John Discombe the Master declared himself to be a Frenchman; he had, however, a very short time before his undertaking the present Voyage become a subject of His Netherland Majesty by papers which he procured from the Authorities at St. Eustatia. The voyage began at the Danish Island of St. Thomas's, and according to Discombe's oath, on the interrogatories put to him by the Court, was to have ended there, as stated in a fictitious charter party which was found amongst the papers delivered to the Captor; this document was signed, by one Daniel Jacobs, (supposed to be a Jew,) and the Master of the *Eliza*; and it set forth that the vessel was to trade for the produce of Africa (but not for Slaves) and return with it to the before-mentioned Daniel Jacobs. The *Eliza*, was however, fitted out in every respect for carrying on the Slave Trade. She had a complete tier of water on board in casks; she had large boilers, such as Slave vessels use; she had a quantity of rice on board which was taken in at St. Thomas's, (West Indies) and took more in on the coast: there were a quantity of buckets and tubs on board, such as Slave vessels use; with a quantity of irons and hand cuffs, for confining Slaves; the vessel was fitted with a platform on deck over the water, and with gratings for her hatchways, such as Slave Traders use; the *Eliza* took two passengers on board at St. Thomas's, one of the name of Adams, who Discombe calls his servant, and who was put on shore on the coast; there was found in Discombe's pocket a note written by him to this Adams on the subject of procuring Slaves.

The Schooner on her being chased by the *Thistle* ran on shore before she was captured, and landed a number of Slaves prior to the Brig's boat getting on board her. There was one Slave however, still on board whose irons could not be got off in time. This man swears that he was taken on board as

a Slave, and that irons were put on his legs; that nine more men Slaves were in the same situation, namely in irons; that there were also several women and boys Slaves on board of the schooner with himself; that the irons of the nine men Slaves were taken off; and that those nine men, with the women were hurried into Canoes and sent on shore before the capturing boat reached the schooner; that the boys were urged to jump into the water and swim on shore.

The affidavits of two of the officers belonging to the Thistle state, that on their boarding the Schooner, they found on the vessel's deck the irons exhibited in Court.

Notwithstanding all that is stated above, and the statement is proved by the clearest evidence, namely, the inspection of the schooner, the depositions on oath of the two Officers of the Thistle, and that of the captured Slave himself; notwithstanding this evidence, the Master and Mate of the Eliza, a Mr. Nelsthorp (a passenger from the West Indies, who by the by, states on his oath, that the only motive of his visiting the coast of Africa was for the benefit of his health, though there is no doubt but what he came to Africa to purchase Slaves,) and John Hatchett a Sailor, also, swears that the before-mentioned Slave, as well as the women, children and the other nine Negroes alluded to, were on board as mere passengers; passengers in irons forsooth.

I believe this is the first instance that it ever was conceived to be the custom to keep passengers in irons! But, as we are not permitted to use pleasantry in so serious a question as the violation of the Laws of one's Country, (and I am firmly of opinion that Mr. Discombe as a subject of His Majesty the King of the Netherlands, has been detected in violating the Laws of his country,) I will come as soon as possible to my conclusion. It surely would be a wild conceit to suppose that any Court of Justice should be bound by mere swearing; it is the swearing credibly that is to decide its judgement. The evidence of Mr. Discombe and his people is, in my opinion, a mass of perjury, and consequently it can have no weight with me.

After considering with anxious care the several points in question, the general impression which the whole has made upon my mind is, that I should not do my duty, were I not decidedly to declare that the Master of the Schooner the Eliza, has been captured in carrying on the Slave Trade in violation of the Treaty subsisting betwixt his own Country and that of Great Britain; and consequently that the vessel ought to be condemned as legal prize.

Although my Colleague, the Commissary Judge, Mr. Sirtema, on the part of His Majesty the King of the Netherlands, does not coincide with me in this opinion, which has made it expedient to call in the assistance of one of the Commissioners of Arbitration, and the lot was drawn in favour of the Commissioner of the Netherlands, Mr. Bonnouvrie, I have the happiness to find my opinion confirmed by the decision of that Commissioner; and this day sentence was pronounced against the Eliza, accordingly.

(Signed) THOMAS GREGORY.

*Sicra Leone, November 25, 1819.*

## No. 26.

*Thomas Gregory, Esq. to Viscount Castlereagh, K.G. &c. &c., dated Sierra Leone, December 30, 1819.—Received March 25, 1820.*

MY LORD,

ON the 23d instant Captain Strong, of His Majesty's ship the *Morgiana*, brought in here the Spanish schooner the *Esperanza*, with thirty-nine Slaves on board, captured by that ship's boat in latitude 5 deg. 49 min. North, and longitude 5 deg. 49 min. West: and on the 28th His Majesty's ship *Myrmidon* sent in another Spanish schooner, called *N. S. de las Nieves*, with one hundred and twenty-two Slaves on board, captured by the *Myrmidon's* boats, in latitude 7 deg. North, and longitude 12 deg. West.

The *Esperanza* was condemned as legal prize on the 27th instant; and I have the honour to inclose for your Lordship's information the case of that vessel.

The Court would have proceeded this day to the adjudication of the *N. S. de las Nieves*, had it not been prevented by the indisposition of Mr. Hamilton, the Registrar, who has been unwell for some days: the Slaves, however, were all landed, as some of them were rather sickly.

I have the honour to be, &c. &c.

(Signed)

THOMAS GREGORY.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(First Inclosure in No. 26.)

I, Charles Burrough Strong, Commander of His Britannic Majesty's sloop *Morgiana* hereby declare, that on the 10th December 1819, being in or about latitude 5 deg. 49 min. North, longitude 9 deg. 57 min. West, I detained the ship or vessel named the *Esperanza*, sailing under Spanish colours, armed with one gun, and an eight-pounder, commanded by Don Pedro Martin Puex, who declared her to be bound from Porto Rico to ———, as appears by passport the South of the Line, with a crew consisting of twenty-four men (two of whom were killed in boarding her, and two others, with the supercargo were on shore at Grand Bassa), the rest, whose names are declared by them respectively, are inserted in a list at the foot hereof, and having on board forty Slaves, said to have been taken on board at Petty Bassa, Grand Bassa, Manna, River Sertes, &c. between the 1st day of November 1819, and the date hereof, and are enumerated as follows :

	HEALTHY.	SICKLY.
Men . .	12	1
Women .	12	
Boys . . .	12	
Girls . . .	3	

I do further declare that the said ship or vessel appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and crew on their destined voyage. It appears that part of the cargo has been landed to pay for the Slaves at present on board. I must now call the attention of the Court to the serious charge which I make against the Captain of the Slave vessel, or, more properly speaking, this dealer in human flesh, of firing upon the subjects of His Britannic Majesty, when in the lawful discharge of that duty their country has ordered them to perform. His Majesty's ship under my command has now on board three men wounded, and unfit to perform their duty at present; and had not the Officer with the rest, done their duty with the greatest bravery, they must have fallen a sacrifice to those lawless villains, who, besides carrying on a strict forbidden trade, I have every reason to believe, by the conduct of one of them, about a month back, to an English merchant brig called the William Rathbone, are pirates and robbers upon any vessel they think they are superior to.

Witness, **GEORGE MATTHEW ROGERS**, First Lieutenant.

(Signed) **JAMES FORRESTER**, Acting Surgeon.  
**CHARLES B. STRONG**, Commander.

*List of the Crew found on board:*

Don Pedro Martin Puex, Master; Anastacio Payreli, Mate; Santiago Gioms; Gabriel Diom; Juan Gutierrez; Ignacio Severins; José Marteney; Domino Enreigne; Nicholas Perez; José Alezro; Manuel Rodregoz; Juan Perez; Francisco Gonzalez; Pasqual Claro; Cayetiono Bron; Gregoria Rodrigoz; Juan Bentic Moller; José Rodsigoz; and Domino Fluchin.—Antonio Ceresta and Juan Gil, killed in boarding.

*(Second Inclosure in No. 26.)*

*The Case of the Spanish Schooner the Esperanza, Pedro Martin Puex, Master.*

THIS vessel was fitted out in August last at Puerto Rico, furnished with a royal passport and the other requisite documents for the Slave trade south of the Equator.

She was captured on the 10th of December, by the boats of His Majesty's ship the Morgiana, Captain Strong, in latitude 5 deg. 49 min. north, and longitude 9 deg. 67 min. west, and brought to Sierra Leone for adjudication on the 23d. She had on board when taken possession of, forty Slaves, one of whom died on the passage up to Sierra Leone: they were shipped very near the latitude in which the vessel was captured, namely, at Petty Bassa, Grand Bassa, Grand Cora, Manna, River Sertes, &c. as stated in Captain Strong's declaration; which statement is corroborated by the oaths of the Master, Mate, and Boatswain of the schooner.

The crew of the Esperanza, when she arrived on the Coast of Africa, consisted of twenty-four in number, including the Master and a person named Stephen Charles, who acted as Supercargo, and is supposed by the Master to be a Scotchman, but is described in the muster roll to be from London: this Stephen Charles with two of the crew were left at Grand Bassa: and the schooner having made all possible exertion to beat off the Morgiana's boats, two more of her crew were killed, and the Master severely wounded, on being boarded: Lieutenant Head and three seamen of the Morgiana were also wounded.

On the 27th instant sentence of condemnation was pronounced against the schooner Esperanza.

(Signed) **THOMAS GREGORY**.

Sierra Leone, December 30th 1819.

## No. 27.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, March 27, 1820,*

I SEND to you herewith the copy of the letters, patent under date of the 11th of January 1820, which have been transmitted to me by the Count de Palmella, as constituting the appointment by the Governors of Portugal, of M. Joaõ Jacomo Altavilla, to be His Most Faithful Majesty's Commissary Judge, and of M. Joaquim Cesar de la Figaniere, to be His Most Faithful Majesty's Commissioner of Arbitration, at Sierra Leone.

I also furnish you with a copy of the answer which, by His Majesty's commands, I have this day returned to the communication of the Count de Palmella upon this subject; and I have to desire that you will, in conformity thereto, enter provisionally upon the duties of the commission with the Portuguese gentlemen referred to.

I have, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone.*

*&c. &c. &c.*

*Mem.* The inclosures here alluded to will be found in the correspondence between Lord Castlereagh and the Portuguese Minister in London, in March 1820.

## No. 28.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, January 8, 1820.—Received March 27, 1820.*

MY LORD,

IN my last letter I informed your Lordship, that, on the 28th ultimo, His Majesty's ship Myrmidon, Captain Leeke, sent into this river the Spanish schooner Nuestra Señora de las Nieves, alias Voladora, Francisco Lopez, Master, with one hundred and twenty-two Slaves, captured in latitude 7 deg. north and longitude 12 deg. west.

On the 3d instant the Court proceeded to the adjudication of this vessel, and as not the slightest doubt was entertained of the illegality of the traffic in which it had been engaged, it was condemned, and its Slaves emancipated.

I have the honour to inclose a copy of the case of the Neustra Señora de las Nieves for the information of your Lordship, and subscribe myself with the greatest respect,

My Lord,

Your Lordship's most obedient  
and most humble Servant,

for THOMAS GREGORY,

E. GREGORY.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

P.S. I regret to inform your Lordship that the cause of Mr. Thomas Gregory not signing his own name on the present occasion is owing to the illness under which he now labours. The fever which is peculiar to this country, and from which he escaped during the rainy season, seized him a few days ago; I have, however, the happiness to acquaint your Lordship, that he is not considered to be in any immediate danger.

E. GREGORY.

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(Inclosure in No. 28.)

*The Case of the Spanish Schoener Nuestra Senora de las Nieves, alias Voladora, Francisco Lopez, Master.*

THIS vessel (which was brought into Sierra Leone on the 28th December) was fitted out in June last at the Havannah, and furnished with a royal passport to trade for Slaves south of the Equator.

She was captured on the night of the 11th ultimo, by the boats of His Majesty's ship Myrmidon, Captain John Leeke, in latitude 7 deg. N. and longitude 12 deg. W. in the neighbourhood of the Gallenas, where, between the 29th October and 11th December, she had taken on board one hundred and twenty-two Slaves, all of whom were found on board at the time of capture.

As not the slightest doubt was entertained by the Court of this vessel having traded illegally, she was declared to be lawful prize, and sentence of condemnation was pronounced against her accordingly this day.

Sierra Leone, January 3, 1820.

THOS. GREGORY

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No. 29.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

Foreign Office, March 29, 1820.

I HAVE the honour to acknowledge the receipt of your dispatch, under date of the 10th October 1819, detailing the adjudication of the Spanish schooners N. S. de Regla and Fabiana, and inclosing copies of the cases and condemnation of those vessels: and I have to state to you in reference thereto, that the papers, which were inclosed on these cases and condemnation, fully answer the purpose alluded to in my dispatch of the 9th of June 1819.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone.*

&c. &c. &c.

No. 30.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Sierra Leone, February 20, 1820.—Received May 8, 1820.*

MY LORD,

I HAVE the honour to inform your Lordship, that, on the 5th instant, His Majesty's ship Tartar, Commodore Sir George Collier, brought into this port, for adjudication, the Spanish schooner the Francisco, which vessel was captured at anchor on the night of the 30th January, by the Tartar's boats, in the river Ponga, in latitude 10 deg. 10 min. N.

There were found on board the Francisco, when the boats took possession of her, sixty-nine Slaves, who have been landed, emancipated, and delivered over in the usual way to His Excellency Governor MacCarthy, in consequence of the condemnation of the schooner, which took place on the 8th instant, as stated in the copy of the case here inclosed for your Lordship's information.

I have the honour to be, with the greatest respect,

My Lord,

Your Lordship's most obedient  
and very humble Servant.

THOS. GREGORY.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

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(Inclosure in No. 30.)

*The Case of the Schooner the Francisco, Francisco Onez, Master, sailing  
under Spanish Colours.*

THIS vessel was fitted out in August last, at Matanza, in the island of Cuba, by Madden and Simpson, supposed to be subjects of the United States, with a crew of twenty three individuals; exclusive of the Master, who was a Spaniard, the supercargo a Mr. Mackenzie, the first and second mate, and eight of the crew were subjects of the United States, the rest consisted of Spaniards.

The master and supercargo of the Francisco, with all the vessel's papers were on shore at the time of the capture, (which took place in the night of the 30th January,) by the boats of His Majesty's ship the Tartar, Commodore Sir George Collier, she was at an anchor in the river Ponga, in latitude 10 deg. 10 min. in N. and forty miles west of Sierra Leone; there were found on board sixty-nine Slaves.

The Francisco was brought to Sierra Leone, on the 5th instant, and on the 8th the Court proceeded to the adjudication.

The fact of there being sixty-nine Slaves found on board, and the declarations on oath of the first and second mates of the schooner, to the interrogatories put to them, that the Slaves were all shipped in the river Ponga, carry such conviction with it of the illicit traffic in which the vessel was engaged, that the Court had no hesitation in pronouncing immediate sentence of condemnation against her, and the emancipation of the sixty-nine Slaves.

*Sierra Leone, February 8th 1820.*

THOS. GREGORY.

## No. 31.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Sierra Leone, February 21, 1820.—Received May 8, 1820.*

MY LORD,

I HAVE the honour to state for your Lordship's information, that on the 5th instant, Commodore Sir George Collier brought in here for adjudication, the brig *Marie*, captured under Netherland colours. She was taken possession of, on the night of the 30th ultimo, by the boats of His Majesty's frigate the *Tartar*, at anchor in the Rio Ponga, in latitude 10 deg. 10 min. North. There were found on board the *Marie*, nine negro men and three boys. The Master, Boatswain, (the first Mate being on shore at Kissing, and the second Mate being dead) and one seaman belonging to the brig, who were examined as witnesses, all declared, on their oaths, that the nine negro men and one of the boys above alluded to, were not Slaves intended for part of the *Marie's* cargo, but that they were sent by one Curtis, a Slave-dealer, to pump, and assist in doing the duty of the brig, in consequence of the deplorable state of health of the Master and Crew, many of whom had already died at the Rio Ponga: these witnesses, however, allowed that the two other boys had been purchased by John Brown, the first Mate, as Slaves, and that they had been sent on board as such. This was considered sufficient proof for the Court to decide on the illegality of the voyage, and the *Marie* was condemned accordingly, as your Lordship will perceive by the copy of the case which I have the honour to inclose.

Commodore Sir George Collier was displeased that the Court did not allow special interrogatories to be put to the nine negroes above-mentioned; for my own part (although there was already sufficient proof to proceed to condemnation,) I had no objection to comply with Sir George's wishes; but the notorious opposition which I have to encounter on every, the most trifling occasion, from M. Von Sirtema, the Netherland Commissary Judge, left me no other alternative than either to give way to his opinion on a point which I conceived not to be highly essential, or incur the risk of not strictly obeying the instructions conveyed to Mr. Fitzgerald and myself in your Lordship's dispatch, under date of the 11th May, wherein, it is enjoined to us to promote a spirit of conciliation and harmony with the Commissioners of His Majesty the King of the Netherlands. This I have ever studiously endeavoured to do, but, I am sorry to observe, without success.

I have the honour to be, &c.

(Signed) THOS. GREGORY.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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*(Inclosure in No. 31.)*

*The Case of the Brig Marie, Francis Vigne, Master, captured under  
Netherland Colours.*

THE *Marie* was built at Baltimore, and in the beginning of April last, the present Master, Francis Vigne, a native of Genoa, was put into the pos-



possession of her by a Monsieur Souffron, at St. Thomas's, when M. Souffron ordered the Master to proceed with the vessel to St. Martins, where the Owner, a Mr. Moses Phillips resided, and where he was informed he would be provided with Dutch Papers: he was accordingly furnished with a certificate of naturalization, on the 14th April 1819, by the Governor of St. Martins. This certificate was the only document that authorized him to use the Netherland flag: the Officers and Crew consisted of several nations, but there was not one on board the vessel, of the nation whose flag the Master had assumed.

Mr. Moses Phillips, the owner of the brig, dispatched her with a cargo consisting of articles calculated for the Slave Trade, to the coast of Africa, which cargo was landed at the Slave factory of Kissing, in the river Ponga.

On the night of the 30th January, the Marie was captured at an anchor in the river Ponga, in latitude 10 deg. 10 min. North, and 40 miles West of Sierra Leone, by the boats of His Majesty's frigate the Tartar, Commodore Sir George Collier, Bart. K. C. B. and brought to this place on the 5th instant for adjudication.

There were found on board the brig when she was taken possession of by the Tartar's boats, nine negro men and three boys.

The Master, Francis Vigne, the boatswain, Francis Jourdon, and Joseph Pearson a seaman all declare on their oaths, that the nine negro men, and one of the boys were not Slaves intended to form part of the Marie's return cargo, but that they were lent by one Curtis, a notorious English Slave-dealer in the river Ponga, in consequence of the Master and great part of the crew of the brig being ill, and unable to pump and do the other duty of the vessel; they, however, allow that the two other boys, who were found on board, were purchased and sent there as Slaves by John Brown, the first Mate of the Marie, as his property; he, as well as the Master, Francis Vigne, being interested in the vessel and cargo.

This John Brown, the first Mate, was on shore at the time of the capture, and the second Mate with part of the crew had some time before died in the river Ponga.

The fact of the two boys before alluded to, being Slaves, no doubt remained as to the illegality of the voyage, and their emancipation, with the condemnation of the brig Marie, the Court immediately decreed.

The other nine negroes were delivered to His Excellency Governor MacCarthy.

(Signed)

THOS. GREGORY.

Sierra Leone, February 15th, 1820.

## No. 32.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c.,  
dated Sierra Leone, February 25, 1820.—Received May 11, 1820.*

MY LORD,

AGREEABLY to your Lordship's commands expressed in your dispatch dated the 18th of November last, we without waiting for the arrival of the Portuguese Commissioners, and conforming ourselves to the arrangement entered into by your Lordship and the Count de Palmella, the Portuguese Envoy at the British Court, proceeded to the adjudication of the Portuguese schooner the *Nova Felicidade*, and in consequence pronounced sentence of condemnation against her.

We had the honour to inclose for your Lordship's information an abstract of the case of that vessel, stated from the interrogatories, which were taken by the Registrar of the Commission, and from the other documents which were given in by Captain Kelly at the time he brought the schooner to Sierra Leone in August last.

We have now the honour to inform your Lordship that, on the 6th instant, His Majesty's ship *Myrmidon*, Captain Leeke, brought into this port the Portuguese schooner, the *Saint Salvador*, which vessel was captured at an anchor off Manna, in latitude 6 deg. 34 min. N. on the 25th of January, by the *Myrmidon's* boats.

The circumstances attending the capture and detention of the *Saint Salvador* are fully stated in the copy of the case of that vessel, which we have also the honour of here inclosing, but the Commissioners on the part of His Most Faithful Majesty not having yet arrived, we cannot proceed to the final adjudication of the schooner, until they make their appearance, or that we receive your Lordship's instructions (as in the case of the *Nova Felicidade*), not to await the arrival of the Portuguese Commissioners. In the mean time Captain Leeke, after having landed the Master and crew of the *Saint Salvador*, put a Midshipman and a few invalid seamen on board, to take care of the vessel, until she can be brought to final adjudication.

We have the honour to be with the greatest respect,

My Lord,

Your Lordship's most obedient,  
and very humble Servants,

THOMAS GREGORY,  
EDWARD FITZGERALD.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

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*(First Inclosure in No. 32.)*

*The Case of the Portuguese Schooner, the Nova Felicidade, Antonio Ivaguim da Trindade, Master.*

THE *Nova Felicidade*, a small schooner, measuring only eleven tons, was fitted out on the 23d of June last at Prince's Island

The owner of her, José Feriara Gomez, the acting Governor of that island, granted the vessel a pass, authorizing her to proceed to the Portuguese settlements of Cabinda and Molembo, south of the equator: there was no royal pass on board.

In lieu, however, of going to the above-mentioned Portuguese settlements, the Nova Felicidade proceeded to Old Calabar, situated in latitude 6 deg. N., where she took seventy-one Slaves on board.

Seven of these Slaves were the property of Antonio Ivaguim da Trinidad, the Master of the schooner, and were put on board by himself; one belonged to his boatswain, and another to one of his seamen; the remainder of the seventy-one Slaves were shipped on board by one Baras, a Portuguese Captain belonging to Prince's Island.

The vessel was captured on the 30th of July last, in Latitude 2 deg. 23 min. North, and Longitude 9 deg. 50 min. West, by His Majesty's ship Pheasant, Captain B. M. Kelly, and brought to Sierra Leone on the 18th of August.

Although the Master of the Nova Felicidade first declared that he had taken in his Slaves at Cabinda, yet when he, his officers and Crew were interrogated on oath, they all declared that they had been at no other port than Old Calabar, where they took in the beforementioned seventy-one Slaves.

The proof being so clear that the Nova Felicidade was engaged in an illicit traffic in Slaves, the Members of the Court pronounced sentence of condemnation against her, and emancipated the Slaves, who had been provided for by His Excellency Governor Maccarthy, on their being landed in August last.

THOS. GREGORY.

EDWARD FITZGERALD.

*Sierra Leone, February 25, 1820.*

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(*Second Inclosure in No. 32.*)

*The Case of the Schooner St. Salvador, Antonio José Alvarez, Master, captured under Portuguese Colours.*

THE St. Salvador was taken possession of on the 25th of January, at an anchor off the River Manna, by His Majesty's ship the Myrmidon, Captain John Leeke, and brought to Sierra Leone on the 8th instant. On the tender of the Myrmidon approaching the schooner, a boat was seen to depart from her, endeavouring to reach the shore, but was prevented, and taken to the Myrmidon. On board this boat was a Negro, who declared himself to be a Slave taken from the schooner, in consequence of which the vessel was detained. The Slave's name is Popo, alias Will Carr, a Kroöman, who had lived two years at Sierra Leone. He declares on his oath, (assisted by an intelligent interpreter named Tom Reed,) that he was sold by Charles Gomez, a Slave-dealer at Manna, to the Supercargo, who sent him on board to be inspected and approved of by the Master of the St. Salvador; that he was put in irons, and that he had been one day and one night on board before he was relieved by the captors.

As this Slave's deposition is too voluminous to insert here, a copy of it will be annexed.

Mr. Baker, Master's Mate of the Myrmidon, declares on oath, that on his approaching the captured vessel he saw two empty boats astern of her, one

of which was soon hoisted up on the starboard side, and put off with Negroes in her for the shore, this was the boat which was brought alongside of the Myrmidon's tender; as before stated, and out of which Popo, alias Will Carr, the Slave, was taken.

The St. Salvador, prior to her capture, had been chased by the Myrmidon and escaped.

Lieutenant F. E. Smith and Mr. Charles Leech, a Midshipman, who were put into the schooner to conduct her to Sierra Leone, declare on oath, that Antonio José Alvarez, the Master of the vessel, told them that when he was thus chased he had twenty-five Slaves on board, that he escaped by tacking on its becoming dark, and landed the Slaves at the Gallinas the next morning.

On special interrogatories being put by the captors (with the consent of the Court) to Antonio José Alvarez, as to the fact of his informing Lieutenant Smith "that on the night the St. Salvador was chased by the Myrmidon, there were twenty-five Negroes on board, and that they were all landed the next morning:" his answer is "No," which he qualifies thus: "he told him (Lieutenant Smith) that another schooner which was chased by the Myrmidon's boats at the same time that the St. Salvador was chased, had on board twenty-five Slaves, who were all landed at the Gallinas."

It appears by the declarations on oath to the standing interrogatories put to the Master of the St. Salvador, that she was purchased at Baltimore by himself, for account of a Mr. Martinez, of the island of Bona Vista, Cape de Verd—that for the present voyage (this not being the first on account of the same owners,) she was laden at Bristol in the United States, with a cargo which he, the Master, purchased for his and Mr. Martinez's account. The vessel proceeded with this cargo (it being adapted for the Slave Trade) to Bona Vista, from whence she was dispatched with the cargo for the Coast of Africa. Her crew, exclusive of the Master, consisted of thirty-two in number, namely, ten Americans, six Portuguese, and sixteen Italians and French.

She was fitted up in every respect for a Slave-trading voyage, with the intention of taking back from the Coast of Africa a cargo of Slaves to the Havannah, for account of the said Master and Mr. Martinez, the other owner.

The St. Salvador was armed with eight eighteen-pound carronades, and ammunition corresponding thereto.

Part of the St. Salvador's cargo was landed at Cape Mount, and the remainder, except a few trifling articles which are still on board, was put on shore at Manna, where the Supercargo, a Mr. C. P. Green, was landed to collect Slaves, as appears by a letter in his hand-writing, addressed to the First Mate of the schooner, John Fletcher, who acknowledges on his oath the letter to be genuine, a copy of which letter is annexed.

That the St. Salvador was engaged in an illicit Slave Trade, there is no doubt.

The fourth section of article the first of the Convention, signed at London the 28th of July 1817, prohibits Portuguese vessels from carrying Slaves to any port not in the dominions of Portugal; the St. Salvador was to have taken her Slaves (as allowed on oath by the Master, Mate, &c.) to the Havannah.

Article the fourth requires that all Portuguese vessels shall be furnished with a royal passport. The St. Salvador had no such passport, and the only pass she possessed was one from the Governor of Bona Vista.

Article the sixth of the Instructions annexed to the Convention stipulates that two thirds of the crew of all Portuguese vessels shall be native Portuguese; the St. Salvador had on board no more than six Portuguese seamen.

Were the Commissioners on the part of His Most Faithful Majesty on the spot, it is conceived that they would coincide in the opinion which the Bri-

British Members of the Mixed Commission Court have formed on this case—namely, that the *St. Salvador* has been detected in carrying on an illicit Traffic in Slaves; and they are further of opinion, upon the whole of the evidence, that the Negro Popo was on board the *St. Salvador* as a Slave, and that the detection and seizure of the boat in the act of taking him out of the *St. Salvador* to put him on shore, is a sufficient finding on board, to make it their duty to reserve the case for adjudication.

The Court in the mean time feel it their duty to declare, that Captain Henry John Leeke, of His Majesty's ship *Myrmidon*, has been fully justified in detaining the said schooner *St. Salvador*.

*Sierra Leone, February 25th, 1820.*

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*Answers to Special Interrogatories put to Popo, otherwise Will Carr.*

Saith he knows the Portuguese schooner, but does not know her name—pointed her out from the street in front of the Court. Saith he was on board the schooner one day and one night before Captain Leeke seized her—he was in irons during that time. As soon as the man of war was seen, the sailors opened the hatches, took off his irons, and put him in the boat, to be sent on shore to the other Slaves. There were twenty-two Slaves on shore belonging to the schooner—they were kept in a big house. Charles Gomez sent him on board the schooner, sold him for a Slave, and took the schooner's money. The deponent owed Gomez three iron bars; Gomez asked deponent to pay him, deponent could not. Gomez said he had waited too long, and he would sell him; he sold him for one hundred bars in rum—Gomez took the hundred bars in rum, powder, and tobacco, which deponent saw Gomez take—he did not give any to the deponent. The next day, after selling him, Gomez took him on board to shew him to the Captain, to know if he was satisfied with the bargain made on shore with the Supercargo; he stopt on board for the night, and remained till the man of war approached. After putting deponent on board Gomez went on shore, and on the approach of the man of war next morning, Gomez came on board the ships to take away the Slaves—this is always done by Gomez and other Slave-dealers on the approach of ships of war, for which they are always looking out, so that no Slaves should be found actually on board on their coming up.

Deponent saith that his debt to Gomez was contracted in this manner:—Deponent was coming from his own country for Sierra Leone in a Kroo canoe, he became sick and went on shore, and coming along the shore, Gomez gave him three iron bars to carry to his house. Deponent did not know Gomez's house; he enquired of a woman, who said she belonged to Gomez, and took the iron bars from him. The woman did not tell Gomez. Gomez said deponent had stolen the iron bars, insisted on payment, and seized him for it. Deponent saith he knows the sailors of the schooner who put him into the boat to be taken on shore. Deponent points out to the Mate and James Belcher, a seaman, who, with another seaman, not present, were the persons who put him into the boat; the Mate gave the order.

About five days ago the Mate told him if the Judge should ask him whether he was a Slave, and he would say "No," the Mate would give him one hundred dollars, and take him back to the Gallinas and land him there.

Deponent asked the Mate for what he put him in irons, and said he could not tell the Judge he was not a Slave. The Mate made him the offer twice on board the schooner, and yesterday again a third time as they were coming

up the steps from the water side, near the Governor's house. The Mate took hold of Deponent's finger and made him the offer. Saith another man named Will Doe left Kroo country in the same canoe with deponent. This Will Doe went back to Kroo country from Gallinas, with country cloth, purchased with tobacco received in payment for service from Fillipi, at Cape Mount. The Kroo men are thus employed all along the coast.

POPO, his ✕ mark.

TOM READ, his ✕ mark.

Taken and sworn before Thomas Gregory, Esquire, Commissary Judge, and Edward Fitzgerald, Esquire, Commissioner of Arbitration, at Free Town, Sierra Leone, this 18th day of February 1820.

In presence of

R. B. FITZGERALD, Deputy Registrar.

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*Copy of a Letter from P. C. Greene to Mr. Fletcher.*

MR. FLETCHER, *Peter Carful's, Big Town, December 20, 1819.*

AS soon as you receive this go immediately to C. Gomez Town, and put these two boys, John and Peter, in irons—secure and see that that old fellow Slave man is secured hand and foot, as I learn by the Kroomen they have sent word they will soon be clear, and give orders that there is a striet watch kept over them. I want, if the beach is smooth, to send a barrel of rice on shore for the Slaves at Gomez Place, and see what Slaves is collected from the gentleman at that place. They are collecting here as fast as they can. I shall be down in two or three days. Should Gomez ask any thing about my Slaves at Cape Mount, tell him I have one hundred, and am likely to get the whole to bring down with me in three or four days. You can make your excuse to bring the rice, and it was my orders, before I left the vessel, to secure those boys, as I saw an uneasiness with them the last time I was there. Be back to Cape Mount as soon as possible. I am well, but found a very long walk to this town, which fatigued me very much. Give my respects to Captain Alvaros, wishing this to find you all in good health. I wish you to make dispatch in going to Gomez's Town.

Your's respetfully,

P. C. GREENE.

No. 33.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Sierra Leone, March 20, 1820.—Received May 25, 1820.*

MY LORD,

ON the 20th of last month I had the honour to inclose an abstract of the case of the Spanish schooner the *Francisco*, and I have now the honour to state, for your Lordship's information, that on the 17th instant Commodore Sir George R. Collier sent into this port for adjudication the Spanish schooner the *Gazetta*, captured by His Majesty's frigate the *Tartar* on the 2d instant, in latitude 5 deg. N. and longitude 10 deg. W. with eighty-one Slaves on board, all shipped from places north of the Equator, which is proved by the evidence of the Master, the Mate, and the Boatswain of the schooner, and fully stated in the abstract of the inclosed case. I have the honour to subscribe myself with the greatest respect,

My Lord,

Your Lordship's most obedient,  
and very humble Servant,

*Viscount Castlereagh. K. G.  
&c. &c. &c.*

THOMAS GREGORY.

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(Inclosure in No. 33.)

*The Case of the Schooner Gazetta, Mariano Carbo, Master, captured under  
Spanish Colours.*

THE *Gazetta* was fitted out by Don Antonio Gola at Santiago de Cuba, in the month of November last, with a crew consisting of seventeen in number, and was furnished with a royal passport to trade for Slaves south of the Equator. She was captured on the 2d of March in latitude 5 N. deg. and longitude 10 deg. W., by His Majesty's frigate the *Tartar*, Commodore Sir George R. Collier, K. C. B., and brought to Sierra Leone for adjudication on the 17th. There were on board at the time of capture eighty-two Slaves, consisting of twenty-seven men, thirteen women, twenty-one boys, and twenty girls, purchased and shipped at Grand Bassa and Trade Town, where part of the cargo was landed to pay for the purchase of the Slaves.

On the interrogatories being put by the Court to Mariano Carbo, the Master of the schooner, to the mate and the boatswain, they all unanimously declared, on their oaths, that the eighty-one Slaves were taken on board at the before-mentioned notorious Slave-trading places, Grand Bassa and Trade Town, north of the Equator: this fact being proved, it clearly stamped the illegality of the voyage; and the Court therefore immediately pronounced sentence of condemnation against the *Gazetta*, and that part of her cargo which still remained on board, with the emancipation of the eighty-one Slaves.

*Sierra Leone, March 18, 1820.*

THOMAS GREGORY.

## No. 34.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c., dated  
Sierra Leone, May 6, 1820.—Received July 5, 1820.*

MY LORD,

WE have the honour to inform your Lordship, that His Majesty's ship *Morgiana*, Captain Sandilands, lately brought into Sierra Leone a schooner called *La Invincible the Second*, Benjamin Towner Commander, found at sea cruising under Artigas colours. This schooner had a very short time before been a Spanish slaver called the *Industria*, and while employed in taking in slaves in the Rio Pongos, was taken with some slaves on board by another cruiser called *La Invincible*, fitted out at Baltimore, and commanded by one Job Northrup. This Northrup shifted his flag on board the *Industria*, and having subsequently taken a superior vessel, an American, named the *Swift*, transferred himself, with the greater part of his crew, to that vessel, and gave up the command of the *Industria*, now named *La Invincible the Second*, to Benjamin Towner, his first officer, who has a printed Artigas commission of old date apparently fabricated.

Not any one of the original Spanish crew was on board; some of the original papers were; but the log book had not any date of year, and the whole were extremely indistinct and difficult to be fixed; some of the Slaves taken in by the Spaniards in the Rio Pongos, were, however, still on board when the vessel was brought in here.

Captain Sandilands was exceedingly desirous that proceedings should be taken against this vessel as a Spanish ship illegally trading in Slaves, and with a view to this object the papers were sent successively to all the members of the Commission, and perused by them.

The British Commissioners on communicating together on the subject, were of opinion that although the case appeared to involve many points altogether foreign to the objects of the Commission, yet it might be taken into consideration, if any disposition should be shown on the Spanish side to take cognizance of it.

But the Spanish Commissary Judge, Mr. Le Fer, having more than once distinctly refused to enter into it, and Mr. Camps, the Spanish Arbitrator, after a very attentive examination, not being able to find any actual proof of the original Spanish character to warrant him in taking any step to cause it to be brought under discussion, nothing could be done in the mixed British and Spanish Court respecting it.

The vessel being, we suppose, found not to be tangible in any other way, has been allowed to depart, the Slaves on board her at her arrival, taken by Northrup forcibly from several slaving vessels of all nations, were landed here while she was thought likely to be subject to a charge of piracy, and remain in the interior of the colony.

We think it proper to put your Lordship in possession of these particulars of this case.

We have the honour to be, with the greatest respect,

My Lord,

Your Lordship's most obedient,  
and very humble Servants,

THOMAS GREGORY,  
EDWARD FITZGERALD.

Viscount Castlereagh, K. G.  
&c. &c. &c.



## No. 35.

*Thomas Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, June 27, 1820.—Received August 10, 1820.*

MY LORD,

I have the honour to inform your Lordship that on the 2d instant I held a meeting at the Office of the Mixed Commissions with M. Altavilla, His Most Faithful Majesty's Commissary Judge, in order to take cognizance of the two reserved cases of the Portugueze schooners, the Cintra and the St. Salvador. The case of the Cintra, (an abstract of which was forwarded to your Lordship under date of the 30th November last,) with the whole of the evidence, being so clear as to stamp the voyage with illegality, M. Altavilla did not hesitate a moment in joining with me in the condemnation of the vessel.

But on our proceeding to the consideration of the case of the St. Salvador, I have to observe that after several adjourned meetings we ultimately differed in opinion as to the sentence which we ought to pronounce, and we were under the necessity of drawing for one of the Commissioners of Arbitration: the lot falling on M. Figaniere, the Portugueze Commissioner, that gentleman coincided in opinion with his colleague, the Commissary Judge, and consequently, the majority of the votes being that the vessel could not be condemned as lawful prize, she was decreed liberated accordingly.

Although an abstract of the case of the St. Salvador, so far as it had been originally gone into, was forwarded in a joint dispatch to your Lordship under date of the 25th of February last, I deem it necessary for the better information of your Lordship, that the whole should be now stated together; and I have, therefore, the honour to inclose another copy of that Abstract, with a continuation of the case, comprehending the grounds on which the Portuguese Commissioners had formed their opinions on the decision they had made, in opposition to my view of the case.

As I intend to embark for England in the ship which takes this dispatch, I shall, soon after its arrival, have the honour of paying my personal respects to your Lordship: and, if I should be so fortunate as to find that my conduct during my residence in this Colony has met with your Lordship's approbation, I shall feel happy indeed.

In the mean time I have the honour to subscribe myself,

with the greatest respect, &c.  
*Viscount Castlereagh, K. G.* (Signed) THOS. GREGORY.  
 &c. &c. &c.

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(Inclosure in No. 35.)

*The Case of the Schooner St. Salvador, Antonio José Alvarez, Master, captured under Portuguese Colours.*

THE St. Salvador was taken possession of on the 25th of January, at an anchor off the river Manna, by His Majesty's ship the Myrmidon, Captain Henry John Leeke, and brought to Sierra Leone on the 8th instant.

On the tender of the Myrmidon approaching the schooner, a boat was seen to depart from her endeavouring to reach the shore, but was prevented and

taken to the *Myrmidon*: on board of this boat was a Negro, who declared himself to be a Slave taken from the schooner, in consequence of which the vessel was detained. The Slave's name is Popo, alias Will Carr, a Krooman, who had lived two years at Sierra Leone: he declares on his oath (assisted by an intelligent interpreter named Tom Reed), that he was sold by Charles Gomez, a Slave-dealer at Manna, to the Supercargo, who sent him on board to be inspected and approved of by the Master of the *St. Salvador*; that he was put in irons, and that he had been one day and one night on board before he was relieved by the captors. As this Slave's deposition is too voluminous to insert here, a copy of it will be annexed.

Mr. Baker, Master's Mate of the *Myrmidon*, declares, on oath, that on his approaching the captured vessel, he saw two empty boats astern of her, one of which was soon hauled up on the starboard side, and put off with Negroes in her for the shore: this was the boat which was brought alongside of the *Myrmidon's* tender, as before stated, and out of which Popo, alias Will Carr, the Slave, was taken.

The *St. Salvador*, prior to her capture, had been chased by the *Myrmidon*, and escaped. Lieutenant F. E. Smith and Mr. Charles Leek, a Midshipman, who were put into the schooner to conduct her to Sierra Leone, declare on oath, that Antonio José Alvarez, the Master of the vessel, told them that when he was thus chased, he had twenty-five Slaves on board; that he escaped by tacking on its becoming dark, and landed the Slaves at Gallinas the next morning.

On special interrogatories being put by the captors (with the consent of the Court) to Antonio José Alvarez, as to the fact of his informing Lieutenant Smith, "that, on the night the *St. Salvador* was chased by the *Myrmidon*, there were twenty-five Negroes on board, and that they were all landed the next morning;" his answer is, "No," which he qualifies thus:—"He told him (Lieutenant Smith) that another schooner, which was chased by the *Myrmidon's* boats, at the same time that the *St. Salvador* was chased, had on board twenty-five Slaves, who were landed at the Gallinas."

It appears by the declaration on oath to the standing interrogatories put to the Master of the *St. Salvador*, that she was purchased at Baltimore by himself for account of a Mr. Martinez, of the Island of Bona Vista, Cape de Verde: that for the present voyage (this not being the first on account of the same owners) she was laden at Bristol, in the United States, with a cargo which he, the Master, purchased for his and Mr. Martinez' account: the vessel proceeded with this cargo (it being adapted for the Slave Trade) to Bona Vista, from whence she was dispatched with the cargo for the coast of Africa. Her crew, exclusive of the Master, consisted of thirty-two in number, namely, ten Americans, six Portuguese, and sixteen Italians and French. She was fitted up in every respect for a Slave-trading voyage, with the intention of taking back from the coast of Africa a cargo of Slaves to the Havannah, for account of the said Master and Mr. Martinez, the other owner.

The *St. Salvador* was armed with eight eighteen-pound carronades, and ammunition corresponding thereto.

Part of the *St. Salvador's* cargo was landed at Cape Mount, and the remainder, except a few trifling articles which are still on board, was put on shore at Manna, where the Supercargo, a Mr. C. P. Greene, was landed to collect Slaves, as appears by a letter in his hand-writing, addressed to the First Mate of the schooner, John Fletcher, who acknowledges on his oath the letter to be genuine; a copy of which letter is annexed,

That the *St. Salvador* was engaged in an illicit Slave Trade there is no doubt.

The fourth section of Article the first of the Convention signed at London the 28th of July 1817, prohibits Portuguese vessels from carrying Slaves to

any port not in the dominion of Portugal: the St. Salvador was to have taken her Slaves (as allowed on oath by the Master, Mate, &c.) to the Havannah.

Article the fourth requires, that all Portuguese vessels shall be furnished with a royal passport: the St. Salvador had no such passport; and the only pass she possessed was one from the Governor of Bona Vista.

Article the sixth of the instructions annexed to the Convention, stipulates that two-thirds of the crew of all Portuguese vessels shall be native Portuguese: the St. Salvador had on board no more than six Portuguese seamen.

Were the Commissioners on the part of His Most Faithful Majesty on the spot, it is conceived that they would coincide in the opinion which the British Members of the mixed Commission Court have formed on this case: namely, that the St. Salvador has been detected in carrying on an illicit traffic in Slaves; and they are further of opinion, upon the whole of the evidence, that the Negro Popo was on board the St. Salvador as a Slave, and that the detention and seizure of the boat in the act of taking him out of the St. Salvador to put him on shore, is a sufficient *finding on board* to make it their duty to reserve the case for adjudication.

The Court in the mean time feel it their duty to declare; that Captain Henry John Leeke, of His Majesty's ship Myrmidon, has been fully justified in detaining the said schooner St. Salvador.

*Sierra Leone; 25th February 1820.*

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*Answers to special Interrogatories put to Popo, otherwise Will. Carr.*

Saith he knows the Portuguese schooner, but does not know her name; pointed her out from the street in front of the Court; saith he was on board the schooner one day and one night before Captain Leeke seized her—he was in irons during that time. As soon as the man-of-war was seen, the sailors opened the hatches, and took off his irons, put him in the boat to be sent on shore to the other Slaves; there were twenty-two Slaves on shore belonging to the schooner; they were kept in a big house: Charles Gomez sent him on board the schooner—sold him for a Slave, and took the schooner's money. The deponent owed Gomez three iron bars, Gomez asked deponent to pay him, deponent could not; Gomez said he had waited too long, and he would sell him; he sold him for one hundred bars; Gomez took the hundred bars in rum, powder, and tobacco, which deponent saw Gomez take; he did not give any to the deponent. The next day after selling him, Gomez took him on board to shew him to the Captain, to know if he was satisfied with the bargain made on shore with the supercargo; he stopped on board for the night, and remained till the man-of-war approached. After putting deponent on board, Gomez went on shore, and on the approach of the man-of-war next morning, Gomez came on board the ships to take away the Slaves. this is always done by Gomez and other Slave-dealers on the approach of ships of war, for which they are always looking out, so that no slaves should be found actually on board on their coming up.

Deponent saith that his debt to Gomez was contracted in this manner:—Deponent was coming from his own country for Sierra Leone in a Kroo Cance, he became sick and went on shore, and coming along the shore, Gomez gave him three iron bars to carry to his house. Deponent did not know Gomez's house; he inquired of a woman who said she belonged to Gomez, and took the iron bars from him. The woman did not tell Gomez; Gomez said deponent had stolen the iron bars, and insisted on payment, and seized him for it. Deponent saith he knows the sailors of the schooner who

put him into the boat to be taken on shore. Deponent points out to the mate and James Belcher, a seaman, who with another seaman not present, were the persons who put him into the boat; the mate gave the order. About five days ago the mate told him, if the Judge should ask him whether he was a Slave, and he would say no! the mate would give him one hundred dollars, and take him back to the Gallinas, and land him there. Deponent asked the mate for what he put him in irons, and said could not tell the Judge he was not a Slave. The mate made him the offer twice on board the schooner, and yesterday again, a third time, as they were coming up the steps from the water-side, near the Government House; the mate took hold of deponent's finger and made him the offer. Saith another man named Will Doe left Kroo country in the same canoe with deponent. This Will Doe went back to Kroo country from Gallinas with country cloth purchased, with tobacco received in payment for service, from Fillipi at Cape Mount; the Kroo men are thus employed all along the coast.

POPO, his ✕ mark.

TOM REED, his ✕ mark.

Taken and sworn before Thomas Gregory, Esq. Commissary Judge, and Edward Fitzgerald, Esq. Commissioner of Arbitration at Freetown, Sierra Leone, this 18th day of February 1820.

In presence of

R. B. FITZGERALD, Deputy Registrar.

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*Copy of a Letter from P. C. Greene to Mr. Fletcher*

MR. FLETCHER,

*Peter Carfull's, Bigtown, December 20, 1819.*

AS soon as you receive this, go immediately to Gomez Town, and put those two boys, John and Peter, in irons, secure, and see that that old yellow Slave man is secured hand and foot, as I learn by the Kroomen they have sent word they will soon be clear; and give orders that there is a strict watch kept over them. I want, if the beach is smooth, to send a barrel of rice on shore for the Slaves at Gomez-Place, and see what Slaves are collected from the gentlemen at that place. They are collecting Slaves here as fast as they can. I shall be down in two or three days. Should Gomez ask any thing about my Slaves at Cape Mount, tell him I have one hundred, and am like to get the whole to bring down with me in three or four days. You can make your excuse to bring the rice, and it was my orders before I left the vessel to secure those boys, as I saw an uneasiness with them the last time I was there. Be back to Cape Mount as soon as possible; I am well, but found a very long walk to this town, which fatigued me very much; give my respects to Captain Alvarez, wishing this to find you all in good health. I wish you to make dispatch in going to Gomez Town.

Yours respectfully,

(Signed)

P. C. GREENE.

On the 2d of June 1820, a meeting took place at the Board Room, in order to take into consideration the foregoing reserved case of the St. Salvador when that case with all the other documents relating to the vessel were laid before M. Altavilla, His Most Faithful Majesty's Commissary Judge, who, after some discussion proposed to adjourn until the next day, when a second meeting was held, and M. Altavilla delivered in a paper (No. 1.) of which

the annexed is a copy; he then requested that the British Commissary would reconsider the opinions which he had already fully stated verbally, in support of a condemnation, as being a decision most conformable to the spirit, if not conformable to the letter of the Convention betwixt the two Crowns, and as M. Altavilla further requested that a statement in writing should be given, (as he had adopted that mode to express his opinion) Mr. Gregory, in order, as far as possible, to comply with the request, although it was a novel mode of conducting proceedings in the mixed Commissions, gave his final opinion in writing, at their subsequent meeting, on the 7th as stated in No. 2, to which, after a suspension of three days, the Portuguese Commissary gave in a second statement (No. 3.) the copy of which is also here annexed.

There remaining now no further chance of an approximation of opinion, it became necessary to draw by lot the name of one of the Commissioners of Arbitration, and the lot falling on Mr. Figaniere, the final meeting was held at the Board Room this day, and the result thereof is stated in the minute of which the following is copy viz.

**British and Portuguese Mixed Commission Sierra Leone.**

Before T. Gregory, Esquire, His Britannic Majesty's Commissary-Judge, Joaõ Jmo. Altavilla, Esquire, His Most Faithful Majesty's Commissary Judge, and J. Cezar de la Figaniere è Moraõ, Esquire, His Most Faithful Majesty's Commissioner of Arbitration. Present, Mr. F. Sawyer, Clerk to the Mixed Commissions, R. B. Fitzgerald, Esquire, Deputy Registrar being too ill to attend.

Monday the 19th day of June, in the year of our Lord 1820.

The schooner St. Salvador.

The abovementioned Commissary Judges and the Commissioner of Arbitration, having this day, met in order to finally determine on the case of the abovementioned schooner, and J. C. de la Figaniere, Esq. His Most Faithful Majesty's Commissioner of Arbitration, coinciding in opinion with his colleague J. J. Altavilla, Esq. the Commissary Judge, that the St. Salvador ought not to be condemned as lawful prize, the majority of votes pronounced her to be released accordingly.

Resolved, that the Registrar lay before the Board a statement of the sale of the said schooner, St. Salvador, that vessel having been, by way of safety, disposed of by Captain Leeke.

Resolved, that as M. J. C. de la Figaniere è Moraõ, His Most Faithful Majesty's Commissioner of Arbitration, wishes, for his own satisfaction, to have his reasons inserted in the minute, for joining in opinion with his colleague, they are accordingly stated as follows:—

“ In the case of the Portuguese schooner St. Salvador, Captain Antonio José Alvarez, the two worthy Commissary Judges not having agreed, and the lot falling upon me, as one of the Commissioners of Arbitration, to give my opinion for the final decision of said schooner, I have the honour to say, that minutely observing all the papers relative to said vessel, the additional Convention, instructions for ourselves, and those for men of war, stationed by both nations to prevent the illicit Slave Trade, I find that for the detention of any vessel, be it to the Northward or Southward of the Equator, is, *to have Slaves on board*. The St. Salvador, by the confession even of the captors, and the answers upon oath of the captured to the interrogations put to them, had no Slaves on board at the time of the seizure; but it seems that Captain Leeke thought it his duty to detain this vessel, on account of seeing a boat with several Negroes in it, that he presumed one of them was a Slave going on shore from the schooner; however, I'll observe that, should this Negro really have been a Slave on board, Captain Leeke did

not follow his instructions; for had he observed them, the first article plainly says, ‘*and should any Slaves be found on board,*’ according to the tenor of the sixth article of the aforesaid Additional Convention, and as to what regards the Portuguese vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the coast of Africa, where the traffic in Slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers: *in these cases alone,* the Commander of said ship of war *may detain them,*” &c.; as also the second section of the said article expressly says—“Ships on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence **WHATEVER**; therefore not finding any on board said schooner, he could not on any pretence detain her. In the fifth article of the Convention, which we must execute *au pied de la lettre,* is to be seen ‘that vessels of war, provided with their special instructions, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of having Slaves on board acquired by an illicit traffic; and (*in the event ONLY of their actually finding Slaves on board*) may detain and bring away such vessels, &c.

“In the sixth article of the same it expressly says,—no Portuguese or British cruisers shall detain any Slave ship *not having Slaves actually on board.*

“However, I’ll still draw the case to its extremity, as there are some persons who think that the boat is part of the vessel—‘*Scapha navis non est instrumentum navis,*’ says Valin VI. t. XIV. art. II. s. 15., and Lisboa’s 6th Treaty, chap. I. sec. 6, says that the Jurisconsult Paulo was not of opinion that the boat is an integral part of the vessel, saying, ‘*Scapha navis non est instrumentum navis, et enim mediocritate, non genere ab ea differt;*’ moreover I’ll grant it is part of the vessel, in all the evidence I see that Popo was in *Gomez’ boat,* that had come on board and was rowing towards shore.

“Was not the St. Salvador off the river Manna to carry on an illicit Slave Trade? I’ll not averigate, for it is not the point we treat upon, *it would have been the second one,* should the vessel have been judged legally detained.

“I beg leave further to observe, that the main duty of the Mixed Commission is to ascertain and judge ‘upon the legality of the capture.’—(Inst. for the Mixed Commission, art. 1. s. 3.)

“Therefore, by what I have had the honour to insert above, I deem it fully proved, and my duty to say, that the Portuguese schooner, St. Salvador, Captain Antonio José Alvarez, was illegally detained by His Britannic Majesty’s sloop Myrmidon, Henry Leeke, Esq. Commander, and that said vessel, her apparel, and every thing on board, &c. at the time of seizure, should be restituted to her owner or owners, as also a just and complete indemnification, as per eighth article of the instructions for the Mixed Commission.

“J. CEZAR DE LA FIGANIERE E MORAÕ,

“Commissioner of Arbitration of His Most Faithful Majesty.”

*Sierra Leone, 19th June, 1820.*

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With respect to Mr. Figaniere’s conclusion, wherein he observes that “a just and complete indemnification should be made to the owners of the St. Salvador,” he was given to understand that *that* was no part of the business for which the present meeting was convened to decide upon, but that it

must stand over for future consideration, in case any claimant came forward to make such a demand; and then it would be, in the first instance, the province of the two Commissary Judges to take cognizance of such a claim; and, on their not agreeing as to the decision which ought to be made, then it would be for them to draw lots for an arbitrator.

*Sierra Leone, 19th June, 1820.*

No. 1. The first and principal duty of the Mixed Commission is to ascertain if the captured vessel has been justly detained.

The second section of the first Article of the instructions for the men of war of both nations employed to prevent the illicit Slave Trade, runs thus: "Ships *on board* of which *no Slaves* shall be found intended for purposes of traffic, shall *not be detained on any account or pretence whatsoever*," and

In the sixth article of the Additional Convention, it is said, that "no cruiser, Portuguese or British, shall detain any vessel not having Slaves *actually on board*."

And in the case of the Portuguese schooner St. Savlador, Captain Antonio José Alvarez, captured by His Britannic Majesty's ship Myrmidon, Captain Leeke, on the 25th of January, and brought into this port for adjudication the 18th February. It is to be seen by its process.

In the declaration of Captain Leeke, of the Myrmidon, it is said that the Negro was *not actually on board* of the St. Salvador, but in a boat.

By that of John Baker, Master's Mate of the Myrmidon, it is also said that the Negro was *in a boat*, and not on board the schooner.

Therefore, even by the declarations of the *captors*, it is evident there were no Slaves *actually on board* at the time of the detention.

Further, the answer to the fifth interrogation put to Captain Alvarez, he declares (upon oath) that the Negro was taken *in a boat*, and that there were *no Slaves on board* at the time of the detention.

And the answer to the same interrogation, put to the mate, John Fletcher, corresponds with that of the captain.

The same question being also put to Henry Perkins, the carpenter, his answer was, that "he does not know why the schooner was captured, nor could there be any reason, as there was *no Slave on board*."

And what Billings Faden, mariner, answers to the same interrogation, corresponds with the three former, saying (upon oath) that a person belonging to King Gomez, was supposed (by the *captors*,) to have been a Slave on board; but does not say the Negro was *on board*, nor that he was a Slave.

Therefore by what here is demonstrated, there can be no doubt remaining respecting the illegality of the detention, for both the declarations of the officers of His Britannic Majesty's Corvette The Myrmidon, and the answers upon oath to the interrogations put to the captain, other officers and men of the Portuguese schooner St. Salvador, all come to the same point, and declare, that there were no Slave nor Slaves *on board* the said schooner at the time of her detention.

The first and principal point being demonstrated, that the St. Salvador was not legally detained—

The Mixed Commission cannot, nor has the power of condemning any vessel *upon suspicion* of making any illegal Traffic in Slaves, but only when found in the fact, with Slaves on board.

*Sierra Leone. 3d June, 1820.*

No. 2. After an attentive reconsideration of the whole of the case of the Portuguese schooner, St. Salvador, and of the evidence on both sides, I feel it my duty to declare it to be my decided opinion, that the Negro Popo was actually and illegally on board the said schooner as a Slave; and that having been put into a boat for the purpose of being conveyed to the shore on the approach of the Myrmidon, the seizure of him in the boat, while the boat was in the act of taking him from the schooner to the shore—the whole of this transaction having taken place in the presence and under the view of the captors, was a sufficient *finding on board* to authorize and to justify the detention of the said schooner by Captain Leeke, of His Britannic Majesty's ship Myrmidon;—That the said schooner was actually engaged in an illicit Traffic in Slaves, is moreover absolutely proved by the letter from the supercargo Greene, to the Mate Fletcher, acknowledged by the latter, and by the testimony of the Slave Popo. On both these grounds, fortified by a multitude of circumstances too numerous to be recited on paper, I feel it my duty to declare that the said schooner should now be condemned as lawful prize.

(Signed) THOMAS GREGORY.

*Sierra Leone, June 7th 1820.*

No. 3. As Commissary Judge of His Most Faithful Majesty, I am to follow precisely all the Articles in the Convention between the two Powers of Portugal and England, as various cases may require; and as such, I deem it my duty not to agree to the condemnation of the Portuguese schooner St. Salvador; for having attentively considered the whole of its process, by which I find that the Negro Popo, was not *actually on board*, but in a boat, at the time of the capture, and this declared both by captors and captured. I therefore beg leave to say, that should I agree to its condemnation, it would be acting against the second section of the first Article of the instructions for the men of war, and the sixth Article of the Additional Convention.

That the said schooner might be engaged in an illicit traffic, is a second part to ascertain, if captured with Negroes on board: but the first—it must be detained with Negroes actually on board to be a legal one: and appealing to what I had the honour to say on the 3d instant, the mixed Commission is not authorised to condemn any vessel upon suspicion of making any illegal commerce in Slaves, but only when found in the fact with Slaves on board, as the said Articles authorise us to do.

*Sierra Leone, 10th Jan 1820.*



## No. 36.

*His Majesty's Commissioners to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, June 27, 1820.—Received August 10, 1820.*

MY LORD,

AT the close of the statement of the case of the Portuguese schooner *St. Salvador*, José Alvarez, Master, which we had the honour to address to your Lordship on the 25th of February last, we expressed our confidence "That the Commissioners of His Most Faithful Majesty, if they were on the spot, would coincide in the opinion which the British Members of the Mixed Commission had formed on the case, namely, that the *St. Salvador* has been detected in carrying on an illicit Traffic in Slaves; and they are further of opinion, upon the whole of the evidence, that the Negro Popo was on board the *St. Salvador* as a Slave, and that the detention and seizure of the boat in the act of taking him out of the *St. Salvador* to put him on shore, is a sufficient finding on board to make it their duty to reserve the case for adjudication. The Court in the mean time feel it their duty to declare, that Captain Henry John Leeke, of His Majesty's ship *Myrmidon*, has been fully justified in detaining the said schooner, *St. Salvador*."

It was matter of great mortification to us to find that the Portuguese Commissioners, when they came successively to take cognizance of the case, did not coincide in our opinion, but formed a judgment directly opposite, and that, moreover, upon the primary facts and questions upon which we had principally founded our's.

We at the same time feel much satisfaction that, as these gentlemen have opinions so very different from our's, the case remained open to the full legal operation of those opinions: for it would have been much more painful to know that they had such opinions, and that the case was closed against their influence.

As however we formed our opinion with more attentive and scrupulous consideration, under the two-fold responsibility of having to form it without the advantage of consultation with the Commissioners of His Most Faithful Majesty; and, as the principles and views upon which it was formed, unless they shall be corrected by your Lordship, will probably have the same weight with us in future cases, it becomes essential to submit to your Lordship a few observations, not only in explanation of the grounds upon which we hold our persuasion, but further, with a view to prevent, by any arrangement which your Lordship may make, the differences which must otherwise be expected to prevail in a multitude of cases, if those gentlemen should be equally fixed in their sentiments, and if these sentiments should be made as fully known among the Slave-traders on this coast as they are likely to be.

We found it proved in the evidence on the case, that the Negro Popo was on board the schooner as a Slave: that on the approach of the *Myrmidon* and of her Tender, he was put into a boat for the purpose of his being conveyed to the shore, that this boat was stopped by the Tender in her way to the shore; and we were of opinion, that as the whole of those proceedings were within sight and under the view of the captors, they amounted to a sufficient finding on board to authorize the detention of the schooner by Captain

Leeke; and we felt ourselves further bound, on the view of the whole of the depositions and examinations, to reserve the case for adjudication on the arrival of the Portuguese Commissioners.

The Portuguese Gentlemen form their judgment solely upon the precise point that the Negro Popo was taken actually not on board the schooner, but in a boat; and on that point they pronounce the detention to be illegal. The facts of the Negro being on board when the captors approached, of his being under their view put into the boat in order to evade them, of his being taken in that situation, which we considered equivalent to an actual finding on board, they hold not to be so considered; and that those facts, as well as all the other proofs of a Slave-trading voyage, in full activity of a traffic contrary to all the provisions of the Treaty and Convention, are matter of no consideration whatsoever in the case.

We believe our opinion is in unison with the established principles and practice of Admiralty law, as well as those of the separate laws of every particular nation in matters of contraband, to which the Foreign Commissioners are generally inclined to assimilate the illegal Traffic in Slaves; we believe we are equally in accord with the most approved tenets on all cases that can bear assimilation to that traffic. But as we were led by our experience, under the other Commissions, to expect that those with whom this case might come to be decided, would regulate their opinions by their own constructions of the Treaty and Convention, without any reference to legal authorities or principles, we chose rather to found our proceedings on the broad and simple basis of the fair and candid interpretation of the provisions and obligations to which the Sovereigns were reciprocally pledged—guiding ourselves in that interpretation by the good faith in which the Treaty and Convention must be taken to have been framed, and never losing sight of the impartiality that should belong always to the judicial office, to which we are especially sworn, under a provision made in the Convention for that object, and to which we are moreover most strongly enjoined and instructed by your Lordship's letter of the 20th February 1819.

Under all these impressions, and under the authority and the obligation of the second clause of the first article of Instructions for the Mixed Commissions, which says "the Mixed Commissions shall judge according to the letter and spirit of the Treaty of the 22d January 1815, and of the Additional Convention," we felt ourselves bound to lay before your Lordship the opinion now again expressed; for after the most attentive reconsideration, with comparative reference to the judgment and reasonings of the Portuguese Gentlemen, we still think decidedly, that the putting of a Slave who is or has been on board a Slave ship for the purposes of illicit Traffic in Slaves, over the side of that ship into a boat, and moving him off to a little distance, in the presence and in the view of those authorized to prevent that illicit traffic, could not by possibility have been contemplated in framing the Treaties, for this consideration extends to all of them—as a legal ground of exemption from the penalties attached to that illicit traffic. We consequently think that such exemption should not be allowed now, and that the allowance of it would be to defraud the British Government of the object which is sought by the Treaties. We think we regard the device described in its just light, when we consider it as an evasion contrived by the illicit Slave-traders, for the purpose of screening themselves and their unlawful adventures from the penalties which the fair construction and enforcement of the Treaties should attach to them; and we further consider that such an artifice, if pleaded before the Judges under the Treaties, ought to be repelled and rejected.

We are inclined to think that the question of having or not having Slaves on board, "with its necessary adjunct for the purposes of the traffic,"—although it is the primary question, may not in all cases be the principal

question; and certainly not always the sole question. Where a number of Slaves are found within the vessel illegally embarked for the purpose of the traffic; the first and every other object of inquiry are satisfied at once. But in doubtful cases, where differences intervene upon the points comprehended in that primary question, as to what is a finding on board,—Slave, or not a Slave,—for the purposes of the traffic, or not for those purposes, &c.—that primary question may, it seems to us, be more properly considered as an inlet to the main general question, whether the vessel is actually engaged in an unlawful Traffic in Slaves or not: and from the investigation of this main general question, material and decisive elucidation may be derived to clear up and settle the doubt under the primary question, and in the event of a restitution the best means for forming a fair judgment upon the ulterior question whether any and what damages are due. For it appears just and reasonable that, as the primary question admits so many points of doubtful and difficult construction, all of which are to be decided by the Judges, the captor, although he incurs a heavy responsibility when he brings an ambiguous case to judgment, ought to be kept unharmed, when the main fact of being actually at the time engaged in illicit traffic is fully established, provided the circumstances under the primary question were of such a nature as to furnish reasonable ground of belief and expectation that the whole of the facts, when investigated, would warrant the detention.

The eighth Article of the Regulations for the Mixed Commission has the following provision on this head, corroborative of the reasoning here submitted:—

“The two High Contracting Parties, wishing to avoid as much as possible every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved in a manner evident to the conviction of the Judges of the two nations, and without having recourse to the decision of a Commissioner of Arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained ship; in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

In application of this Article to the present case—we have already described the trans-shipment of the Negro Popo from the schooner on board of which he was for the purpose of illicit Traffic in Slaves, into a boat for the purpose of conveying him to the shore, as an attempt to defraud the British Government of the object sought by it in the Treaty and Convention; and we do not think it easy to conceive any thing more fraudulent, when it is considered in conjunction with all the facts and circumstances of the case. The actual Traffic in Slaves going on at the moment between the supercargo Greene and Peter Careful, commonly called King Peter, and also with Charles Gomez, who brought the Negro Popo on board the schooner as a Slave, for the Captain's approval of the purchase of him by Greene, and who was conveying him back to the shore for the fraudulent purpose of preventing the seizure of the schooner, must we suppose be admitted beyond all question to be at least “a voluntary and reprehensible fault” on the part of the Captain of the detained ship, which, in conjunction with the fraudulent trans-shipment, ought to preserve the captor from any possible hazard of a visitation in damages.

Your Lordship may possibly be desirous of some explanation as to the cause of the superior credit given to the testimony of the Negroes found in this vessel, and in others in the situation of Slaves, in opposition to the testimony of the Masters, and sometimes also to that of the mates and mariners: We lament to say, the reason is, that a system of perjury is organized and practised among all those Slave-dealers, which is generally discovered by their prevarications upon some plain and apparently indifferent collateral object of examination

upon which no arrangement or preparation has been thought necessary,—some fact, or some document that cannot be overcome is generally discovered, and the plain narrative of the Negro prevails by the inherent force of truth.

It might have been expected that some question would be raised upon the cases in which *one Slave* was found on board the vessel—when the Treaties uniformly have the plural term *Slaves*.

In the first case which was tried under the Spanish Commission, M. Camps, the Spanish Arbitrator, sat with Mr. Gregory and Mr. Fitzgerald, M. Le Fer, the Spanish Commissary Judge, being then disabled from attending to business by severe indisposition, only a single Negro was found,—the whole of the crew swore, that he was not on board as a Slave; but his own statement, confirmed by circumstances, was believed; and his being single was considered only as rendering the decision of the case more difficult and less satisfactory in the diminished weight of the evidence, which would have been less open to controversy if there had been two or more Slaves.

That case being a difficult one, and being the first that was decided, being accompanied also with much deliberation and discussion upon the various points, and with perfect unanimity in the conclusion, had considerable weight as a precedent with all the Commissions, and probably will continue so to have.

We trust your Lordship will see in this statement, and in the facts and circumstances of the case to which it has relation, as laid before your Lordship in the evidence, reason to be satisfied with the integrity and impartiality with which we have discharged our duties jointly and separately, as we have been called upon to act in the business.

We trust your Lordship will see that our conduct and our sentiments fully correspond with the injunction given in your Lordship's letter to Mr. Gregory, dated 20th February 1819, to be "careful not to lose sight of the judicial character, and to endeavour uniformly to combine a fair and conscientious zeal for the prevention of the illicit Traffic in Slaves, with the maintenance of the strictest justice towards the parties concerned, and with the promotion of a spirit of conciliation and harmony between His Majesty's subjects and those of His Most Faithful Majesty."

We have the honour to be, &c.

(Signed)

THOS. GREGORY,

EDWARD FITZGERALD.

Viscount Castlereagh, K. G.

&c. &c. &c.

## No. 37.

*Viscount Castlereagh to Thomas Gregory, Esq.*

SIR,

*Foreign Office, November 30, 1819.*

HIS Royal Highness the Prince Regent has been graciously pleased to accede to your wish of resigning your appointment, as His Majesty's Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illicit Traffic in Slaves; and His Royal Highness having been graciously pleased to appoint E. Gregory, Esq. to be His Majesty's Commissary Judge at Sierra Leone upon your resignation, you will introduce Mr. E. Gregory to His Majesty's Commissioner of Arbitration, and to the several Portuguese, Spanish, and Dutch Commissioners, as your successor; and you will give him every information in your possession, towards the due execution of his duties in the abovementioned character; and, after seeing him duly fixed in that situation, you have the permission of His Royal Highness to return to England.

I have the satisfaction to add, that your conduct, as His Majesty's Commissary Judge at Sierra Leone, has received His Royal Highness's perfect approbation.

*Thomas Gregory, Esq.*  
 &c. &c. &c.

I have &c,  
 (Signed) CASTLEREAGH.

## No 38.

*Viscount Castlereagh to Edward Gregory, Esq.*

SIR,

*Foreign Office, November 30, 1819.*

I HAVE the satisfaction to acquaint you, that His Royal Highness the Prince Regent has been graciously pleased, in the name and on the behalf of His Majesty, to appoint you to the situation of His Majesty's Commissary Judge at Sierra Leone, under the Treaties with Foreign Powers for the prevention of the illegal Traffic in Slaves, vacant by the resignation of Thomas Gregory Esq. I send to you herewith the Commission of His Royal Highness the Prince Regent to this effect

Your residence at Sierra Leone under the late Commissary Judge will have made you acquainted with the proceedings of the Commission; and I have only to refer you, for your information and guidance, to the instructions which were addressed to Mr. Gregory and Mr. Fitzgerald jointly on their appointment, and which you will consider as equally binding upon you.

Further instructions will, as circumstances shall render necessary, be sent jointly to His Majesty's Commissioner of Arbitration and yourself, upon the points which are entrusted to you.

*Edward Gregory, Esq.*  
 &c. &c. &c.

I am, &c.  
 (Signed) CASTLEREAGH.

*Mem.* The Commission granted to Mr. E. Gregory is to the same purport as that before granted to Mr. Thomas Gregory.

## No. 39.

*E. Gregory, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Sierra Leone, November 6, 1820.—Received December 22, 1820.*

MY LORD,

I HAVE the honour to inform your Lordship, that on the 30th ultimo His Majesty's brig of war *Thistle*, Lieutenant Hagan, Commander, brought into this river the Spanish schooner *Nuestra Señora de Montserrat*, Isidro de Urioste, Master, captured on the 16th of October last in the river of Little Cape Mount, latitude 6 deg. 38 min. N., longitude 10 deg. 55 min. W., with eighty five Negroes on board.

On the 1st instant the mixed British and Spanish Commission proceeded to the adjudication of the said schooner; and, subsequently, finding that she had been illegally engaged in the Traffic of Slaves, forty-eight of the Negroes above-mentioned having been purchased as Slaves in the river of Little Cape Mount, on account of the owners of the vessel; and thirty-seven having been shipped on board thereof for the account of French subjects, pronounced sentence of condemnation against her, and decreed eighty-four of the said Slaves (one having died on the passage to Sierra Leone) to be emancipated, and to be delivered over to the proper Authorities of the Colony. I have the honour to inclose, for the information of your Lordship, an abstract of the case of the *Nuestra Senora de Montserrat*.

I have further the honour to acquaint your Lordship, that on the 1st instant His Majesty's sloop *Pheasant*, Captain Kelly, arrived in this river with fifty Negroes on board. Captain Kelly, in a letter addressed by him to the Acting Registrar, wherein he requested to be informed whether the mixed British and Spanish Commission would take cognizance of the said Negroes, stated that he had recovered them from the native inhabitants of the town Accra, on the Gold Coast of Africa; that they were said to have been landed on the coast by a Spanish schooner, the said schooner having effected her escape when pursued by His Majesty's sloop under his command; that he had not been able to procure any papers, or to ascertain her name, that of her Commander, Owners, or the port to which she belonged.

The Acting Registrar having laid before me Captain Kelly's letter, I requested that he would notify its contents to Don Francisco Le Fer, His Catholic Majesty's Commissary Judge, with an invitation to meet me to confer thereon; that gentleman received in consequence a communication on the matter in question from the Acting Registrar, but declined my invitation for a conference, on the ground that the Treaty required that the Mixed Commission should only judge the case of such Negroes as should be taken from Spanish vessels, and under certain circumstances. I deemed it therefore expedient and conformable to my duty, to desire the Acting Registrar to acquaint Captain Kelly with Don Francisco Le Fer's determination, as also with my own view of the subject to this effect, that as the Commander of His Majesty's ship *Pheasant* did not possess any evidence to prove, that the Negroes referred to by him were, in fact, the property of subjects of His Catholic Majesty; and that as the said Negroes were taken from the town of Accra, on the Gold Coast of Africa, and not from any vessel detained by the said Commander of His Majesty's ship *Pheasant*, in virtue of the Treaty between His Britannic Majesty and

His Catholic Majesty for the prevention of the illicit Traffic in Slaves, no proceedings could be established respecting them in the Mixed British and Spanish Commission at Sierra Leone. I understand that Captain Kelly has since landed the aforesaid Negroes under his charge, and that he has delivered them over to the Government of the Colony.

I have the honour to subscribe myself, with the greatest respect,

My Lord,

Your Lordship's most obedient,  
and most humble servant,

Viscount Castlereagh, K. G.  
&c. &c.

E. GREGORY.

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(Inclosure in No. 39.)

*Abstract of the Case of the Spanish Schooner Nuestra Señora de Montserrate, Isidro de Urioste, Master.*

THIS vessel, fitted out for a Slave-trading voyage, provided with a royal passport, and commanded by Isidro Pasqual, sailed from the Havannah in the month of November 1819, arrived at Manna, latitude 6 deg. 29 min. N., longitude 11 deg. 12 min. W. January following; and in the same month cast anchor in the river of Little Cape Mount, latitude 6 deg. 38 min. N., longitude 10 deg. 55 min. W., where, on the 16th October 1820, she was captured by His Britannic Majesty's brig of war Thistle, Lieutenant Hagan, Commander, with eighty-five Negroes on board.

From the depositions of the several witnesses concerned in this case, it appears that the schooner Montserrate, although she was provided with requisite documents to enable her to fulfil every object of a traffic then permitted by the Treaty of the 23d September 1817, between His Britannic Majesty and His Catholic Majesty, was taken by her original Master, Isidro Pasqual, to Manna, situated on that part of the Coast of Africa where the Trade in Slaves was interdicted to Spanish subjects by the most formal prohibition. After touching at Manna the Master proceeded with her to the river of Little Cape Mount, where he landed his cargo, and where, whilst engaged in an illicit Traffic of Slaves, he, in a short space of time, fell, through the climate, a victim to his lawless pursuits. The management of the vessel and of her concerns, then devolved on Isidro de Urioste, First Mate, who, not alarmed at the penalties attached to a violation of the Treaty, or discouraged by the death of his Commander, and by that of the greater part of his crew, carried on the illicit traffic, and up to the time of his capture by the brig of war Thistle, had, according to his own declaration, purchased and shipped on board of the schooner, from the same place, one hundred and forty-three Slaves, of which number, however, forty-eight only were found on board when detained by His Majesty's cruiser.

At the same time that the Master was thus infringing the laws of his country, he was violating them in another respect by giving the protection of the Spanish flag to a French subject, who from the schooner Montserrate traded in Slaves, contrary to the 4th section of the 5th Article of the Treaty, which declares as illicit any Traffic in Slaves, carried on under the British or Spanish flag for the account of the subjects of any other Government:

The French subject in question is René Rialland, passenger on board of the Nuestra Señora de Montserrat, who states that he was First Lieutenant on board of a French schooner named the Industry, fitted out at Nantes, in France, by Haentgens Brothers, merchants of that place, for a Slave-trading voyage to the Coast of Africa; that his vessel being wrecked on the bar of the river of Little Cape Mount, he shipped what property he could save therefrom on board of the Nuestra Señora de Montserrat, together with some Slaves that he had already purchased from the natives on shore; that he carried on the Traffic in Slaves whilst on board of the Spanish schooner, giving for them in barter part of the goods taken from the Industry; and that at the date of capture he had collected sixty Slaves, which were to have been taken by the Nuestra Señora de Montserrat to the Havannah, on his paying freight to the Master, at the rate of ninety dollars per head; of the sixty Slaves, he says, that only thirty-seven were on board of the Spanish schooner when taken by the Thistle.

The view of this case being rendered so clear by evidence, of which the foregoing is the substance, of the Master and sailors of the Nuestra Señora de Montserrat, and of that of René Rialland, no doubt can arise as to declaring that the said schooner was captured whilst carrying on an illicit Traffic in Slaves; that the before-mentioned eighty-five Negroes found in her were purchased as Slaves, and, consequently, that she should be condemned, together with the effects on board thereof.

His Catholic Majesty's Commissary Judge concurring in such declaration, the Court decreed the condemnation, as lawful prize, of the Spanish schooner Nuestra Señora de Montserrat, and effects belonging thereto, of the private adventure of the Master, Isidro de Urioste, together with the goods and property appertaining to the French schooner Industry, placed on board of the said Spanish schooner by René de Rialland. The Court further decrees the emancipation of eighty-four Slaves, being those now on board of the Nuestra Señora de Montserrat, and orders that they be delivered over to the proper Authorities of the Colony, to be employed as servants or free labourers.

*Sierra Leone, November 2, 1820.*

E. GREGORY.

No. 40.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, September 10, 1820.*

I HAVE received your several dispatches respecting the inconveniencs which had arisen in the proceedings of the Court at Sierra Leone; 1st, from the objections made by the Dutch Commissioners to the forms of the practice of the Court; and 2dly, from their being without instructions as to the disposal of the proceeds of prize vessels and goods condemned under the Treaty.

These points have been under the consideration of His Majesty's Government; and Lord Clancarty was directed to call the attention of the Dutch Government to them, and to impress upon the Dutch Ministers the necessity of sending out such instructions to their Commissioners as should obviate the difficulties complained of.



The Government of the Netherlands have fully coincided with the British Government on the first of these points; and I transmit for your information and guidance, the copies of two official notes from the Dutch Minister for Foreign Affairs, stating that the necessary instructions had been issued to the Dutch Commissioners, to adopt the printed memoranda of regulations for the guidance of the Court, and also not to object to the employment therein of proctors and agents.

I hope shortly to acquaint you, that the Dutch Government have furnished their Commissioners with instructions on the other points in your dispatch.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone.*

&c. &c. &c.

No. 41.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone,  
Havannah, Surinam, and Rio de Janeiro.*

GENTLEMEN,

*Foreign Office, September 24, 1820.*

BY the accompanying copy of a dispatch, which, by the King's commands, I have addressed to His Majesty's Ambassadors at Madrid, and at the Hague, and to His Majesty's Envoy at Rio de Janeiro, you will perceive the view, which His Majesty's Government has taken, as to the interpretation of that part of the Treaties for preventing the illegal Traffic in Slaves, which enacts, that ships of war may detain, and bring in, vessels suspected of illegal traffic, *in the event only of their actually finding Slaves on board*: and I am to desire, that you will, as far as lies in your power, adopt this construction of the Treaties; and also, that you will, in all your communications with the Commissioners of Spain, Holland, and Portugal, press upon them the justice and expediency of adopting an interpretation, so congenial to the design of the Treaties, and to their general tenor and spirit.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone,*

&c. &c. &c.

*(Inclosure in No. 41.)*

THIS dispatch will be found among the papers containing the correspondence with His Majesty's Embassy at the Netherlands.

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No. 42.

*Viscount Castlereagh to His Majesty's Commissioners at Sierra Leone, Surinam, the Havannah, and Rio de Janeiro, and also to His Majesty's Ambassadors at Madrid and Brussels, and to His Majesty's Envoy at Rio de Janeiro.*

GENTLEMEN,

*Foreign Office, November 16, 1820.*

I HEREWITH inclose to you for your information, the copy of a communication from the Admiralty, under date of the 11th of October 1820, containing a list of such of His Majesty's ships and vessels, as are now cruising, supplied with the instructions referred to in the several Treaties with Foreign Powers, for preventing the illegal Traffic in Slaves, specifying the names of their Commanders, and the stations to which they belong.

I am, &amp;c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Sierra Leone, Surinam, the Havannah, and Rio de Janeiro; and His Majesty's Ambassadors at Brussels and Madrid, and His Majesty's Envoy at Rio de Janeiro.*

*Mem.* This inclosure belongs to the correspondence furnished by the Admiralty.

No. 43.

*Joseph Planta, Jun. Esq. to Henry Goulburn, Esq. &c.*

SIR,

*Foreign Office, November 28, 1820.*

IN reference to the subject of the disposal of crews of vessels condemned at Sierra Leone for illegal Slave Trade, I am directed by Viscount Castlereagh to send to you, for the information of Earl Bathurst, the copy of a dispatch which his Lordship has this day addressed to His Majesty's Ambassadors in the Netherlands and in Spain, and His Majesty's Envoy in Brazil, calling upon the Governments of those countries to give directions as to the maintenance and disposal of such individuals, their subjects, as may form part of the crews of vessels condemned as above mentioned. In respect to British subjects, whose cases may come under consideration in this view, I am farther directed by Viscount Castlereagh to request, that you will be pleased to move Earl Bathurst to call the attention of the Attorney-General in the settlement of Sierra Leone to the enforcement of the laws of this country against such offenders.

I am, &amp;c.

(Signed)

J. PLANTA, JUN.

*Henry Goulburn, Esq.*

&amp;c. &amp;c. &amp;c.

*Mem.* This inclosure will be found in the Class marked B.



# Class B.

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CORRESPONDENCE

WITH

***FOREIGN COURTS***

RELATIVE TO THE EXECUTION OF

TREATIES CONTRACTED BY THEM

WITH

**GREAT BRITAIN,**

FOR THE PREVENTION OF

**ILLICIT TRAFFIC IN SLAVES,**

AND

CORRESPONDENCE

WITH

**HIS MAJESTY'S COMMISSIONERS**

IN THE

***COLONIES OF THOSE POWERS.***

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*Presented to Parliament by Command of His Majesty, 1821.*

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LONDON:

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# PAPERS

RELATIVE TO

## *THE SLAVE TRADE.*

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No. 1, b.

*William Hamilton Esq. to the Count de Palmella, His Most Faithful Majesty's Envoy Extraordinary at this Court.*

*Foreign Office, August 5, 1817.*

MR. HAMILTON presents his compliments to the Count Palmella, and in compliance with his request, has the honour to transmit to him a complete collection of the Acts passed by the British Legislature relative to the Slave Trade, in order that the Count may communicate the same to his Government for their information, with reference to the third Article of the Convention of the 28th ultimo, between Great Britain and Portugal upon that subject.

Mr. Hamilton avails himself of this opportunity to renew to Count Palmella the assurances of his distinguished consideration.

*The Count de Palmella,*

*&c. &c. &c.*

## No. 2, b.

*Henry Chamberlain, Esq. His Majesty's Chargé d'Affairs at Rio de Janeiro, to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, October 2, 1817.—Received December 10.*

MY LORD,

The Slave Trade from this port has lately experienced so very extraordinary an increase, that it becomes me to report the circumstance to your Lordship; no less than twenty-seven vessels of various classes have sailed for cargoes of Slaves during the last two months, (in August six, and in September twenty-one) whose description and destination are as follows:

Cabinda,.....	Nine Ships.
Ditto,.....	Nine Brigs.
Ditto,.....	Three Schooners.
Angola,.....	Three Brigs.
Mosambique,.....	Two Ships.
Ditto,.....	One Brig.

And several more vessels are preparing, being already in a forward state, for the same destinations.

Your Lordship will no doubt be much struck with the sudden extension of the trade with Cabinda: I am totally unable to account for it, except from the circumstance of its greater vicinity to the prohibited districts, from whence it may have the means of procuring Negroes with more facility, and at less expence, than can be done at the other more southern ports.

The Portuguese Slave ships generally bring between four hundred and six hundred Negroes each; taking the cargoes of those that sailed in September as averaging only 450, the total number imported by them will be 9,450, being very nearly half the supply brought in any former years.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

## No. 3, b.

*His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G. &c. &c., dated Madrid, December 23, 1817.—Received January 5, 1818.*

MY LORD,

I HAVE the honour to transmit to your Lordship a Royal Cedula of His Catholic Majesty, announcing the regulations under which the Trade in Slaves is to be carried on by His subjects, for the period for which it is allowed to continue, according to the engagement between their Britannic and Catholic Majesties.

This Cedula is addressed to all the Spanish Authorities in the Colonial Dominions of His Catholic Majesty.

I understand that the Treaty is in the press, and will also be published shortly.

I have, &c. &c.

Viscount Castlereagh, K. G.

(Signed)

H. WELLESLEY.

&c. &c. &c.

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(Inclosure in No. 3, b.)

(Translation.)

*Decree issued by His Catholic Majesty in December 1817, for the Restriction and ultimate Abolition of the Trade in Slaves, by Subjects of Spain.*

THE introduction of Negro Slaves into America was one of the first measures which my predecessors dictated for the support and prosperity of those vast regions, soon after their discovery. The impossibility of inducing the Indians to engage in different useful though painful labours, arising from their complete ignorance of the conveniences of life, and the very small progress they had made in the arts of social existence, required that the working of the mines, and the cultivation of the soil, should be committed to hands more robust and active than theirs.

This measure, which did not create slavery, but only took advantage of that which existed through the barbarity of the Africans, by saving from death their prisoners, and alleviating their sad condition, far from being prejudicial to the Negroes transported to America, conferred upon them not only the incomparable blessing of being instructed in the knowledge of the true God, and of the only religion in which the Supreme Being desires to be adored by his creatures, but likewise all the advantages which accompany civilization, without subjecting them in their state of servitude to a harder condition, than that which they endured in freedom, when free in their native country. Nevertheless, the novelty of this system demanded prudence in its execution, and thus it happened that the introduction of Negro Slaves into America depended always on particular licences, which My predecessors granted according to circumstances of places and times, till the era when untrained Slaves were generally permitted to be imported both in national and foreign vessels, by the Royal Proclamations of the 28th September 1789, the 12th of April 1798, and the 22d of April 1804, in each of which the different places for their introduction were determined. All this clearly evinced, that the Christian wisdom of My predecessors considered always these provisions as exceptions to the law, and dependant on variable conditions. Although the licence granted the 22d of April 1804, had not expired, when Divine Providence restored me to the throne to which it had destined Me, and of which an unjust usurper had perfidiously attempted to deprive Me, the disturbances and dissensions excited in My American dominions, during My absence, immediately fixed My Sovereign attention; and meditating incessantly on the most appropriate means of re-establishing good order in these remote possessions, and giving them all the encouragement of which they are capable, I was not slow in perceiving, that the circumstances which had induced My predecessors to permit the Traffic in Slaves on the coast of Africa,



and their introduction into both Americas, had entirely changed. In these provinces the number of indigenous Negroes has increased prodigiously, and even that of free Negroes, under the fostering care of a mild Government, and the Christian humanity of the Spanish proprietors; the number of the white inhabitants has likewise been much augmented, and the climate is not now so prejudicial to the latter, as it was before the soil was cleared of wood, and subjected to cultivation. The advantage, likewise, which resulted to the inhabitants of Africa from their transportation to a civilized country is not now so urgent or exclusive, since an enlightened nation has undertaken the glorious task of civilizing them in their own land. At the same time the general progress of improvement in Europe, and the spirit of humanity which directed its late transactions, in restoring the political edifice, which the wickedness of an usurped Government had shaken to its foundation, have excited among European Sovereigns a desire to see this traffic abolished; and at the Congress of Vienna, agreeing on the necessity of the abolition, they occupied themselves in facilitating its execution, by the most amicable negotiations with those Powers which had colonies, meeting in Me that disposition which became so laudable an undertaking. Those considerations moved My Royal mind to inform itself, from enlightened persons, zealous for the prosperity of My states, as to the effects which the abolition of the traffic would produce on them. Having seen their reports, and being desirous to attain certainty in a matter of so grave importance, I transmitted them to my Council of the Indies, with My Royal Order of the 14th of June 1815, that it might communicate to Me its opinion and advice. Having collected all these copious materials, and having examined the proposition which the same Supreme Tribunal laid before Me in its deliberation of the 15th February 1816; answering to the confidence which I repose in it, and coinciding with its opinion respecting the abolition of the Traffic in Slaves; and co-operating with the King of Great Britain by a solemn Treaty, embracing all the points of reciprocal interest involved in this important transaction; and determining that the time for the abolition was arrived, the interest of My American States being duly reconciled with the sentiments of My Royal Mind, and the wishes of all the Sovereigns, My friends and allies; I have decreed as follows:—

#### ARTICLE I.

From this day forward, I prohibit all My subjects, both in the Peninsula and in America, from going to buy Negroes on the coasts of Africa, north of the Line. The Negroes who may be bought on the said coasts shall be declared free in the first port of My dominions at which the ship in which they are transported shall arrive. The ship itself, together with the remainder of its cargo, shall be confiscated to the Royal Treasury, and the Purchaser, the Captain, the Master, and Pilot shall be irrevocably condemned to ten years' transportation to the Philippines.

#### ARTICLE II.

The above punishment does not attach to the Trader, the Captain, the Master, and Pilot of the vessels which sail from any port of My dominions, for the coasts of Africa, north of the Line, before the 22d of November of the present year; to which period I grant, besides, an extension of six months, counting from the above date, to complete their voyages.

## ARTICLE III.

From the 30th of May 1820, I equally prohibit all My subjects, as well in the Peninsula as in America, from going to purchase Negroes along those parts of the coast of Africa which are to the south of the Line, under the same penalties imposed in the first Article of this Decree: allowing likewise the space of five months from the above date to complete the voyages that may be undertaken before the above-mentioned 30th of May, in which the Traffic in Slaves shall cease in all My dominions, as well in Spain as in America.

## ARTICLE IV.

Those who, using the permission which I grant till the 30th of May 1820, shall purchase Slaves on that part of the coast of Africa which lies south of the Line, shall not be allowed to carry more Slaves than five to two tons of tonnage of their vessel; and any persons contravening this enactment shall be subjected to the penalty of losing all the Slaves on board, who shall be declared free at the first port of My dominions in which the ship arrives.

## ARTICLE V.

This computation is made without a reference to those who may be born during the voyage, or to those who may be serving on board as sailors or servants.

## ARTICLE VI.

Foreign vessels which may import Negroes into any port of My dominions, shall be subjected to the regulations prescribed in this Decree; and in case of contravening them, shall be subjected to the penalties contained in it.

And My Royal pleasure being, that the above Decree should circulate in My dominions of America and Asia; for its punctual observance I communicated it to My Supreme Council of the Indies, signed with my own hand, under date of the 22d of September last past; and on its being published in that tribunal the 1st instant, a resolution passed, that steps should be taken to enforce it, and that the said tribunal should, for such purpose, circulate this My Royal Cedula, by which I direct all my Viceroys, Presidents, Courts of Judicature, Commandants General, Governors and Intendants of the Indies, of the adjacent and of the Philippine Islands, to keep, fulfil and execute, and cause to be kept, fulfilled and executed, all that has been enjoined in this My Sovereign determination, without transgressing or contravening, or permitting to be transgressed or contravened, its contents in any way; causing it, for that purpose, to be published as an Order, not only in the capital cities, but also in the chief towns of jurisdiction of their respective districts, and communicating it likewise, each in his territory, to the Tribunals, Justices, Authorities, and persons, who in any way may be bound to observe it. And this My Royal Cedula shall be attended to by the Accountants' General Offices of My said Council. Dated Madrid, the                      December 1817.

Your Majesty prohibits for ever all your subjects of the Peninsula, as well as of America, from purchasing Negroes on the coasts of Africa, enacting, that voyages for that purpose may not be undertaken to the coasts north of the Equator after the 22d of November, nor to those south of the Equator, after the 30th of May 1820, under the penalties specified.

No. 4, b.

*Henry Chamberlain Esq. to Viscount Castlereagh, K. G. &c. &c, dated Rio de Janeiro, November 28, 1817.—Received February 10, 1818.*

MY LORD,

I HAD the honour to receive by His Majesty's ship Blossom, which arrived in the evening of the 23d instant, your Lordship's dispatch, dated the 25th August, inclosing the Ratifications by His Royal Highness the Prince Regent, of the Additional Convention, and the instruments thereunto annexed, concluded at London on the 28th of July last, between His Majesty and His Most Faithful Majesty, for the purpose of preventing their subjects from engaging in any illicit Traffic in Slaves.

The next morning I wrote a note to the Chevalier de Bezerra, and received in reply an invitation to meet His Excellency on the 27th for the purpose of exchanging the Ratifications, which I had the honour to do yesterday at his house in the usual manner.

I have the honour to be, &amp;c.

*Viscount Castlereagh, K. G.*  
&c. &c. &c.

(Signed) H. CHAMBERLAIN.

No. 5, b.

*His Excellency Sir H. Wellesley to Viscount Castlereagh, K. G. &c. &c, dated Madrid, February 12, 1818.—Received February 28.*

MY LORD,

I HAVE the honour to inclose the passport, with which those of His Catholic Majesty's subjects who may in future engage in the Slave Trade must be provided, conformably to the stipulations of the Treaty signed at Madrid, on the 23d of September 1817.

I have, &amp;c. &amp;c.

*Viscount Castlereagh, K. G.*  
&c. &c. &c.

(Signed) H. WELLESLEY.

(Inclosure in No. 5, b.)

(Translation.)

FERDINAND by the Grace of God, King of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gaillicia, of Majorca, of Minorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jean, of the Algarves, of Algeciras, of

Gibraltar, of the Canary Islands, of the East and West Indies, Isles and Terra Firma of the Ocean: Archduke of Austria; Duke of Burgundy, of Brabant and of Milan; Count of Apsburg, Flanders, Tirol and Barcelona; Lord of Biscay and of Molin, &c. &c. &c. Whereas I have granted permission for the vessel called \_\_\_\_\_ of \_\_\_\_\_ tons, and carrying \_\_\_\_\_ men, and \_\_\_\_\_ passengers, \_\_\_\_\_ master, and \_\_\_\_\_ owner; both Spaniards and subjects of My Crown, to proceed bound to the ports of \_\_\_\_\_ and coast of Africa, from whence she is to return to \_\_\_\_\_ the said master and owner having previously taken the required oath before the Tribunal of Marine of the proper naval division, from whence said vessel sails, and having legally proved that no foreigner has any share in the above mentioned vessel and cargo, as appears by the certificate annexed to this passport; which certificate is given by the same Tribunal, in consequence of the steps taken in pursuance of the directions contained in the ordinance of Matriculation of one thousand eight hundred and two.

The said \_\_\_\_\_ captain, and \_\_\_\_\_ owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa as are to the south of the line; and to return from thence to any of the ports of My Dominions; where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of My Royal decree, of the 22d of September 1817, by which the mode of conveying Slaves from the coast of Africa to My Colonial Dominions is regulated: and should they fail in any of these conditions, they shall be liable to the penalties denounced by the said decree against those who shall carry on the Slave Trade in an illicit manner. I therefore command all General and other Officers, commanding my squadrons and ships; the Captain-generals of the Departments of Marine; the Military Commandants of the provinces of the same, their Subalterns, Captains of the ports, and all other officers and persons belonging to the navy: the Viceroys, Captain-Generals or Commandants of Kingdoms and Provinces; the Governors, Majors, and Justices of the towns upon the sea coast of My Dominions of the Indies: the Royal Officers or Judges of Entries therein Established: and all others of My subjects to whom it belongs, or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention; but rather to aid her, and to furnish her with whatever she may want for her regular navigation: and of the vassals and subjects of Kings, Princes and Republics, in friendship and alliance with me; of the Commanders, Governors, or Chiefs of their provinces, fortresses, squadrons and vessels, I require that they likewise shall not impede her in her navigation, entry, departure, or detention in the ports, to which, by any accident, she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of; for which purpose, I have commanded this passport to be made out; which, being signed for its validity by My Secretary of State for the dispatch of Marine, shall serve for the time that a voyage going and returning, may last; after the conclusion of which, it shall be returned to the Commandant of Marine, Governor, or other person, by whom it may have been issued, adding for its proper use the corresponding note. Given at \_\_\_\_\_ on \_\_\_\_\_ this Royal Passport for Spanish Merchant Ships employed in the lawful Commerce of Slaves. It was given by me the underwritten \_\_\_\_\_ on the day of this date, the requisites of the Ordinances having been complied with, and with the obligation to return it precisely on the return of its voyage.

Given at \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_

## No. 6, b.

*His Excellency Sir H. Wellesley to Viscount Castlereagh, K. G. &c. &c.,  
dated Madrid, March 19, 1818.—Received April 2.*

MY LORD,

M. PIZARRO repeated to me lately, how much it was the desire of the Spanish Government to fulfil all the stipulations of the Slave Trade Treaty, and among others that which relates to the establishment of Mixed Commissions for the adjudication of vessels, detained under a suspicion of having been engaged in an illicit Traffic in Slaves.

He said that, as the residence of one of the Commissions was to be in a Spanish Colonial possession, His Catholic Majesty had fixed upon the Canary Islands as most eligible for that purpose, and that he was prepared to nominate persons who were to act for Spain, as soon as the British Government should have determined upon the place where the other Commission, which is to be established upon the coast of Africa, is to reside. He begged me to write to your Lordship upon the subject.

I am, &c.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Signed)

H. WELLESLEY.

## No. 7, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Rio  
de Janeiro, February 21, 1818.—Received May 1.*

MY LORD,

I HAVE the honour to inform your Lordship, that I have this day spoken to the Minister on the subject of the Alvará stipulated in Article III. of the Additional Convention, and have learnt from His Excellency, that he had himself made out the draft of this instrument, since when it had been delivered to the Conde dos Arcos for his consideration. He did not say whether it had yet been submitted to His Majesty for Royal confirmation. but he appeared rather to believe that such was the case.

I have the honour to be, &c.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Signed)

H. CHAMBERLAIN.

9

No. 8, b.

*Viscount Castlereagh to His Excellency the Earl of Clancarty, K. B. &c.*

MY LORD,

Foreign Office, May 19, 1818.

YOUR Excellency will receive by this Messenger the ratifications in due form, on the part of His Royal Highness the Prince Regent, of the Treaty for the repression of illicit Slave Trade, which you have concluded and signed with the Government of the Netherlands.

With reference to the seventh Article of that Treaty, which stipulates, amongst other things, that the two Sovereigns, at the period of the exchange of the ratification, shall declare, each for his own Dominions, in what places the Courts of Justice described in that Article shall respectively reside, I am commanded by His Royal Highness the Prince Regent to instruct your Excellency, to declare the Settlement of Sierra Leone on the coast of Africa, to be the place which His Royal Highness has designated for the above purpose, in His Majesty's Dominions.

Your Excellency will have the goodness to transmit to me, without delay, the ratifications of this Treaty on the part of The King of the Netherlands, which you will receive in exchange for those of His Royal Highness.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Excellency the Earl of Clancarty, K. B.*

&amp;c. &amp;c. &amp;c.

No. 9, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

Foreign Office, June 10, 1818.

I HAVE the honour to transmit to you six printed copies of the Treaty concluded on the 28th of July last year, between His Majesty and the King of Portugal, for restricting the Traffic in Slaves, and for repressing illicit Slave Trade on the part of His Most Faithful Majesty's subjects; I send also to you six printed copies of the Act of the British Legislature, for confirming the engagements which The Prince Regent has taken on the part of His Majesty, and for enabling the Executive Government to carry into effect the several stipulations contained therein.

I have not yet received from you the copy of His Most Faithful Majesty's Ordonnance for rendering it criminal to carry on an illicit Trade in Slaves, which was to have been promulgated immediately on the Ratification of the Treaty being exchanged, but I am willing to hope that I shall receive it by the first packet, and, in the mean time, I have received the Prince Regent's Commands to instruct you, to invite the Government of His Most Faithful Majesty forthwith to nominate the Commissioners who are to reside, conjointly with those appointed by the Prince Regent, in execution of the several

clauses of the Treaty, in the Brazils and at Sierra Leone, the latter being the place fixed upon by this Government as the most fitting, under all circumstances, for bringing in for adjudication vessels detained for carrying on an illicit Traffic in Slaves.

I trust that you will meet with no difficulties in prevailing on the Portuguese Government to come to an early decision on this point, and that you will also be able to acquaint me what port in the Brazils has, in pursuance of the eighth Article of the Convention of the 28th of July 1817, been fixed upon by The King of Portugal, for the residence of the Transatlantic Commissioners.

As soon as I shall obtain from you this information, I shall lose no time in receiving The Prince Regent's commands for sending out the British Commissioners to their respective posts; and I shall be anxious to learn at what period it is considered likely that the Portuguese Commissioners will be dispatched to Sierra Leone, in order that the British Commissioners may be there at the same time, or sooner if possible.

You will endeavour to accelerate this arrangement, and you will fix as early a period with M. Bezerra as possible, for the departure of the Commissioners, notifying the same to me. You will also represent to that Minister, how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the respective Governments, of proper Commissioners, who, in their enlightened views of strict and impartial justice, and by their knowledge of the law of nations, may render their judgments at once such as shall command universal confidence and respect.

I am, &c.

*Henry Chamberlain, Esq.*  
&c. &c. &c.

(Signed)

CASTLEREAGH.

No. 10, b.

*Viscount Castlereagh to His Excellency Sir Henry Wellesley,  
K. B. &c. &c.*

SIR,

*Foreign Office, June 11, 1818.*

I HAVE the honour to transmit to your Excellency six printed copies of the Treaty concluded by you on the 23d of September last year, between His Majesty and the King of Spain, for restricting and finally abolishing the Slave Trade on the part of His Catholic Majesty's subjects. I send also to your Excellency six printed copies of the Act of the British Legislature, for confirming the engagements which the Prince Regent has taken on the part of this country, and for enabling the Executive Government to carry the several stipulations contained therein into effect.

I have already received from your Excellency, with your dispatch dated the 23d of December 1817, a copy of the Spanish King's Ordinance, respecting the criminality of carrying on the illicit Trade in Slaves; and I have now received the Prince Regent's commands to instruct your Excellency, to invite the Government of His Catholic Majesty forthwith to nominate the Commissioners, who are, conjointly with those appointed by the Prince Regent in execution of the Treaty, to reside in one of the Spanish possessions in America and at Sierra Leone: this last being

the place fixed upon by this Government as the best adapted, under all circumstances, for bringing in for adjudication vessels detained for carrying on an illicit Traffic in Slaves.

I trust that your Excellency will meet with no difficulties in prevailing on the Spanish Government to come to an early decision on this point; and that you will also be able to acquaint me what Spanish port in the West Indies has, in pursuance of the twelfth Article of the Convention of the 23d of September 1817, been named by the Catholic King for the residence of the Transatlantic Commissioners.

As soon as I shall obtain from your Excellency this information, I shall lose no time in receiving the Prince Regent's commands for sending out the British Commissioners to their respective posts; and you may assure M. de Pizarro, that His Royal Highness's Government will willingly give directions that the vessel which will carry out our Commissioners shall call at Cadiz, if wished for by the Court of Madrid, for their Spanish colleagues; an arrangement which may probably be agreeable to the Spanish Government, and which will greatly tend to expedite the commencement of their labours.

You will endeavour to accelerate this arrangement, and you will fix as early a period with M. de Pizarro as possible, for the departure of the Commissioners, notifying the same to me. You will also represent to that Minister how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the respective Governments of proper Commissioners; who, in their enlightened views of strict and impartial justice and by their knowledge of the law of nations, may render their judgments at once such as shall command universal confidence and respect.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Henry Wellesley, K. B.*

&c. &c. &c.

No. 11, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, April 4, 1818.—Received June 13.*

MY LORD,

HAVING gone to the Royal Farm at Santa Cruz, I had an opportunity of again reminding Señor Thomas Antonio, of the Alvará respecting the Slave Trade, and was referred by His Excellency to the Conde dos Arcos in town. On my return I waited upon this Minister, who explained that the late delay had arisen from a decision not having yet been taken in some minor regulations to be introduced into it.

The King and the Minister have since returned to town, but nothing is yet done in the matter; and it only remains for me to express my regret at the delay of this Government in performing the important engagements to which they are solemnly pledged.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.*

&c. &c. &c.



No. 12, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, April 11, 1818.—Received June 18.

MY LORD,

I HAVE the honour to forward here inclosed an account of the number of  
Slaves imported into the Port of Bahia, during the year 1817.

I have the honour to be, &amp;c.

(Signed)

H. CHAMBERLAIN

Viscount Castlereagh, K. G.

&amp;c. &amp;c. &amp;c.

(Incluse in No. 12, b.)

A LIST OF PORTUGUESE VESSELS which imported Slaves into this  
Captaincy of Bahia, from the 1st January 1817 to the 1st January 1818.

No.	Date of Arrival.	Name of Vessel.	From what Ports.	How many Slaves.	To whom consigned.
1	Jan. 16	Pastora de Lima	Mozambique	290	{ Domingos Joze de Almeida, Lima.
2	17	Tebaio - - -	Ditto	133	{ Adriano Demanjo Braga.
3	17	Paqueté Real - -	Cabinda	350	{ Felipe Justiano Costa, Ferreira.
4	27	Bom Caminho -	Ciulemane	304	{ Miguel Goncalvres, ditto
5	March 14	Benignetta - -	Cabinda	516	{ Felisberto Caldeiro
6	29	Avoador - - -	Mozambique	515	{ Ditto
7	April 28	Formiga - - -	Ditto	204	{ Manuel Joze Machado
8	May 4	Vigilante - - -	Angolas	374	{ Euzebio Alves de St. Guim.
9	26	Constante - - -	Cabinda	343	{ Custodio Joze Leite.
10	July 16	Commerciante -	Ditto	474	{ Nobre Sobrinho Morreira.
11	August 3	Diligente - - -	Ditto	180	{ Joaquim Joze Duarte Silva
12	5	Bom Fim - - -	Ditto	542	{ Joaquim Joze de Oliveira
13	26	Triunfo - - -	Angola	503	{ Euzebio Alves de St. Guimo.
14	October 2	St. Lawrence -	Cabinda	471	{ Francisco Joaquim Carneiro.
15	16	Paquete de Bahia	Ditto	478	{ Nobre Sobrinho Morreira.
16	26	Sociedade - - -	Ditto	393	{ Joaquim Joze Duarte Silva.
16				6070	

Errors excepted.

(Signed)

A. CUNNINGHAM,  
His Majesty's Acting Consul.

Bahia, January 30, 1818.

## No. 13, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
May 9, 1818.—Received July 12.*

MY LORD,

SINCE the last packet sailed I have several times renewed my entreaties with the Minister for the publication of the Alvará respecting the Slave Trade, and have been as frequently assured that it should take place without delay. In the early part of last week it was positively promised for the following Saturday, and I acquiesced in the request then made for the detention of the packet, beyond her regular sailing day, in order that there might be no plea for the Alvará not going by her.

Finding, however, that another week had nearly elapsed without any publication taking place, I called at the Minister's house on Thursday evening, to urge the necessity of avoiding further delay, but not finding His Excellency at home, I wrote him yesterday morning a few pressing lines on the subject.

I have the honour to inclose a copy of this communication together with the translation of a note which I received in reply yesterday evening, stating that orders had been given for the Alvará being printed by this evening. I hope the promised copies will be sent to me in time to be transmitted by the packet.

The necessity for this Alvará is daily becoming more and more evident, the Slave Trade at this port having now increased beyond all former example: twenty-five vessels have arrived here since the beginning of the year, none bringing less, and many of them more, than 400 of these unhappy beings, which makes the importation at least 10,000 during the last four months; giving at the rate of 30,000 per annum, whilst heretofore the annual importation has generally been under 20,000.

I have the honour to be, &c.,

(Signed) HENRY CHAMBERLAIN.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

P. S. It is now eleven at night and no copies of the Alvará have been sent to me.

H. C.

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(Inclosure 1 in No. 13, b.)

M. LE COMMANDEUR,

*Friday Morning, May 8, 1818.*

THE Alvará respecting the Slave Trade, stipulated in the third Article of the Convention signed in London on the 28th July 1817, not having been published yesterday morning, I decided, in consequence of the approaching departure of the packet, to have the honour of calling upon your Excellency in the evening, in order to ascertain whether I might hope that the publication, promised for Saturday last, would take place before the sailing of the packet, that is to say in the course of to-day or to-morrow.

I therefore called at your country house, but not being so fortunate as to find your Excellency at home, I take the liberty of acquainting you in this

manner with the motive of my visit, requesting you will have the goodness to inform me, whether the said publication may be expected before Saturday evening.

Your Excellency knows too well the high importance which my Court attaches to this Alvará to render it necessary to repeat it here; and, more than four months having elapsed since the term stipulated by the Convention, your Excellency will easily conceive my earnest desire that this packet should convey the official intelligence of its publication.

I hasten to renew to your Excellency the assurances, &c.

(Signed) HENRY CHAMBERLAIN.

*To His Excellency M. de Villanova Portugal.*

&c. &c. &c.

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*(Inclosure 2 in No. 13, b.)*

*(Translation.)*

*Rio Comprida, May 8, 1818.*

SENHOR THOMAS ANTONIO DE VILLANOVA PORTUGAL presents his compliments to Mr. Henry Chamberlain, and in reply to his official letter of this morning, has the honour to acquaint him, that the Alvará respecting the Commerce in Slaves being already in the press, he has just sent the necessary orders that it be printed off by to-morrow night, and that one or two copies be sent to Mr. Chamberlain the moment they are ready, in order that he may transmit them according to his wish by the packet.

Senhor Thomas Antonio de Villanova Portugal renews on this occasion to Mr. Chamberlain the assurances of his esteem and consideration.

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No. 14, b.

*His Excellency Sir H. Wellesley to Viscount Castlereagh, K. G. &c. &c., dated Madrid, July 23, 1818.—Received August 5.*

MY LORD,

I RECEIVED yesterday your Lordship's dispatch dated the 10th of June, directing me to invite the Government of His Catholic Majesty forthwith to nominate the Commissioners who are to decide, conjointly with those appointed by the Prince Regent, in execution of the several clauses of the Slave Trade Treaty. M. Pizarro being still at the Baths of Sacedon, I must wait till his return, but I shall lose no time in addressing a note to him conformably to your Lordship's instructions.

I have, &c. &c.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

(Signed) H. WELLESLEY.

15

No. 15, b.

*His Excellency Sir H. Wellesley to Viscount Castlereagh, K. G. &c. &c.,  
dated Madrid, August 3, 1818.—Received August 22.*

MY LORD,

M. PIZARRO has agreed to the establishment of one of the Slave Trade Commissions in the West Indies instead of the Canary Islands, and has fixed upon the Havannah as the place of its residence. He has no objection to the establishment of the other Commission at Sierra Leone.—He has likewise informed me, that His Catholic Majesty will thankfully avail himself of the Prince Regent's offer, to convey the Spanish Commissioners to the places of their destination. He proposes to reply to my note upon this subject in the course of a few days, and to state the names of the persons who are to be appointed Commissioners. As soon as I receive this communication, it shall be forwarded to your Lordship.

Viscount Castlereagh, K. G.  
&c. &c. &c.

I have, &amp;c.

(Signed)

H. WELLESLEY.

No. 16, b.

*His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G. &c. &c.,  
dated Madrid, August 6, 1818.—Received August 22.*

EXTRACT.

I HAVE the honour to forward to your Lordship a translation of the note which I have received from M. Pizarro, in reply to mine relative to the appointment of Mixed Commissions, in fulfilment of the twelfth Article of the Slave Trade Treaty.

Until M. Pizarro's return from Sacedon, I was not aware of his disposition to consent to the establishment of one of the Commissions at the Havannah instead of the Canary Islands; and I apprehended some difficulty in obtaining his concurrence in this arrangement, because, in all the previous conversations which had passed between us upon this subject, he appeared anxious that the residence of one of the Commissions should be fixed in those Islands.

He informs me that the two persons who are appointed to the Commission which is to reside at Sierra Leone, have every requisite necessary to the performance of the duties to be assigned to them; The names of the persons who are to exercise these duties at the Havannah, will have already been communicated to your Lordship: one of them, M. Arango, is a member of the Council of Indies; and I understand from M. Pizarro, that the other Commissioner is the Intendant of the Havannah.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed)

H. WELLESLEY.

(Inclosure in No. 16, b.)

(Translation.)

SIR,

Palace, August 3.

I HAVE received your Excellency's note of the 25th of July, in reply to mine of the 23d June, upon the subject of the necessity of carrying into effect the provisions of the twelfth Article of the Treaty for the abolition of the Slave Trade, relative to the appointment of the Mixed Commission.

The delay upon such an important point occasioned a renewal of the representation through the channel of the Ambassador of the King, my master, in London; and at the same time, that the evil consequences that might result from delay on the part of the British Government were pointed out, it was stated to the latter, that his Catholic Majesty, changing his first idea of establishing it in the Canary Islands, had fixed upon the Havannah as the place of residence of the Trans-Atlantic Commission, and the appointment already made of the Spanish individuals composing that Commission was likewise notified.

In this state of the matter, I have nothing further to state to your Excellency in reply to your note, but that His Majesty nominates, on his part for the Commission of Sierra Leone, Don Santiago Jonama, his Secretary and Consul at Amsterdam, in the quality of Judge, and in that of Commissioner Don Juan Camps, His Majesty's late Consul in Africa. And I have also to give to the British Government, through its worthy Representative at this Court, the sincerest thanks for its attention in facilitating the means of conveyance of the Spanish Commissioners, of which advantage I do not doubt that those appointed to Sierra Leone will avail themselves. Those belonging to the Havannah Commission are already on the spot.

I have thus the honour to reply to your Excellency's note, and I avail myself, &c. &c. &c.

(Signed)

JOSE PIZARRO.

To the British Ambassador.

No 17, b.

Viscount Castlereagh to Henry Chamberlain, Esq. &c.

SIR,

Foreign Office, September 10, 1818.

IN consequence of a communication which His Majesty's Secretary of State for the Colonial Department has recently received from the Governor of the Cape of Good Hope, as to the legality of affording assistance and supplies to Portuguese Slave ships touching at that settlement, it has been thought necessary to refer the question to the consideration of His Majesty's legal advisers: I herewith inclose, for your information, an extract of their report upon the subject, and I have to request that you will take an early op-

portunity of communicating to the Government of His Most Faithful Majesty, the restrictions which the laws of this country impose upon Slave ships of foreign powers receiving assistance or supplies in the ports of His Majesty's colonies, under any other circumstances than those of stress of weather, peril of the sea, or other inevitable accident.

I am, &c.

*Henry Chamberlain, Esq.*  
&c. &c. &c.

(Signed)

CASTLEREAGH.

*(Inclosure in No. 17, b.)*

*Extract of a Letter from His Majesty's Law Officers to Earl Bathurst, dated Doctors' Commons, August 27, 1818.*

WE are honoured with your Lordship's of the 11th instant, transmitting several dispatches addressed to your Lordship by Lord Charles Somerset, the Governor of the Cape of Good Hope, stating various doubts as to the intent and meaning of the several Laws passed for the abolition of the Slave Trade, and as to the duties required of him in the particular cases to which his correspondence refers:—and requesting that we should take these dispatches into consideration, and report to your Lordship, for the information of the Prince Regent, our opinion upon the several points on which difficulties have arisen, and principally directing our attention to the following subject:

Whether there is any legal objection to the Governor of the Cape affording relief or assistance to Portuguese Slave vessels, touching at that Colony on their passage from Mosambique to Brazil, such vessel carrying on the Slave Trade agreeably to the Laws of Portugal, and not contrary to the Treaties subsisting between Great Britain and Portugal.

In obedience to your Lordship's directions we have considered the dispatches, and the points to which your Lordship has particularly directed our attention; and we have the honour to report to your Lordship that the various Acts which have been passed for the abolition of the Slave Trade have not only prohibited His Majesty's subjects, and persons resident in his colonies from directly trading in Slaves, but also from aiding and assisting "in the carrying away or removing of a Slave or Slaves, or for the purpose of being sold, transferred, used, or dealt with as a Slave or Slaves, any person or persons whatsoever, from any part of Africa, or from any other country, territory, or place whatsoever, either immediately or by transshipment at sea or otherwise, directly or indirectly." It appears to us, therefore, that within the spirit, if not within the words of this enactment, it is illegal for any person (and of course for the Governor) to afford assistance to Portuguese Slave vessels touching at the Cape, for the purpose of enabling them to carry into effect more conveniently the transport of Slaves from Africa to South America; for, though such traffic is permitted by the laws of Portugal, and the subjects of that country cannot be interrupted in carrying it on, still, by the

statutes of this country, persons under the protection of this Government cannot assist, or be at all concerned with the Portuguese therein; we consequently think that supplies, either of articles of food, or of money, cannot safely be afforded to Portuguese ships, for the purpose of enabling them to carry on this trade. The Slave Trade Acts have, however, introduced exceptions to this general prohibition in cases of absolute distress, and provide that "no penalty or forfeitures shall be incurred by any landing, importing, transshipping, or carrying any Slaves, where it shall be proved to the satisfaction of the Court, that the prohibited act entirely arose from stress of weather, peril of the sea, or other inevitable accident, the burthen of which proof shall in all cases be on the claimant or defendant." On this authority, we think that where assistance or relief is required at the Cape, in consequence of the distressed state of the crew and the Slaves, it may and ought to be afforded; but the extent of such relief and assistance should be measured and limited by the necessity and urgency of the case.

No. 18, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, January 19, 1818.—Received September 27.*

MY LORD,

I HAVE the honour to transmit herewith for your Lordship's information, a statement of the vessels employed in bringing Slaves from the Coast of Africa to this Port during the last year, specifying the number of Negroes embarked in each, and the mortality during the passage.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Inclosure in No. 18, b.)

Date.	Name.	Class.	Whence.	Numbers embarked.	Of which had died.
1817.					
Jan. 25	Athanco - - -	Brig	Cabinda	599	54
29	Trajano - - -	Brig	Cabinda	463	4
Feb. 2	Maria - - - -	Ship	Cabinda	519	62
2	Bom Fim - - -	Corvette	Benguela	614	16
17	Esqueira - - -	Brig	Mozambique	607	86
24	Caçador - - -	Brig	Angola	594	24
27	Flor de Rio - -	Ship	Cabinda	511	123
March 13	Pastora - - - -	Brig	Bahia	114	—
26	Emilia - - - -	Brig	Cabinda	444	29
April 2	S. Pedro de Sul -	Brig	Benguela	442	14
11	Diligente - - -	Schooner	Cabinda	137	8
11	S. João Americano	Brig	Cabinda	597	73
11	Grão Penedo - -	Brig	Cabinda	546	59
23	Marianna Daphne	Brig	Angola	321	14
May 19	Resolução - - -	Ship	Mozambique	401	47
31	Serpento - - - -	Brig	Cabinda	439	10
June 1	Lusitania - - - -	Ship	Cabinda	738	89
8	Reino de Brazil -	Brig	Cabinda	427	75
10	Maria Thomazin -	Ship	Cabinda	388	20
22	Vulcano - - - -	Brig	Angola	420	11
July 14	General Silveira -	Brig	Benguela	500	64
15	Livramento - - -	Brig	Cabinda	541	60
Aug. 5	Amalia - - - -	Ship	Angola	813	37
18	Diligente - - - -	Brig	Cabinda	466	73
Sept. 18	Tejo - - - - -	Brig	Angola	490	73
21	Flor de Mar - - -	Ship	Angola	540	84
26	Feliz Dias - - -	Brig	Angola	282	68
Oct. 5	Leopoldina - - -	Ship	Cabinda	489	48
11	Santa Roza - - -	Brig	Cabinda	464	25
17	Golfinho - - - -	Brig	Cabinda	476	77
	Bom Fin - - - -	Brig	Benguela	604	30
26	Caçador - - - -	Brig	Angola	594	37
Nov. 8	Mercurio - - - -	Brig	Benguela	496	7
17	Patrocínio - - -	Schooner	Cabinda	324	22
20	Voador - - - -	Brig	Cabinda	382	6
21	Pequeña Ventura -	Brig	Cabinda	239	25
23	Senhora dos Remos.	Brig	Cabinda	229	14
Dec. 8	Maria - - - -	Ship	Cabinda	530	30
9	Duque de Braganza	Ship	Mozambique	606	69
20	S. Pedro de Sul -	Brig	Benguela	445	10
20	Triunfo do Brazil-	Brig	Loanda	637	26
25	Protector - - -	Ship	Mozambique	807	339



No. 19, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, January 31, 1818.—Received September 27.*

MY LORD,

SO long as the period stipulated in the third Article of the additional Convention of London of the 28th July 1817, for the promulgation of the Alvará, prescribing the punishment to be inflicted upon Portuguese subjects participating in an illicit Traffic in Slaves, had not expired, I did not feel myself called upon to trouble the Minister upon a measure, which I naturally concluded was in preparation, and would be made public before the expiration of the appointed time.

Finding, however, that no Alvará had been promulgated up to the evening of the 26th instant, I endeavoured to see His Excellency Sr. Thomas Antonio de Villanova Portugal on the subject, on the morning of the 27th, but he was with the King, and orders were left with his Porter, that he could not see any body upon business until after the Acclamation.

In this dilemma, and in consideration of the urgency of the case which admitted no delay, I proceeded to the Foreign Office, where I had a conference with the Official Maior, and explained the motive that had led me to address myself to him contrary to usual custom; Foreign Ministers in this country treating only with the Secretary of State upon business.

Your Lordship will be as much surprized as I was, to learn, that no progress whatever had been made in preparing the Alvará, in a word, that it had been entirely forgotten. Such inattention to one of the very important points of the Convention seems hardly credible.

The Gentleman with whom I conversed felt the importance and urgency of the case as much as I did; and promised to see Sr. Thomas Antonio without a moment's delay, but he stated a new difficulty about the drawing up of the Alvará, founded on their want of information of the principles of British legislation in this respect. Luckily I had the means of supplying the deficiency, and sent him the same day all the Acts of Parliament relating to the abolition of the Slave Trade.

Yesterday I received a private note from him, returning the Acts, and stating that the necessary Extracts had been made for the formation of an Alvará according to the Stipulation of the third Article, and accompanied by an assurance that it would certainly be published in the course of a very few days. He requested at the same time, in Sr. Thomas Antonio's name, that the departure of the packet might be delayed till Sunday the 8th of February, in which I readily acquiesced, hoping that the Alvará may be published before that day, so as to be transmitted by her.

I have the honour to be, &amp;c.,

(Signed)

H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.**&c. &c. &c.*

No. 20, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, February 7, 1818.—Received September 27.*

MY LORD,

SINCE I had the honour to address your Lordship on the 31st of January, on the subject of the non-promulgation of the Alvará therein mentioned, I have seen and spoken to the Minister respecting it. His Excellency promised that every practicable exertion should be made to carry this stipulation of the Additional Convention into effect, but he said that for the present the press of business was so great, as totally to prevent his being able to pay as much attention to this object as he could wish.

The manner of his conversation, rather than his expressions, appearing to manifest a feeling on his part that the promulgation of the Alvará, although faithfully to be complied with, was not a matter of such immediate and urgent necessity, now the Convention itself had been published, as I am sure His Royal Highness the Prince Regent's servants consider it to be, I determined to address a short note to His Excellency, in the hope of drawing forth some more precise promise, and which should serve at the same time to satisfy your Lordship, that I have not relaxed in my endeavours to procure the fulfilment of the stipulation.

I have the honour to inclose the copy of my note on this occasion, and a translation of the Minister's reply; and I beg leave to assure your Lordship, that I will not cease to press the affair until the promulgation has been made.

I have the honour to be, &amp;c.

(Signed) H. CHAMBERLAIN.

Viscount Castlereagh, K. G.

&amp;c. &amp;c. &amp;c.

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(Inclosure 1 in No. 20, b.)

Rio de Janeiro, cc 6 Fevrier 1818

LE Soussigné, &c. &c. &c. désirant transmettre à sa Cour par le Paquebot sur le point de partir, quelque assurance officielle sur l'objet de la publication de l'Alvará stipulé par le troisième Article de la Convention Additionnelle de Londres, du 28 Juillet 1817, a l'honneur de s'adresser, dans cette vue, à Son Excellence Monsieur le Commandeur, Thomas Antonio de Villanova Portugal, &c. &c. &c. et de prier Son Excellence de vouloir bien le mettre à meme d'informer sa Cour, quand la promulgation de cet Alvará (dont le terme stipulé est déjà échu depuis le 27 du mois passé) aura en effet lieu.

La haute importance que le Cabinet Britannique attache à cette partie de la Convention Additionnelle est trop bien connue, pour qu'il soit nécessaire au Soussigné d'ajouter un mot pour démontrer l'urgence de cette demande de sa part.

Il a l'honneur de prier Son Excellence de vouloir bien agréer de nouveau les assurances, &c. &c.

(Signé) H. CHAMBERLAIN.

G

(*Translation of Inclosure 1 in No. 20, b.*)

*Rio de Janeiro, February 6, 1818.*

THE Undersigned, His Britannic Majesty's Chargé d'Affaires at the Court of Rio de Janeiro, being desirous to transmit to his Court by the packet now on the point of sailing for England, an official assurance respecting the publication of the Alvará stipulated by the third Article of the Additional Convention signed at London on the 28th of August 1817, has the honour, with this view, to request His Excellency the Commander Thomas Antonio de Villanova Portugal, &c. will acquaint him, for the information of his Court, when the publication of the Alvará in question will take place, the stipulated period for which expired on the 27th of last month.

The great importance, which the British Government attaches to this part of the Additional Convention is too well known, to render it necessary for the undersigned to add any argument to enforce the urgency of this demand on his part.

He has the honour to request His Excellency to accept the assurance of his perfect respect and consideration.

(Signed) H. CHAMBERLAIN.

*His Excellency M. de Villanova Portugal,*  
*&c. &c. &c.*

(*Inclosure 2 in No. 20, b.*)

(*Translation.*)

*Palace of Rio de Janeiro, February 6, 1818.*

THE Undersigned, &c. &c. &c. having laid before the King his Master the note which Mr. H. Chamberlain, &c. &c. &c. addressed to him under this day's date, has to inform him, that it not having been possible to publish the Alvará stipulated by the third Article of the Additional Convention of London, of the 28th July of last year, in consequence of the immensity of business which has been caused by His Majesty's Acclamation; and it not being now practicable to publish it in consequence of the near departure of the packet, assures Mr. Chamberlain, in order that he may according to his desire make it known to his Court, that orders shall be given for the publication of the said Alvará after the packet is gone.

The undersigned renews, &c.

(Signed)

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

*H. Chamberlain, Esq.*

*&c. &c. &c.*

No. 21, b.

*The Chevalier Guerreiro, His Most Faithful Majesty's Charge d'Affaires  
at this Court, to Earl Bathurst, K. G., &c. &c.*

EXTRACT.

*Londres ce 22 Octobre 1818.*

LE Soussigné, Chargé d'Affaires de Sa Majesté Très Fidelle, auprès de Sa Majesté Britannique, a l'honneur d'adresser à Son Excellence Milord Bathurst, par ordre de sa Cour, copie d'un décret par lequel le Roi son maître vîent de nommer les individus qui doivent composer celle des deux Commissions qui, en conformité de ce qui a été stipulé dans l'Article VIII. de la Convention du 28 Juillet 1817, doit siéger dans les états de Sa Majesté Très Fidelle, et de désigner la ville de Rio pour servir de lieu de résidence à la susdite Commission. Il joint aussi copie des ordres qui ont été expédiés au Tribunal de Commerce de Rio de Janeiro, en lui enjoignant de proposer sans délai les personnes qui seroient jugées les plus convenables pour remplir les fonctions de Commissaires à Sierra Leone, que Sa Majesté Britannique a déclaré devoir être le lieu où doit résider l'autre Commission.

(Signed) R. GUERREIRO.

No. 21, b.

(Translation.)

*London, October 22, 1818.*

THE Undersigned, His Most Faithful Majesty's Chargé d'Affaires at the Court of His Britannic Majesty, has the honour to inclose to His Excellency Earl Bathurst, by order of his Court, copy of a Decree, whereby The King his Master nominates the individuals who are to compose that Commission which, in conformity with what has been stipulated in the eighth Article of the Convention of the 28th of July 1817, is to be established in the dominions of His Most Faithful Majesty; and also appoints the city of Rio as the place of residence of the said Commission. He likewise adds a copy of the instructions which have been issued to the Tribunal of Commerce at Rio de Janeiro, enjoining them to propose, without delay, such persons as shall be considered the best qualified to discharge the duties of Commissioners at Sierra Leone, which place His Britannic Majesty has named for the seat of the other Commission.

(Signed) R. GUERRIERO.

*(Inclosure 1 in No. 21, b.)*

(Translation.)

IT being necessary to fix on some place of my dominions for the residence of one of the Mixed Commissions, to be appointed in conformity with the stipulations contained in the eighth Article of the Convention, concluded on the 28th of July 1817, by way of supplement to the Treaty bearing date the 22d of January 1815, and also to nominate the Portuguese Commissioners, Judge and Arbitrator, who, according to the above Article, and the second Article of the Regulations respecting the Commissions, which Article is

annexed to the same Convention, are, together with the Secretary, likewise to be appointed by me, to form the Portuguese part of that Commission; it is my pleasure to determine on, the city of Rio de Janeiro as the place of residence for the above Commission, to be established in my dominions; and taking into consideration the character, learning, and endowments of Silvestre Pinheiro Ferreira, one of the Deputies of the Royal Board of Commerce, Agriculture, Manufactures, and Navigation of this kingdom and the ultra-marine dominions; and of John Pereira de Souza, of this city, merchant; I think proper to appoint the former to be the Judge, and the latter to be the Arbitrator of that Commission.

Let Thomas Antonio de Villanova Portugal, of My Council, Minister and Secretary of State of the Affairs of the Realm, and charged, *ad interim*, with the care of the department for Foreign Affairs and War, take notice hereof, and see it carried into execution by means of the necessary orders. Palace of the Royal Finances of Santa Cruz, the 18th of August 1818.

With His Majesty's signature.

(A true copy)  
(Signed) R. GUERREIRO.

(Inclosure 2 in No. 21, b.)

(Translation.)

THE King our Lord having, by a Decree, bearing date this day, been pleased to fix upon the city of Rio de Janeiro as the place of residence for the Mixed Commission to be established in his dominions, conformably with the provisions of Article VIII. of the Convention concluded the 28th of July of last year, by way of supplement to the Treaty of January 22, 1815, while His Majesty, at the same time, has appointed Commissioners, Judge, and Arbitrator, on the part of Portugal, the persons specified in the above decree, who, in conjunction with the English Commissioners, to be, in the same manner, nominated by His Britannic Majesty, are to form the before-mentioned Commission; it is incumbent upon me to transmit to you herewith a copy of this decree, for you to communicate it to the Royal Board of Commerce, Agriculture, Manufactures, and Navigation of this Kingdom of the Brazils and ultra-marine dominions, that they may take due notice of, and forward it to the proper place, as well as to the merchants in general. And as it is also necessary to appoint, on the part of Portugal, Commissioners, a Judge and an Arbitrator, as well as a Secretary, who, according to the provisions of the above eighth Article, are to constitute, together with the English Commissioners, a Commission to be established in the dominions of His Britannic Majesty, the English Government having already fixed on the settlement of Sierra Leone as the place in which this Commission is to reside, His Majesty has, moreover, been pleased to direct the same Royal Board of Commerce to propose, as speedily as possible, such persons as they shall think qualified for filling, at Sierra Leone, the posts of Commissioners, Judge, Arbitrator, and Secretary; which you will also impart to the Board, that they may see the same carried into effect accordingly.

God preserve you.

(Signed) THOMAS ANTONIO DE VILLANOVA PORTUGAL.  
SENHOR LUIZ JOSE DE CARVALHO E MELLO.

(A true copy)

(Signed) LE CHEVALIER GUERREIRO.

Palace of the Royal Finance of Santa Cruz, Aug. 18, 1818.

No. 22, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G., &c. &c., dated  
Rio de Janeiro, August 22, 1818.—Received October 22.*

MY LORD,

I HAVE the honour to transmit herewith a copy of the note I addressed to M. de Villanova Portugal, in obedience to your Lordship's dispatch of the 10th June, received on the 4th instant, by the Lord Hobart packet.

I delivered the note myself to the Minister at Santa Cruz, and am happy to be able to state to your Lordship, that His Excellency gave me the strongest assurances of the readiness of the Government to comply immediately with the request therein contained; which assurances I had afterwards the honour to hear repeated by His Majesty.

At the request of the Minister, and almost upon his promise, to notify to me, before his departure, what port in Brazil the King had been pleased to name for the residence of the Commissioners, I consented to detain the packet four days; that is, from the 19th to the 23d; nevertheless I have received no communication on the subject, although, during our interview, M. de Villanova Portugal stated that it would be either Bahia, or Rio de Janeiro.

With respect to Sierra Leone, His Excellency said, the only difficulty he apprehended was, whether any person fit for the situation of Commissioner could be persuaded to go there, but that he would use his best endeavours to send proper persons, and I beg your Lordship to be assured that I will not allow the matter to sleep.

I have the honour to be, &amp;c.

(Signed)

H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(*Inclosure in No. 22, b.*)

*Rio de Janeiro, August 10, 1818.*

THE undersigned, &c. &c. &c., having received, by the Lord Hobart packet, some copies of the Convention of London of the 28th July 1817, relative to the Slave Trade, printed and presented to both Houses of Parliament by command of His Royal Highness the Prince Regent, and of the Act that has been passed by the Legislature, to enable the Executive Government to carry into effect the several stipulations contained therein, has the honour to transmit herewith to His Excellency the Commander Thomas Antonio de Villanova Portugal, &c. &c. &c., a copy of each of these important documents.

His Royal Highness's Government, in their last dispatches to the undersigned, express some disappointment, at not having yet received from hence the stipulated Alvará of His Most Faithful Majesty, respecting the criminality and punishment of those who may be detected in carrying on an illicit Trade in Slaves, which was to have been promulgated within two months after the exchange of the Ratifications of the Additional Convention; to accelerate which promulgation as much as lay in his power, the undersigned had the honour several times to wait upon His Excellency, and particularly after the period stipulated for the publication had elapsed.

The undersigned begs leave to announce to His Excellency, that he has been honoured by the Prince Regent's commands, to invite the Government of His Most Faithful Majesty, forthwith to nominate the Commissioners who are to reside, conjointly with those appointed by His Royal Highness, in execution of the several clauses of the Additional Convention, in the Brazils and at Sierra Leone; this last being the place fixed upon by the British Government, as the most fitting, under all circumstances, for bringing in for adjudication Slave Traders detained for carrying on an illicit traffic.

The British Cabinet confidently trusts, that there will be no difficulty on the part of His Most Faithful Majesty's Government in making this nomination without delay, and likewise in declaring, which port of Brazil His Majesty is pleased, in pursuance of the eighth Article of the said Convention, to appoint for the residence of the Commissioners, whose station is to be in this kingdom.

The undersigned begs leave to announce to His Excellency, that it is the intention of his Government to send out the British Commissioners to their respective ports, so soon as it shall be in possession of this information; and, for the sake of securing the arrival at Sierra Leone of those destined to be fixed there, at the same time with those to be sent from this country, or even sooner if possible, it is particularly desirous to learn, at what period it is likely that the Portuguese Commissioners will be dispatched to that port; and the undersigned being instructed to request, that their departure may take place with all practicable brevity, begs the favour of His Excellency to take the trouble to communicate to him His Majesty's decision in this respect, so soon as it may be made known.

The undersigned at the same time has the honour to represent to His Excellency, how much the friendly and harmonious execution of this new system is likely to depend on the choice made by the respective Governments of proper Commissioners, who, in their enlightened views of strict and impartial justice, and by their knowledge of the law of nations, may render their judgment at once such as shall command universal confidence and respect.

Having thus executed the orders entrusted to him, the undersigned has the honour to request His Excellency the Commander Thomas Antonio de Villanova Portugal to accept the assurances of his highest and most distinguished consideration.

(Signed) H. CHAMBERLAIN.

*His Excellency M. de Villanova Portugal,*

*&c. &c. &c.*

No. 23, b.

*Henry Chamberlain Esq. to Viscount Castlereagh, K. G. &c. &c.  
dated Rio de Janeiro August 23, 1818.—Received October 22.*

EXTRACT.

AT a late hour last night, I received from M. de Villanova Portugal a note and inclosures, of which I have the honour to transmit copies and translations herewith, by which your Lordship will learn, that His Most Faithful Majesty has fixed upon this Port for the residence of the Mixed Commission to be established in the Brazils, under the eighth Article of the Treaty of London, of the 28th July 1817; and that the Deputy of the Board of Trade, Senhor Silvestre Pinheiro Fereira,

and Senhor João Pereira de Souza, Merchant, have been named Commissary Judge and Commissioner of Arbitration.

The Minister asserts, that the law imposing penalties upon an illegal Traffic in Slaves, was promulgated on the 26th of January last, but it was not printed till the month of May. By reference to the copy I had the honour to send to your Lordship's office, it will be seen, that it had not passed through and been registered at, the various departments of Government (which must take place previous to promulgation) until some time in that or the preceding month.

(Signed)

H. CHAMBERLAIN.

(Inclosure 1 in No. 23.)

(Translation.)

*Palace of the Royal Farm of Santa Cruz,  
August 20, 1818.*

THE undersigned has laid before The King his Master, the note which Mr. Chamberlain addressed to him on the 10th instant, inclosing two copies of the Additional Convention of London, of the 28th July 1817, to the Treaty of the 22d January 1815, and of the Act passed subsequently, to carry into effect the stipulations of the said Convention; and Mr. Chamberlain having observed, that the British Government had expressed, in their last dispatches, some disappointment at not having yet received the Law which His Most Faithful Majesty had engaged to promulgate in his dominions, imposing the penalties which were to be incurred by those who should engage in an illicit Traffic in Slaves, he cannot avoid remarking, that this Law having been promulgated on the 26th of January of the present year, as Mr. Chamberlain, without doubt, is aware, and the date of the printed copies shews, the error into which the British Government is fallen in this respect, can be easily rectified by Mr. Chamberlain's stating the real fact at his convenience.

With respect, however, to the place within His Majesty's dominions where one of the Mixed Commissions is to reside, and the nomination of the Portuguese Commissioners, Mr. Chamberlain having declared the intentions of His Royal Highness the Prince Regent of Great Britain, and the choice which His Government has made of the establishment of Sierra Leone for the residence of the Commission to be established within the British possessions in Africa, the Undersigned has to acquaint him, that The King his Master, not desiring to delay on his part, the due execution of the stipulations of the said Convention, has been pleased, as soon as the official declarations contained in the before-mentioned note were made known to Him, not only to fix the place within His dominions where one of the Commissioners is to reside, and to name the Portuguese Commissioners that are to form it, directing at the same time the Board of Trade of this Kingdom to propose those who are to go to reside at Sierra Leone, as will be seen by the inclosed copies of the Decree and Aviso; but His Majesty is also ready to name, in the like manner, the Portuguese Commissioners who are to form part of the Mixed Commission which is to be established in London, according to the dispositions of the said Convention.

The Undersigned renews, &c.

(Signed) THOMAS ANTONIO DE VILLANOVA PORTUGAL.

*Henry Chamberlain, Esq.*

&c. &c. &c.



*(Inclosure 2 in No. 23, b.)**Translation of a Decree issued by His Most Faithful Majesty, dated August 18, 1818.*

IT being necessary to fix the place within my dominions, where one of the Mixed Commissions, to be formed in conformity with the stipulations of Article VIII of the Additional Convention of the 28th of July 1817, to the Treaty of the 22d of January 1815, should reside; and it being equally necessary to name the Portuguese Commissary Judge, and Commissioner of Arbitration, which, according to the said Article, and Article II of the Regulations for the Commission, annexed to the said Convention, should, with a Secretary, which I likewise ought to name, form the Portuguese parts of the said Commission, I am pleased to fix the city of Rio de Janeiro for the place of residence of the said Commission which is to be established within my dominions: and, reposing great faith in the probity, intelligence, and capacity of Silvestre Pinheiro Ferreira, one of the Deputies of the Royal Board of Commerce, Manufactures and Navigation of this Kingdom of Brazil and dominions beyond sea, and of João Pereira de Souza, Merchant, of this city, I am pleased to name the former as Commissary Judge, and the latter as Commissioner of Arbitration, of this Commission. Thomas Antonio de Villanova Portugal, of my Council, Minister and Secretary of State for the Affairs of the Kingdom, charged ad interim with the Department for Foreign Affairs and War, will so understand it, and cause it to be executed with the necessary dispatch.

With His Majesty's Initials,

(Signed)

CAMILLO MARTINS LUGE.

Palace of the Royal Farm of Santa Cruz, August 18, 1818.

*(Inclosure 3 in No. 23, b.)**Translation of Aviso.*

THE King Our Lord having been pleased, by a Decree dated this day, to appoint the city of Rio de Janeiro for the place of residence of the Mixed Commission, which is to be established in his dominions, in conformity with the stipulations of Article VIII of the Additional Convention of the 28th of July of last year, to the Treaty of the 22d of January 1815; His Majesty naming, at the same time, the Portuguese Commissary Judge, and Commissioner of Arbitration, mentioned in the said decree, who, with the English Commissioners which His Britannic Majesty is to name in like manner, are to form the said Commission: it is my duty to send your Excellency the inclosed copy of this Decree, to be presented to the Royal Board of Trade, Manufactures, and Navigation of this Kingdom of Brazil, and dominions beyond sea, for its information, in order that it may be made known at the accustomed places, as well as to the merchants in general. And whereas, it is equally necessary to name the Portuguese Commissary Judge, and Commissioner of Arbitration, as well as their Secretary, according to the disposition of the said Article VIII, who, with the English Commissioners, are to form the Commission that is to be established in the dominions of His Britannic Majesty, the

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British Government having already fixed upon the establishment of Sierra Leone for the place of residence of that Commission, His Majesty has been likewise pleased to order the Royal Board of Trade to send him a Consultus, as soon as possible, containing the names of the persons it considers most fit to go to Sierra Leone, to serve those offices of Commissary Judge, Commissioner of Arbitration, and Secretary, which your Excellency will likewise make known to the Board, that they may obey the same accordingly. God preserve your Excellency.

Palace of the Royal Farm of Santa Cruz, August 18, 1818.

Thomas Antonio de Villanova Portugal. Senhor Luiz Joze de Carvalho e Mello.

(Signed)

CARMILLO MARTINS LUGE.

No. 24, b.

*Earl Bathurst to the Chevalier Guerreiro, &c.*

*Foreign Office, November 13, 1818.*

THE Undersigned, one of His Majesty's Principal Secretaries of State, has the honour to acknowledge the receipt of the note of the Chevalier de Guerreiro of the 22d ultimo; in which are inclosed, 1st. a copy of the decree of His Most Faithful Majesty designating the city of Rio de Janeiro as the place of residence of the Mixed Commission to be established in the Portuguese dominions, and nominating the Judge and Arbitrator who are to act on the part of the King of Portugal in the said Commission, in conformity with the eighth Article of the Convention concluded at London on the 28th of July 1817: and 2dly, another decree of His Most Faithful Majesty, directing the Royal Board of Commerce at Rio de Janeiro to propose for His Majesty's approval such persons as may be qualified to act as Commissioners on the part of Portugal, at the settlement of Sierra Leone,—the place fixed upon by His Britannic Majesty for the residence of the other Mixed Commission to be appointed under the same Convention.

The Undersigned has received the Prince Regent's commands to return His Royal Highness's acknowledgments for these communications, and to acquaint the Chevalier de Guerreiro, for the information of his Government, that no time will be lost in the nomination of the persons, who are to meet the Portuguese Commissioners under the said Convention, on the part of His Britannic Majesty.

The Undersigned avails himself, &c.

*The Chevalier Guerreiro,*

(Signed)

BATHURST.

&c. &c. &c.

No. 25, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, November 21, 1818.—Received November 23.*

MY LORD,

I HAVE the honour herewith to transmit for your Lordship's information, a copy of the law which has been passed here, in execution by this

Court of the 1st article of the Treaty relative to the Slave Trade and reciprocal right of search, signed between this Crown and that of Great Britain, on the 4th of the month of May last.

I remain, with great respect, &c.  
*Viscount Castlereagh, K. G.* (Signed) CLANCARTY  
 &c. &c. &c.

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(Inclosure in No. 25, b.)

*Mem.*—The law here inclosed is given in a more complete shape as inclosure 2 in No. 37.

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No. 26, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

*Foreign Office, November 27, 1818.*

THE meeting of the Allied Sovereigns and Cabinets, at Aix-la-Chapelle has been concluded by a solemn and joint Appeal to the King of Portugal, to induce His Most Faithful Majesty to contribute, as far as in His power, by the unrestricted abolition of the Traffic in Slaves throughout His Most Faithful Majesty's Dominions, to the consummation of that great object, which, since the Congress at Vienna in the year 1815, has been a matter of the most anxious solicitude to the several Powers who were parties to that arrangement.

For this purpose, their Imperial and Royal Majesties, the Sovereigns of Austria, Prussia, France and Russia, have severally addressed Letters to His Most Faithful Majesty; and His Royal Highness the Prince Regent has commanded me to entrust you with the delivery of a letter of the same import from His Royal Highness Himself. You will, accordingly, immediately on the receipt of this dispatch, solicit an audience of His Most Faithful Majesty, and you will deliver the inclosed letter into His Majesty's hands, accompanying the same with suitable expressions of good will and sincere friendship on the part of His Royal Highness the Prince Regent, and of the warm anxiety which His Royal Highness feels in the success of a measure so interesting to humanity, and which is supported by the unanimous voice or example of every civilized nation.

I am, &c.

Henry Chamberlain, Esq. (Signed) CASTLEREAGH  
 &c. &c. &c.

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(Inclosure in No. 26, b.)

MONSIEUR MON FRERE ET COUSIN,

A L'EPOQUE du Congrès de Vienne, la voix de la religion, et les plaintes d'une humanité souffrante ont obtenu les plus consolants succès.

Le monde a vu en perspective le terme d'un fléau qui a si long temps désolé l'Afrique, et votre Majesté s'est justement acquis des droits à l'éternelle reconnaissance des nations, en proclamant, de concert avec les Alliés, le prin-

cipe de l'abolition universelle de la Traite des Nègres. Depuis lors, les actes conclus à Paris en 1815, et l'heureuse issue de plusieurs négociations vouées à l'exécution progressive de cette mesure, ont fortifié les généreuses espérances du siècle, et présagé le parfait accomplissement de la transaction qui les avoit solennellement consacré.

Si les résultats des conférences d'Aix-la-Chapelle, qui consomment la pacification, et garantissent la prospérité de l'Europe, laissent encore un vœu à former, c'est celui de voir assurer le triomphe final de la déclaration du 8 Février 1815, au moyen d'un acte décrétant l'abolition du Commerce des Nègres en tous lieux et pour toujours. Qu'il nous soit donc permis, à mes Alliés et à moi, de tourner des regards confians vers la puissance, à laquelle le Suprême Arbitre des destinées de la terre, a réservé la gloire de mettre fin aux douleurs d'une population infortunée. Ce succès définitif sera sans doute le fruit des rapports intimes qui subsistent entre nous, parcequ'un concours d'intentions conciliantes, et de concessions réciproques, ne manquera pas de faire prospérer une œuvre également meritoire devant Dieu et aux vœux des hommes.

C'est à la suite de cette dernière négociation, que des mesures de surveillance mutuellement arrêtés pour la stricte exécution d'une loi devenue générale, couronneroient les nobles efforts de toutes les puissances appelées à régir les différentes parties du globe, par les mêmes sentimens de Justice, et de Religion.

Je ne doute pas rencontrer à cet égard les sentimens de votre Majesté, et je la prie d'agréer les assurances de la considération distinguée et de l'attachement sincère avec lesquels je suis,

Monsieur mon Frère et Cousin, de Votre Majesté le Bon Frère et Cousin,

Londres, le 9 Décembre, 1818.

(Signé) GEORGE, P. R.

*A Mons. mon Frère et Cousin, le Roi de Portugal et du Bresil.*

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(Translation of Inclosure in No. 26, b.)

SIR, MY BROTHER AND COUSIN,

AT the period of the Congress at Vienna, the voice of religion, and the complaints of suffering humanity obtained the most gratifying success.

The world was then led to hope for the termination of a scourge by which Africa had so long been desolated, and Your Majesty justly acquired a title to the eternal gratitude of all nations, by proclaiming, in concert with your Allies, the principle of the universal abolition of the Slave Trade. The acts subsequently concluded at Paris in 1815, and the happy result of various negotiations undertaken for the gradual accomplishment of this measure, have strengthened the generous expectations of the age, and given earnest of the entire completion of the object to which they had been solemnly devoted.

If the results of the conferences of Aix la Chapelle, which complete the pacification and guarantee the prosperity of Europe, still leave a wish unsatisfied, it is to see the final triumph of the declaration of the 8th of February 1815 secured by an Act for the perpetual abolition of the Slave Trade throughout the Globe. It may therefore be permitted to my Allies and to Myself, to turn with confidence to that power for whom the Supreme Ruler of the Universe has reserved the glorious destiny of terminating the miseries of a suffering population. This final result will doubtless be brought about by the intimate relations which subsist between Us, because a concurrence of

conciliatory intentions and of reciprocal concessions, cannot fail to give success to a work equally meritorious in the sight of God and man.

It is in the spirit of this last negotiation, that measures of prevention mutually agreed upon for the strict execution of a general law, will crown the noble efforts of the Powers, in every part of the globe, who are called upon to govern according to the principles of justice and religion.

I doubt not that your Majesty entertains the same sentiments on this subject, and I request you to accept the assurances of the distinguished consideration and sincere attachment with which I am,

Sir, my Brother and Cousin, Your Majesty's good Brother and Cousin,  
*London, December 9, 1818.* (Signed) GEORGE P. R.

*My good Brother and Cousin, the King of Portugal and the Brazils.*

No. 27, b.

*Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B. &c.*

SIR,

*Foreign Office, January 31, 1819.*

HIS Royal Highness the Prince Regent has been pleased to name Thomas Gregory, Esq., to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esq., at present Judge of the Vice Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and Daniel Molloy Hamilton, Esq., to be His Majesty's Registrar, to the Mixed Commission to be established at Sierra Leone, under the Treaty for restricting the traffic in Slaves, concluded between Great Britain and Spain on the 23d of September 1817.

I have to request that your Excellency will take an early opportunity of announcing these appointments to the Government of His Catholic Majesty. You will add that the Gentlemen thus appointed will leave England for their destination in the course of the ensuing month; furnished with His Royal Highness's Commission and Instructions to enable them to enter upon the exercise of their duties. The ship of war that conveys them will be directed to touch in her way at Cadiz, for the Commissioners named by His Catholic Majesty, according to the wish expressed in M. Pizarro's note to your Excellency of the 3d of August 1818.

His Royal Highness's Government, as you will perceive by my other dispatch of this date, propose to provide at Sierra Leone a suitable office for the carrying on the proceedings of the Commission: and orders will be sent out, that every courtesy and consideration shall be paid to the Commissioners, which is due to the public character they bear, and every respect secured to the Court which is necessary to give efficiency to its proceedings.

With respect to such contingent expences as may attend the establishment and proceedings of the Commission, His Royal Highness's Government propose, that at Sierra Leone, as likewise at the Havannah, these should be borne in common by the two Governments.

I am, &c.,

(Signed)

CASTLEREAGH

*His Excellency Sir Henry Wellesley, K. B.*

&c. &c. &c.

No. 28, b.

Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B., &amp;c.

SIR,

Foreign Office, January 31, 1819.

HIS Royal Highness the Prince Regent has been pleased to name Henry Thomas Kilbee, Esq. to be His Majesty's Commissary Judge, and Robert Francis Jameson, Esq. to be His Majesty's Commissioner of Arbitration under the Mixed Commission to be established at the Havannah, pursuant to the Treaty for preventing the illegal Traffic in Slaves, concluded between Great Britain and Spain on the 23d of September 1817.

I have to request, that your Excellency will take an early opportunity of announcing these appointments to the Government of His Catholic Majesty. You will add, that the Commissioners will leave England for their destination early in the month of February next, furnished with His Royal Highness's Commission and Instructions to enable them to enter upon the exercise of their duties, so soon as His Catholic Majesty's Commissioners (who, as I understand from your Excellency, are already at the Havannah) shall be furnished, on their part, with His Catholic Majesty's Commission and Instructions to the same effect. You will suggest, therefore, the expediency of sending these documents, as soon as official forms will permit, from the Spanish Chancery, and you will request that His Catholic Majesty's Government will send out at the same time to the Havannah, directions that His Majesty's Commissioners may be treated with the courtesy and consideration to which their public character gives them a claim, particularly with respect to entire liberty and security of person and property for themselves and household, and to the free importation of such articles as they may bonâ fide require for their own use and convenience.

Your Excellency will express the perfect confidence of His Royal Highness's Government, that every thing will be arranged in respect to the Commission at the Havannah, which can give due fulfilment to the object of the Treaty; and, that for this purpose provision will be made, by express orders from the Government at Madrid, for that public respect being paid to the proceedings of the Commission which is necessary to their efficient execution, and to enable the Commissioners to secure order, decorum, and authority to the Court.

Your Excellency will propose to the Spanish Government, that they shall provide a suitable office for the use of the Commission at their settlement at the Havannah, adding, that His Royal Highness's Government will provide a suitable office at Sierra Leone for the Commission to be established there under the same Treaty.

I am, &amp;c.

(Signed) CASTLEREAGH.

His Excellency Sir Henry Wellesley, K. B.

&amp;c. &amp;c. &amp;c.

No. 29, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

*Foreign Office, January 31, 1819.*

HIS Royal Highness the Prince Regent has been pleased to name Henry Hayne, Esq. to be His Majesty's Commissary Judge, and A. Cunningham, Esq. to be His Majesty's Commissioner of Arbitration, to the Mixed Commission to be established at Rio de Janeiro under the Convention for restricting the Traffic in Slaves, concluded between Great Britain and Portugal on the 28th of July 1817.

You will take the earliest opportunity of announcing these appointments to the Government of His Most Faithful Majesty. You will add, that the Commissioners will leave England for their destination early in the month of February next, furnished with His Royal Highness's Commission and Instructions, to enable them to enter upon the exercise of their duties, so soon as His Most Faithful Majesty's Commissioners shall be furnished, on their part, with His Most Faithful Majesty's commission and instructions to the same effect. You will therefore suggest the expediency, that these documents may be made out, and the Commission enabled to commence its labours, so soon as the official forms of the Portuguese Chancery will permit.

You will request that His Majesty's Commissioners may be treated with that courtesy and consideration to which their public character gives them a claim, particularly with respect to entire liberty and security of person and property for themselves and household, and to the free importation of such articles as they may bonâ fide require for their own use and convenience.

You will express the perfect confidence of His Royal Highness's Government, that every thing will be arranged, in respect to the Commission at Rio de Janeiro, which can give due fulfilment to the object of the Convention, and that, for this purpose, provision may be made, by the express enactment of the Government, for that public respect being paid to the proceedings of the Commission, which is necessary to its efficient execution, and to enable the Commissioners to secure order, decorum, and authority to the Court.

You will propose to the Brazilian Government, that they shall provide a suitable office for the use of the Commission at Rio Janeiro, adding that His Royal Highness's Government will provide a suitable office at Sierra Leone, for the Commission to be established there under the same Treaty; the contingent expences attending the necessary establishment and proceedings of both Offices to be borne in common by the two Governments.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*Henry Chamberlain, Esq.*

&amp;c. &amp;c. &amp;c.

35

No. 30, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

*Foreign Office, January 31, 1819.*

HIS Royal Highness the Prince Regent has been pleased to name Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esq. the present Judge of the Vice Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and D. M. Hamilton, Esq. to be His Majesty's Registrar, to the Mixed Commission to be established at Sierra Leone, under the convention for restricting the Traffic in Slaves, concluded between Great Britain and Portugal on the 28th of July 1817.

You will take an early opportunity of announcing these appointments to the Government of His Most Faithful Majesty.

You will add, that the Gentlemen thus appointed will leave England for their destination in the course of the ensuing month, furnished with His Royal Highness's Commission and Instructions to enable them to enter upon the exercise of their duties, as soon as the Commissioners of His Most Faithful Majesty shall have arrived, furnished with Commissions and Instructions from the Government of His Most Faithful Majesty to the same effect.

You will urge, therefore, the Brazilian Government, that their Commissioners, if they are not already gone to Sierra Leone, may be sent out furnished with these documents, without any more delay than is required for the necessary preparations on the occasion.

His Royal Highness's Government, as you will perceive by my other letter of this date, propose to provide at Sierra Leone a suitable office for the carrying on the proceedings of the Commission, and orders will be sent out that every courtesy and consideration shall be paid to the Commissioners which is due to the public character they bear, and every respect secured to the Court which is necessary to give efficiency to its proceedings.

With respect to such contingent expences as may attend the establishment and proceedings of the Commission, His Royal Highness's Government propose that at Sierra Leone, as likewise at Rio de Janeiro, these should be borne in common by the two Governments.

I am, &amp;c.

*Henry Chamberlain, Esq.*  
*&c. &c. &c.*

(Signed) CASTLEREAGH.

No. 31, b.

*Viscount Castlereagh to the Count de Palmella, &c. &c.**Foreign Office, February 12, 1819.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to announce to the Count de Palmella, His Most Faithful Majesty's Minister Plenipotentiary at this Court, the follow-



ing appointments which have been made by His Royal Highness the Prince Regent, under the Convention between Great Britain and Portugal for preventing the illegal Traffic in Slaves, signed at London on the 28th of July 1817.

Thomas Gregory, Esq. to be His Majesty's Commissary Judge, and Edward Fitzgerald, L.L.D. to be His Majesty's Commissioner of Arbitration, to the Mixed Commission to be established at Sierra Leone; 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 Commission to be established at Rio de Janeiro.

The undersigned requests, that the Count de Palmella will have the goodness to make his Court acquainted with these nominations, which His Royal Highness's Government persuade themselves will be agreeable to the Government of His Most Faithful Majesty.

The Commissioners for Rio de Janeiro and Sierra Leone will leave England for their destination in the course of this, or early in the ensuing month, charged with His Royal Highness's Commission and Instructions to enter without delay upon the execution of their duties.

The undersigned, &c. &c.

*The Count de Palmella,*  
&c. &c. &c.

(Signed)

CASTLEREAGH.

No. 32. b.

*His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G. &c. &c.,  
dated Madrid, February 4, 1819.—Received February 19.*

MY LORD,

I HAVE received a note from the Marquis of Casa Irujo, stating that in consequence of the resignation of Don Santiago Janama of his appointment to be one of the Judges to reside at Sierra Leone, conformably to the stipulations of the Treaty for the Abolition of the Slave Trade, His Catholic Majesty has been pleased to appoint Don Francisco Le Fer to that situation, and that His Majesty wishes to be apprized of the probable time of the arrival at Cadiz of the vessel which is to convey the Commissioners to the place of their destination.

I have, &c.

*Viscount Castlereagh, K. G.*  
&c. &c. &c.

(Signed)

H. WELLESLEY.

No. 33, b.

*Viscount Castlereagh to His Majesty's Commissioners at Rio de Janeiro.*

GENTLEMEN,

*Foreign Office, February 20th, 1819.*

HIS Most Faithful Majesty having promulgated an Alvará, under date of the 26th of January 1818, for the regulation of the Slave Trade still carried on by His Most Faithful Majesty's subjects;—I have received the commands

of His Royal Highness the Prince Regent to send to you ten copies of the same, in original and in translation, and I am to desire that you will cause a copy thereof to be affixed in some public part of the Court where you preside.

I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Rio de Janeiro.*

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No. 34, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, December 19, 1818.—Received February 22, 1819.

MY LORD,

UPON receipt of Earl Bathurst's dispatch, dated the 10th of September, respecting the restrictions imposed by the laws of Great Britain upon the furnishing of succours to foreign Slave vessels touching in any of the ports of the British colonies, I transmitted to M. de Villanova Portugal a copy of the opinion of the Law Officers of the Crown, which I had the honour to receive inclosed in that dispatch.

I beg leave to forward herewith a copy of the note by which it was accompanied, and a translation of the note I have received in reply from the Secretary of State.

A vessel is about to sail for the Cape of Good Hope in the course of a few days; and concluding that Lord Charles Somerset ought to be informed of this communication having been made to the Brazilian Government, it is my intention to forward to His Lordship copies of the correspondence.

I have the honour to be, &c.

Viscount Castlereagh, K. G. (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

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*(Inclosure 1 in No. 34, b.)*

Rio de Janeiro, December 2, 1818.

THE Undersigned, &c. &c. &c. in obedience to the instructions which he has just received from his Court, has the honour to communicate to M. the Commander Thomas Antonio de Villanova Portugal, &c. &c. &c. by the inclosed document, the restrictions imposed by the laws of Great Britain, upon the furnishing of succours to foreign vessels employed in the Slave Trade, which may touch in the ports of the British Colonies, in order that Portuguese subjects engaged in that traffic may be made acquainted with the risk to which they expose themselves if they enter the port of the Cape, unless forced there by stress of weather, the perils of the sea, or some such unforeseen and inevitable accident.

The Undersigned, &c.

(Signed) H. CHAMBERLAIN.

His Excellency M. de Villanova Portugal,  
&c. &c. &c.

(*Inclosure 2 in No. 3A, b.*)

(*Translation.*)

Palace of Santa Cruz, December 15, 1818.

THE Undersigned, &c. &c. &c. acknowledges the receipt of the note which Mr. Chamberlain, &c. &c. &c. addressed to him on the 2d instant, communicating to him by order of his Court, in the copy he sent, the opinion of the Crown Lawyers upon the restrictions which the laws of Great Britain impose on the furnishing succour to foreign vessels employed in the Slave Trade, that may touch at the English colonies; and, having immediately laid it before the King his Master, has to acquaint Mr. Chamberlain that His Majesty, as soon as he learnt this official communication, ordered it to be immediately transmitted to the Royal Junta of Commerce, to be made known to the merchants interested in being informed of this notice.

The Undersigned, &c.

(Signed) THOMAS ANTONIO DE VILLANOVA PORTUGAL.

Henry Chamberlain, Esq.

&c. &c. &c..

No. 35, b.

*Joseph Planta, Jun. Esq. to G. W. Chad, Esq., His Majesty's Minister Plenipotentiary at the Court of the Netherlands, &c.*

SIR,

*Foreign Office, February 23d 1819.*

I AM directed by Lord Castlereagh to call your attention to the sixth Article of the Treaty concluded at the Hague in May last, between His Majesty and the King of the Netherlands, for the more complete abolition of the Slave Trade, of which, for more easy reference, a copy is herewith transmitted to you.

By this Article it is stipulated that "The ships of the royal navies of the two nations, which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished with instructions written in the Dutch and English languages, and signed for the vessels of each of the two Powers by the Ministers of their respective marine." The instructions herein alluded to are annexed to the Treaty; but, as that instrument was signed in the English and French languages, no translation of them in the Dutch language has ever been received in this country; I am therefore directed to request that you will, without delay, apply to Baron Nagell for an official copy of the said Instructions in the Dutch language, and that you will forward it to Lord Castlereagh.

The Treaty having been received in this country last year, immediately previous to the dissolution of Parliament, there was not time, before that event took place, to bring in and pass the Act necessary to authorize the appointment of the Commissions at Sierra Leone and at Surinam, as provided by that Treaty.

This Act is now on the point of being passed into a Law, and Commissioners on His Majesty's part will be forthwith selected, whose nomination will be duly notified through you to the Government of the Netherlands.

In communicating this information to M. de Nagell, I am to request that you will ascertain and report to Lord Castlereagh, how far the Government of His Netherland Majesty have proceeded in the measures to be taken on their part; and that you will, if you should find it necessary, urge His Excellency to hasten the steps which it may be proper for them to adopt in execution of the Treaty in question.

I have the honour to be, &c.

G. W. Chad, Esq.  
&c. &c. &c.

(Signed) JOSEPH PLANTA, Jun.

No. 36, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

*Foreign Office, February 28, 1819.*

IN reference to the subject of my other dispatches of this year, I have to desire that you will call the immediate attention of the Government of His Most Faithful Majesty to the Convention concluded on the 28th of July 1817, between Great Britain and Portugal, for the prevention of the Traffic in Slaves. You will endeavour to learn from them what steps have been taken on the part of His Most Faithful Majesty, with respect to the stipulations of the fourth Article of that Convention, with regard to the passports to be furnished to vessels legally engaged in the traffic, and of the seventh Article, on the instructions to be issued to ships of war destined to prevent the illicit traffic, and you will urge the adoption of such measures as may still remain to be taken for putting into activity the regulations therein agreed upon for effecting the object of the Convention.

I am, &c.,

(Signed)

CASTLEREAGH.

*Henry Chamberlain, Esq.*  
&c. &c. &c.

No. 37, b.

*G. W. Chad, Esq. to Joseph Planta, Esq. &c. dated Brussels, February 28, 1819.—Received March 4, 1819.*

SIR,

IN obedience to the directions contained in your dispatch of the 23d instant, I lost no time in applying to the Government of the Netherlands for an official copy in the Dutch language, of the instructions to be given to the Commanders of the vessels which are to be employed by the Netherland Government to prevent the Traffic in Slaves.

I at the same time requested, that such information as Lord Castlereagh desires to obtain should be afforded me, respecting the measures taken by the King of the Netherlands, in compliance with the stipulations of the Treaty of the 4th of May 1818.

As reference must be made to the Ministers of Marine, and of the Colonies, the former of whom, with his Department, is fixed at the Hague; it appears that some days must necessarily elapse before I can completely carry into effect the instructions conveyed in your dispatch of the 23d instant.

In the mean while I have the honour to inclose the Baron de Nagell's answer to my application, and a copy of the law which has been passed by the Netherland Government for the prevention of the Slave Trade.

I have the honour, &c.

*Joseph Planta, Esq.*  
&c. &c. &c.

(Signed) G. W. CHAD.

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(Inclosure 1 in No. 37, b.)

*Bruxelles, le 27 Fevrier 1819.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur de communiquer ci-joint à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, un exemplaire de la loi, qui en vertu de l'Article 1 du Traité de la Haye du 4 Mai 1818, a émanée le 20 Novembre dernier, pour reprimer efficacement la Traite des Esclaves, déjà défendue par dispositions antérieures.

Le Soussigné ne manquera pas d'informer également Monsieur Chad, des arrangemens qui seront pris par le Gouvernement des Pays Bas pour l'exécution des Articles du Traité, qui regardent la formation des Cours Mixtes, et lui transmettra la copie des instructions pour les vaisseaux croiseurs aussitôt qu'elles auront été portées à sa connaissance, ce à quoi il a invité les départemens qui le concerne.

Il profite de cette occasion pour renouveler, &c.

*Monsieur Chad,*  
&c. &c. &c.

(Signé) A. W. C. DE NAGELL.

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(Translation of Inclosure 1 in No. 37, b.)

*Brussels, February 27th, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to transmit, inclosed to Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, a copy of the Decree, which, in virtue of the first Article of the Treaty concluded at the Hague on the 4th May 1818, was enacted on the 20th of November last, with a view effectually to suppress the Trade in Slaves, already prohibited by former regulations.

The undersigned will not fail also to inform Mr. Chad of the arrangements which will be made by the Netherland Government for the execution of the Articles of the Treaty which relate to the establishment of the Mixed Courts, and will transmit to him a copy of the instructions for the cruising vessels the moment he shall have received them, having requested the proper departments to furnish him with them.

He avails himself of this opportunity to renew, &c. &c. &c.

*Mr. Chad,*  
&c. &c. &c.

(Signed) A. W. C. DE NAGELL.

(*Inclosure 2 in No. 37, b.*)

*Journal Officiel du Royaume des Pays-Bas.*

Loi du 20 Novembre 1818, contenant des dispositions pénales, pour empêcher et réprimer la Traite des Nègres.

NOUS Guillaume, par la grace de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, &c. &c. &c.

A tous ceux qui les présentes verront, salut! Savoir faisons :

Ayant pris en considération, non seulement que, par notre arrêté du 15 Juin 1814, nous avons mis en oeuvre des mesures préalables pour réprimer la Traite des Nègres ; mais encore que, par l'Article 8 du Traité du 13 Août 1814, ainsi que par l'Article Premier du Traité ultérieur du 4 Mai dernier, respectivement conclus avec la Grande-Bretagne, nous nous sommes engagés d'une manière solennelle à réprimer et empêcher efficacement, par des dispositions pénales, ce commerce si déshonorant pour l'humanité.

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué, et statuons.

ARTICLE I.

A compter de la publication de la présente Loi, il ne sera permis à aucun de nos sujets, et généralement à aucun individu qui se trouverait dans l'étendue de Notre Royaume, de faire la Traite des Nègres, ni de prendre, directement ou indirectement, part à ce commerce, soit en armant ou équipant des vaisseaux ou navires à cet effet, ou en participant, au même effet, dans l'armement d'aucuns bâtimens nationaux ou autres ; soit en les frétant ou affrétant sciemment pour cet usage ; soit en allant quérir, ou acheter, vendant ou échangeant, et en introduisant ou faisant introduire, ouvertement ou d'une manière clandestine des Nègres comme Esclaves dans quelque colonie ou établissement des Pays-Bas, situé hors de l'Europe, ou même dans des colonies ou établissemens étrangers, à peine, pour les contrevenans et leurs complices, d'une amende de 5,000 florins et en outre de réclusion pour cinq années.

ARTICLE II.

Seront punis des mêmes peines, les Capitaines de navires, pilotes et sub-récargues qui auront pris service à bord d'un bâtiment, sachant qu'il était employé à la Traite des Nègres, et qui auront ainsi exercé ou favorisé ce commerce illicite, soit pour leur propre compte, soit pour compte d'autrui.

ARTICLE III.

Les matelots et autres gens de l'équipage qui auront eu connaissance, que le bâtiment sur lequel ils servent, était destiné à faire ou favoriser la Traite des Nègres, seront punis d'un emprisonnement de six mois au moins, et de deux années au plus. Ceux qui viendront à l'apprendre par la suite, sont dès ce moment quittes et déchargés de leur engagement, et ils seront tenus, sous la même peine, de quitter le service dès qu'ils pourront le faire sans danger.

## ARTICLE IV.

La peine d'emprisonnement mentionnée à l'Article 3, sera de même encourue par tous Assureurs, Courtiers de Commerce, Courtiers de Navires et autres, qui auront assuré quelque vaisseau ou navires ou qui en auront favorisé l'affrètement en quelque manière que se soit, sachant qu'il était destiné à la Traite des Nègres; en outre leur patente sera sur le champ supprimée, sans qu'il puisse dans la suite, leur en être délivré de semblable.

## ARTICLE V.

Les dispositions pénales ci-dessus énoncées, ne seront néanmoins nullement applicables au cas où des Esclaves actuellement existans dans les colonies, ou leurs enfans nés ou à naître, viendraient à être transportés dans les Indes Occidentales, soit d'une colonie des Pays-Bas à une autre, ou d'une colonie étrangère à une autre ou d'une colonie des Pays-Bas, à une colonie étrangère, ou d'une colonie étrangère à une colonie des Pays-Bas, ou enfin d'une colonie quelconque dans les Indes Occidentales à une autre partie; déclarons au contraire bien expressément que nul ne pourra, en aucune manière, être inquiété à ce sujet, attendu que le dit transport n'est point compris dans les prohibitions de la présente Loi.

## ARTICLE VI.

Pareillement les peines comminées par la présente Loi, ne pourront être rendues applicables à ceux qui auront sauvé et secouru quelque bâtiment chargé d'Esclaves, se trouvant en détresse, ou bien qui auront reçu à bord des Esclaves embarqués sur un tel bâtiment, pourvu qu'à son entrée dans le premier port où il viendra à relacher, le Capitaine ou Patron en fasse déclaration en bonne forme dans les vingt-quatre heures.

Mandons et ordonnons que la présente Loi soit insérée au Journal Officiel, et que Nos Ministres et autres autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à Bruxelles, le 20 Novembre de l'an 1818, et de Notre Règne cinquième.

GUILLAUME.

Par le Roi,

J. G. DE MEY VON SHEEFKERK.

*Translation of Inclosure 2 in No. 37, b.)*

*Official Gazette of the Kingdom of the Netherlands.*

Law of November 1818, denouncing penalties, in order to prevent and check the Slave Trade.

WE, William, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, &c. &c. &c.

To all those who shall see the presents, greeting: we notify—

Having taken into consideration that, by our decree of June 15, 1814, we have employed preliminary measures for checking the Slave Trade, and also

that, by Article 8 of the Treaty of August 13, 1814, as well as by Article I. of the Additional Treaty of March 4th last, respectively concluded with Great Britain, we have solemnly engaged, by denouncing punishments, effectually to arrest and impede that traffic, which is so disgraceful to humanity.

Therefore We, after hearing our Council of State, and communicating with the States General, have decreed, and do decree:

#### ARTICLE I.

From the date of the publication of the present Law, none of our subjects, and, in general, no one residing within our kingdom shall be permitted to carry on the Slave Trade, or to participate, either directly or indirectly, in this traffic, either by fitting out vessels or ships for that purpose, or by taking part, to the same end, in the equipment of any national or other vessels, whether by engaging or by letting them designedly for such use; or by going for, buying, selling, exchanging and importing, or causing to be imported, either openly or clandestinely, Slaves into any colony or settlement of the Netherlands, out of Europe, or even into foreign colonies or establishments, under pain to transgressors and their accomplices, of a fine of 5,000 florins, in addition to five years imprisonment.

#### ARTICLE II.

Shall be punished, likewise, the masters of vessels, steersmen and super-cargoes, that shall have entered themselves on board a vessel, knowing her to be employed in the Slave Trade, and who shall thus have exercised or favoured that illicit traffic, whether for their own account or that of another.

#### ARTICLE III.

Sailors and other persons composing the crew who have known the vessel on which they have engaged themselves to be intended to carry on or favour the Slave Trade, shall be liable to be imprisoned for six months at least, or for a term not exceeding two years; those who obtain knowledge of it thereafter, shall from that moment be released and discharged from their engagements, and shall be obliged under the same penalty to quit the service as soon as they shall be able so to do without risk.

#### ARTICLE IV.

The imprisonment mentioned in Article 3, shall be incurred by all underwriters, brokers, ship brokers and others who shall have insured any vessel or ship, or who shall have favoured the letting of any vessel whatsoever, knowing her to be destined for the Slave Trade; besides, their licence shall immediately be taken away, nor shall they ever be capable of receiving another.

#### ARTICLE V.

The penalties denounced above, however, shall not apply in case any Slaves actually found in the colonies or their children, whether born or to be born, should happen to be transferred within the West Indies, either from a Nether-



land colony to another, or from a Netherland colony to a foreign settlement, or from a foreign colony to one of the Netherlands, or finally, from part of any colony in the West Indies to any other part.

On the contrary, we declare expressly that it shall not be lawful to molest any one in the least on that account, inasmuch as the transfer alluded to does not come within the prohibition set forth in the present law.

#### ARTICLE VI.

Neither shall it be lawful to make the penalties awarded by the present law, bear upon those who shall have saved or succoured any vessel laden with Slaves, when in distress, or who shall have received on board Slaves embarked on such a vessel, provided that on their arrival in the first port which they shall make, the master give due information of the same within twenty-four hours.

We order and direct the present law to be inserted into the official Gazette, and our Ministers and other Authorities whom it concerns, are enjoined to have a watchful eye over its execution.

Done at Brussels, November 20, 1818, and of our reign the fifth.

WILLIAM.

By order of the King.

J. G. DE MEY VON SHEEFKERK.

#### No. 38, b.

*G. W. Chad, Esq. to Joseph Planta, jun., Esq. &c., dated Brussels, March 6, 1819.—Received March 13.*

SIR,

I HAVE the honour to inclose to you the copy of a note addressed to me by the Baron de Nagell, stating that His Majesty the King of the Netherlands has appointed M. Van Sirtema to be Commissary Judge at Sierra Leone.

His Excellency also observes that the other nominations provided for by the Treaty of the Hague of the 4th May 1818, are under consideration, and may shortly be expected to be made.

I have, &c,

(Signed)

G. W. CHAD.

*Joseph Planta, jun., Esq.  
&c. &c. &c.*

*(Inclosure in No. 38, b.)*

*Bruxelles, le 5 Mai 1819.*

POUR faire suite à la note du Soussigné, Ministre des Affaires Etrangères, en date du 27 Fevrier, il s'empresse d'informer M. Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, que M. Le Major Van Sirtema a été nommé Juge à Sierra Leone; conformément aux Stipulations du Traité de la Haye du 4 Mai 1818, et qu'il se rendra bientôt à sa destination.

Quant aux autres nominations encore a faire en vertu du Traité, le Ministre des Colonies a prevenu le Soussigné, qu'il soumettra incessamment à l'approbation de Sa Majesté un Rapport sur cette matière; et qu'il ne manquera pas d'instruire le Departement des Affaires Etrangères aussitôt du resultat.

M. Chad, voudra bien en attendant une nouvelle communication, transmettre ces renseignements à Son Gouvernement; et agréer l'assurance de la haute considération que le Soussigné se fait un plaisir de lui renouveler a cette occasion.

(Signé) A. W. C. DE NAGELL.

Monsieur Chad,  
&c. &c. &c.

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(Translation of Inclosure in No. 38, b.)

Brussels, May 5, 1819.

AS a sequel to the note of the Undersigned, Minister for Foreign Affairs, dated the 27th February, he hastens to inform Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, that Major Van Sirtema has been appointed Judge at Sierra Leone, conformably to the Stipulations of the Treaty dated at the Hague the 4th May 1818, and that he will set out immediately for the place of his destination.

As to the other appointments still to be made in virtue of the Treaty, the Minister for the colonies has informed the Undersigned, that he will forthwith lay before The King for His Majesty's approbation, a report upon the subject, and that he will not fail to acquaint the Foreign Department immediately with the result.

In the mean time, and previous to any fresh communication, Mr. Chad will have the goodness to inform his Government of these appointments, and to accept the assurance of the high consideration which the Undersigned has the pleasure of renewing to him upon this occasion.

(Signed) A. W. C. DE NAGELL.

Mr. Chad,  
&c. &c. &c.

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No. 39, b.

G. W. Chad, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Brussels, March 26, 1819.—Received March 29.

MY LORD,

I HAVE the honour to inclose to your Lordship a notification which I have received from the Baron de Nagell, of appointments made in conformity with the Treaty signed at the Hague on the 4th of May 1818—namely, that of Mr. P. J. Changnior to be Judge, and of Mr. J. P. Graafland to be Arbitrator, and of Mr. T. C. Guicheret to be Secretary, of the Mixed Commission which is to reside at Surinam.

The Baron de Nagell has also informed me, that the instructions in the Dutch language for the cruisers of the Netherland Navy which will be employed in the prevention of the Slave Trade, are in a state of progress, and will be very shortly communicated to His Majesty's Government.

I have, &c.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed) G. W. CHAD.

(Inclosure in No. 39, b.)

*Baron de Nagell to G. W. Chad, Esq. &c.*

*Bruxelles, le 25 Mars 1819.*

LE Soussigné, Ministre des Affaires Etrangères à l'honneur de prévenir M. Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, qu'en exécution de l'Article II. pour les Cours de Justice Mixte à établir en vertu des stipulations du Traité de la Haye du 4 Mai 1818, le Roi des Pays Bas à nommé Juge de la Cour qui residera a Surinam, Monsieur P. J. Changnior, Secretaire de la Cour de Police et de Justice Criminelle dans la dite Colonie, Arbitre, Monsieur P. J. Graafland, Membre de la Cour de Justice Civile également à Surinam, et Secretaire, Monsieur J. C. Guicheret, Premier Commis, attaché à la Secretairerie du Gouvernement de cette possession.

Le Soussigné prie M. Chad de porter ces differentes nominations à la connaissance de son Gouvernement, et lui renouvelle, &c. &c. &c.

(Signé)

A. M. C. DE NAGELL.

*Monsieur Chad,*

*&c. &c. &c.*

(Translation of Inclosure in No. 39, b.)

*Brussels, March 25, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to inform Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, that in execution of the second Article, respecting the Mixed Courts of Justice to be established in virtue of the stipulations of the Treaty concluded at the Hague the 4th May 1818, the King of the Netherlands has appointed as Judge of the Court, to reside at Surinam, Mr. P. J. Changnior, Secretary of the Police Court and of Criminal Justice in the said Colony; as Arbitrator, Mr. J. P. Graafland, a Member of the Court of Civil Justice, also at Surinam; and as Secretary, Mr. J. C. Guicheret, First Clerk attached to the Secretary of the Government of that settlement.

The Undersigned requests Mr. Chad will acquaint his Government with these different appointments, and renews to him, &c. &c. &c.

(Signed)

A. W. C. DE NAGELL.

*Mr. Chad,*

*&c. &c. &c.*

No. 40, b.

*Viscount Castlereagh to the Count de Palmella, &c.*

*Foreign Office, March 29, 1819.*

LORD CASTLEREAGH presents his compliments to the Count de Palmella, and in reference to the terms in which, by inadvertence, the territories of Molembo and Cabinda are described in the second Article

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of the Convention signed between the two Courts at London on the 28th of July 1817, as being on the eastern coast of Africa, Lord Castlereagh has the honour to propose to the Count de Palmella, that a Declaration, as suggested in the inclosed paper, be forthwith signed by the Count and by Lord Castlereagh, jointly and in duplicate, and that the same be annexed to the Convention in question, in order to obviate the possibility of any misunderstanding on the subject in any quarter whatsoever.

Count de Palmella, (Signed) CASTLEREAGH.  
&c. &c. &c.

*Mem.*—The inclosure is given in a complete shape in No. 8. Class A. of these papers.

No. 41, b.

*His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G. &c. &c., dated Madrid, March 15, 1819.—Received April 1.*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch, dated the 31st instant, and having made the necessary representation to the Spanish Government relative to the appointment of the Commissioners to reside at Sierra Leone, conformably to the stipulations of the Slave Trade Treaty, I have received a reply from the Marquess of Casa Irujo, in which he announces that the Spanish Commissioners, Messieurs Camps and Le Fer, have been directed to proceed to Cadiz, and agrees that the contingent expences of the two Commissioners shall be equally borne by the British and Spanish Governments.

The Spanish Commissioners have already left Madrid for Cadiz.

I have, &c.  
(Signed) H. WELLESLEY.  
Viscount Castlereagh,  
&c. &c. &c.

No. 42, b.

*Viscount Castlereagh to His Majesty's Commissioners at Rio de Janeiro.*

GENTLEMEN,

*Foreign Office, April 3d 1819.*

IN reference to the second Article of the Convention between Great Britain and Portugal of the 28th of July 1817, I send to you for your information a copy of an arrangement, which has this day been signed by the Count de Palmella and myself, respecting the expressions made use of in the Article in question, as to the situation of the territories of Molembo and Cabinda.

You will communicate to your Portuguese Colleagues a certified copy of this document; and you will consider yourselves authorised to take cognizance of it in your proceedings, as an integral part of the Convention of the 28th of July 1817. I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Rio de Janeiro,*  
&c. &c. &c.

*Mem.* The inclosure is already given in No. 8. Class A. of these papers.

## No. 43, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, January 22, 1819.—Received April 3, 1819.

MY LORD,

I HAVE the honour to inclose a statement of the ships that have arrived in this port during the last year, with Slaves from the Coast of Africa, shewing the number that was landed, and the number that died during the passage.

I have the honour to be, &c.

Viscount Castlereagh, K. G. (Signed) H. CHAMBERLAIN.  
&c. &c. &c.

(Inclosure in No. 43, b.,

ACCOUNT of the Number of Slaves imported into the City of Rio de Janeiro, during the Year 1818.

Date.	Names.	Class.	Whence.	Numbers embarked.	Deaths.
Jan. 4	Trajano - - -	Brig.	Cabinda	449	32
12	Feliz Americano - -	Brig	Cabinda	419	19
14	Perola de Norto - -	Ship	Mozambique	421	161
Feb. 1	Isqueira - - -	Brig	Kilimane	584	84
11	Feliz Eugenia - - -	Ship	Cabinda	633	37
16	Reyno do Brazil - -	Brig	Cabinda	400	15
21	Ligeiro - - -	Brig	Cabinda	441	8
22	Conde da Barca - -	Ship	Cabinda	451	21
22	Grão Penedo - - -	Brig	Cabinda	428	8
23	Serpente - - -	Brig	Cabinda	438	24
24	Pastora - - -	Brig	Mozambique	479	79
March 1	Aurora do Cabo - -	Brig	Kilimane	430	89
3	Marianna Daphne - -	Brig	Cabinda	345	19
9	Livramento - - -	Brig	Benguela	541	32
17	Triumfo do Rio - -	Brig	Cabinda	222	27
20	Athaneu - - -	Brig	Cabinda	370	26
22	Feliz Carlota - - -	Schooner	Cabinda	225	38
25	St. Jozé Diligente - -	Ship	Kilimane	464	238
25	Anna do Rio - - -	Schooner	Cabinda	341	24
30	Lusitania - - -	Ship	Cabinda	669	48
April 9	Amizade - - -	Schooner	Angola	487	59
9	St. João Americano - -	Brig	Cabinda	371	62
10	Saudade do Sul - -	Brig	Cabinda	286	27
18	Delfina - - -	Ship	Cabinda	409	135
22	Olimpia - - -	Ship	Cabinda	441	73
22	Voador - - -	Ship	Cabinda	463	39

Date.	Names.	Class.	Whence.	Numbers embarked.	Deaths.
May 8	Vulcano - - - -	Brig	Angola	444	59
17	Maria Thomasia - - -	Ship	Cabinda	305	24
June 14	União Feliz - - - -	Ship	Mozambique	659	229
15	Emilia - - - - -	Brig	Cabinda	392	102
16	Santa Rosa - - - - -	Brig	Cabinda	300	7
19	Principe Real - - -	Brig	Cabinda	424	105
21	Amalia - - - - -	Ship	Angola	820	69
29	Bom Fim - - - - -	Schooner	Benguela	572	32
Aug. 1	General Silveira - -	Brig	Cabinda	405	14
14	Voador - - - - -	Brig	Cabinda	367	2
20	Patrocinio - - - - -	Schooner	Cabinda	239	0
24	Maria - - - - -	Ship	Cabinda	480	13
Sept. 3	Elisa - - - - -	Smack	Cabinda	288	6
17	Deligente - - - - -	Schooner	Cabinda	118	18
20	Luiza - - - - -	Brig	Angola	569	56
24	St. Pedro do Sul - -	Brig	Benguela	440	9
Oct. 10	Feliz Americano - - -	Brig	Cabinda	291	1
14	Ludovino - - - - -	Ship	Rio Laire	408	1
28	Reyno do Brazil - - -	Brig	Cabinda	335	1
Nov. 10	Ligeiro - - - - -	Brig	Cabinda	324	0
Dec. 2	Feliz Eugenia - - - -	Ship	Cabinda	483	4
7	Mercurio - - - - -	Brig	Benguela	492	12
8	Asia - - - - -	Brig	Cabinda	334	6
14	Feliz Carlotta - - - -	Schooner	Cabinda	265	0
18	Isgueira - - - - -	Brig	Mozambique	544	148
23	Leopoldina - - - - -	Ship	Cabinda	331	15
27	Serpente - - - - -	Brig	Mozambique	375	82
Total . . .				22,231	2429

Na. 44, b.

*Viscount Castlereagh to G. W. Chad, Esq. &c.*

SIR,

*Foreign Office, April 6, 1819.*

I HEREWITH transmit to you the copy of a letter, with its inclosures, from the African Office, in which it is stated, that great encouragement is still given to the Slave Trade by the supply of canoes to vessels engaged in that traffic from the Dutch settlement of Elmina; and I am to request that you will lose no time in laying these facts before the Government of His Netherland Majesty, and urge them to take such measures for the repression of the abuse complained of, as they may judge most likely to effect the object desired.

I am, &c.

Signed)

CASTLEREAGH.

G. W. Chad, Esq.  
&c. &c. &c.

(Inclosure 1 in No. 44, b.)

*The Secretary to the African Institution to Viscount Castlereagh, K. G.  
&c. &c.*

MY LORD,

*African Office,  
Frederick's Place, March 30, 1819.*

I HAVE already had the honour of addressing your Lordship, by desire of the Committee of the Company of Merchants trading to Africa, inclosing extracts from their dispatches on the subject of the Foreign Slave Trade carried on upon the Gold Coast, and by their direction I now inclose extracts from a further dispatch from the Governor and Council, dated the 10th January last, by which your Lordship will see that Portuguese and Spanish vessels are still supplied with canoes at the Dutch settlement at Elmina, "without which, those vessels would be unable to prosecute their Trade (in Slaves) to the north of the Line."

This conduct on the part of the Dutch is the more to be censured and regretted, as your Lordship will perceive by another part of the said dispatch, that "the spirit of agriculture has gained considerable ground amongst the natives, several cargoes of corn having lately been shipped from Accra, and other parts of the coast."

I am directed by the Committee to express to your Lordship their thorough conviction, that when the Slave Traders shall be completely driven from the Gold Coast (to which the refusal of the Dutch forts to supply them with canoes would operate essentially) a very rapid advance may be made in the amelioration of the condition of the natives, by the extension of agriculture and legitimate commerce.

I have the honour to be, &c.

(Signed) S. COCK, Secretary.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

(Inclosure 2 in No. 44, b.)

*Extract from the Dispatch received by the Committee of the African Company from the Governor and Council at Cape Coast Castle, dated January 10, 1819.*

BOTH Portuguese and Spanish Slave vessels continue to call at Elmina on their way to Leeward, and the illegitimate trade which they are engaged in, is considerably encouraged by the assistance they receive from the Dutch. The number of Portuguese vessels especially, has of late very much increased, and at Elmina they are supplied with canoes, without which they would be unable to prosecute their trade north of the Line.

We feel gratified in informing you, that the spirit of agriculture has gained considerable ground among the natives. Several cargoes of corn have been shipped from Accra and other parts of the coast. If this stimulus continues to be offered to their exertions, they will become so convinced of the benefits that will accrue to them, that we trust we may soon look forward to extensive cultivation.

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No. 45, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.*

SIR,

*Foreign Office, April 7, 1819.*

IN reference to my dispatch of the 31st January 1819, I am to acquaint you, that Mr. Gregory, His Majesty's Commissary Judge at Sierra Leone, has received his Commission and Instructions, and will sail for his destination in the course of this week. You will communicate this circumstance to the Government of His Most Faithful Majesty, and you will urge them, if their Commissioners shall not already have been dispatched, to give directions for their proceeding to Sierra Leone without delay.

I am, &amp;c.,

(Signed)

CASTLEREAGH.

*Henry Chamberlain, Esq.*

&amp;c. &amp;c. &amp;c.

No. 46, b.

*Viscount Castlereagh to Sir Henry Wellesley, K. B. &c.*

EXTRACT.

*Foreign Office, April 8, 1820.*

I SEND to your Excellency herewith the copies of three dispatches under dates of the 12th, the 19th, and the 20th of November 1819, received from His Majesty's Commissioners resident at Sierra Leone, under the Treaties for preventing the illegal Traffic in Slaves.

You will perceive from these dispatches the necessity which exists, that the Commissioners of His Catholic Majesty at that settlement should be furnished, on several points therein alluded to, with instructions, the want of which has been the occasion of some misunderstanding, and of much inconvenience, in the proceedings of the Mixed Commission.

The principal point to which I here advert, and on which I request your Excellency will lose no time in inviting the attention of the Spanish Government, is, the form of practice to be observed in the proceedings of the Court of Commission, as referred to in the second and following Articles of the Regulations annexed to the Treaty of the 23d of September 1817.

On this point, I send to your Excellency a printed copy of memoranda of proceedings in the Court of Admiralty here, drawn up under the superintendance of Sir William Scott, for the information and guidance, as far as circumstances would allow, of the Mixed Commissions; and I wish your Excellency to submit these to the Spanish Government, and urge them, in as far as they may not see any thing objectionable therein, to instruct their Commissioners at Sierra Leone, to accede to the adoption of these memoranda as the basis of the form of their proceedings. You will particularly also press upon the Government of His Catholic Majesty, the adoption of the practice of allowing Proctors or Agents of the parties to act, on the fair and indisputable ground that it will be impossible for



the parties, on the one side and the other, to bring forward their evidence so fully and clearly themselves, as by their Proctors, for the satisfaction of the ends of justice.

You will represent to the Spanish Government the expediency of sending out, without delay, such instructions on the point above alluded to, as shall obviate the serious inconvenience hitherto felt from the want, as it would appear, of specific instructions having been given to the Commissioners of His Catholic Majesty now at Sierra Leone.

(Signed) CASTLEREAGH,

*His Excellency Sir Henry Wellesley, K. B.*

&c. &c. &c.

*Mem.* The inclosures alluded to in this dispatch are all contained in the correspondence with His Majesty's Commissioners at Sierra Leone.—Class A. of these papers.

No. 47, b.

*G. W. Chad, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Brussels, April 19, 1819.—Received April 23.*

MY LORD,

IN obedience to the Instructions transmitted to me by your Lordship, I represented without loss of time to the Baron de Nagell, the abuses pointed out by the Governor and Council of Cape Coast Castle, and the anxiety of His Majesty's Government, that such practices tending to facilitate the Slave Trade, should be effectually repressed. His Excellency gave me the strongest verbal assurances that the matter of the complaint should be investigated without delay, and that the determination of The King for the repression of this traffic should be carried into entire and complete effect.

I had also an opportunity of mentioning the subject to M. de Falck, the Secretary of State for the Colonial Department, and I received similar assurances from that Minister.

I have the honour to inclose to your Lordship copies of my correspondence with the Baron de Nagell, and remain with great truth and respect, &c.

(Signed) G. W. CHAD.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

(Inclosure F in No. 47, b.)

*Brussels, April 11, 1819.*

THE Undersigned, His Britannic Majesty's Minister Plenipotentiary, has received instructions from his Government to represent to His Excellency the Minister for Foreign Affairs, that the illegal traffic in Slaves, carried on by Portuguese and Spanish ships on the Gold Coast, is considerably encouraged by the assistance which the crews of these vessels receive from Elmina, where they are supplied by the Dutch with canoes, without which they would be unable to carry on their trade North of the Line.

These facts have been reported to His Majesty's Government by the Governor and Council at Cape Coast Castle, and the Undersigned has received the commands of His Royal Highness the Prince Regent, earnestly to urge the Dutch Government to take such measures for the repression of the abuse, as may be most likely to give entire effect to the benevolent intentions which have always distinguished His Netherland Majesty's Counsels on this subject, and which have lately been enforced by legislative enactments.

The Undersigned takes this opportunity of renewing to His Excellency the Minister for Foreign Affairs the assurances of his most high consideration.

*Baron de Nagell,*  
*&c. &c. &c.*

(Signed) G. W. CHAD.

*(Inclosure 2 in No. 47, b.)*

*Bruxelles ce 16 Avril 1819.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, la réception de sa note du 13 de ce mois, par rapport aux facilités qui seraient accordées à Elmina au Commerce des Esclaves, et de l'informer préalablement, que le Ministre des Colonies a été chargé de recueillir les renseignements qui seront nécessaires, pour prendre une disposition quelconque à ce sujet.

Le Soussigné ne manquera pas de faire connaître à Monsieur Chad la suite qui sera donnée à sa réclamation, et le prie, &c. &c. &c.

*Monsieur Chad,*  
*&c. &c. &c.*

(Signé) A. W. C. DE NAGELL.

*(Translation of Inclosure 2 in No. 47, b.)*

*Brussels, April 16, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to acknowledge having received from Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, a note dated the 13th of this month, relative to the facilities which are said to be afforded at Elmina to the Slave Trade, and to inform him forthwith that the Minister of the Colonies has been directed to collect the information which will be necessary for taking any step upon the subject.

The Undersigned will not fail to make known to Mr. Chad the issue of his request, and renews, &c. &c. &c.

*Mr. Chad,*  
*&c. &c. &c.*

(Signed) A. W. C. DE NAGELL.

No. 48, b.

*His Excellency Baron Fagel, His Netherland Majesty's Ambassador in London, to Viscount Castlereagh, K. G. &c. &c.*

*London, May 1, 1819.*

MONSIEUR CHAD, Ministre Plénipotentiaire de Sa Majesté Britannique près Sa Majesté le Roi des Pays Bas, fut informé par deux notes successives le 5 et le 25 Mars dernier, des nominations faites par le Gouvernement des Pays Bas en exécution des stipulations du Traité du 4 Mai 1818, relativement à l'organisation des Cours Mixtes, qui, aux termes de ce Traité, siégeront à Surinam et à Sierra Leone.

Il restoit à désigner de la part des Pays Bas, l'arbitre qui résidera dans ce dernier établissement, et cet objet a éprouvé quelque retard, par la suite de la difficulté de trouver une personne qui voulût remplir ces fonctions.

Le soussigné Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi des Pays Bas, vient de recevoir de son Gouvernement l'avis, que le Roi son Auguste Souverain a confié ce poste au Sieur E. G. G. Bonnouvrié, et il s'acquitte des ordres qui lui sont parvenus en même tems, en portant par la présente, cette nomination à la connoissance de Son Excellence Lord Castlereagh, qu'il prie d'agréer, à cette occasion, l'assurance réitérée de sa considération la plus distinguée.

*Vicomte Castlereagh, K. G.  
&c. &c. &c.*

(Signé) H. FAGEL.

No. 48, b.

*(Translation.)*

*London, May 1st 1819.*

MR. CHAD, His Britannic Majesty's Minister Plenipotentiary at the Court of His Majesty the King of the Netherlands, was informed by two successive notes of the 5th and 25th of March last, of the nominations made by the Government of the Netherlands, in fulfilment of the stipulations of the Treaty of the 4th of May 1818, relative to the organization of the Mixed Courts, which, by the terms of the Treaty, are to reside at Surinam and at Sierra Leone.

It remained on the part of the Netherlands to appoint an Arbitrator to reside at this latter settlement, but this object has experienced some delay in consequence of the difficulty of finding a person who would undertake the situation.

The undersigned Ambassador Extraordinary and Plenipotentiary of His Majesty the King of the Netherlands has just received from his Government the intelligence, that the King, his august Master, has confided this post to Mr. E. G. G. Bonnouvrié, and he fulfils the orders which reached him at the same time, by making this nomination known to Lord Castlereagh, whom he requests on this occasion to accept the assurance of his highest consideration.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Signed) H. FAGEL.

No. 49, b.

*G. W. Chad, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Brussels,  
April 29, 1819.—Received May 2.*

MY LORD,

I HAVE the honour to inclose to your Lordship the copy of a note addressed to me by the Baron de Nagell, announcing the appointment of Monsieur E. G. G. Bonnouvrié to be Arbitrator at Sierra Leone, in conformity with the stipulations of the Treaty signed at the Hague upon the 4th of May 1818.

I have, &amp;c.

(Signed)

G. W. CHAD.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

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*(Inclosure in No. 49, b.)*

*Bruxelles le 24 Avril 1819.*

LE Soussigné, Ministre des Affaires Etrangères, à l'honneur de prévenir Monsieur Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, que le Roi des Pays-Bas a nommé Monsieur E. G. G. Bonnouvrié, Arbitre près la Cour de Justice mixte à Sierra Leone, en vertu des stipulations du Traité de la Haye du 4 Mai 1818.

Il prie Monsieur Chad de porter cette nomination à la connaissance de Son Gouvernement, et lui renouvelle, &c. &c. &c.

(Signé)

A. W. C. DE NAGELL.

*Monsieur Chad,  
&c. &c. &c.*

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*(Translation of Inclosure in No. 49, b.)*

*Brussels, April 24, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to inform Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, that the King of the Netherlands has appointed Monsieur E. G. G. Bonnouvrié, Arbitrator to the mixed Court of Justice at Sierra Leone, in virtue of the stipulations of the Treaty concluded at the Hague, the 4th May 1818.

He requests Mr. Chad to acquaint His Government with this appointment, and renews to him, &c. &c. &c.

(Signed)

A. W. C. DE NAGELL.

*Mr. Chad,  
&c. &c. &c.*

No. 50; b.

*Henry Chamberlain, Esq., to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, February 20, 1819.—Received May 3.*

MY LORD,

I HAD the honour to receive, on the 2d instant, your Lordship's dispatch, dated 27th November last, containing a letter from His Royal Highness the Prince Regent to His Most Faithful Majesty, on the subject of the unrestricted abolition of the traffic in Slaves throughout His Majesty's dominions, and directing me, immediately on receipt thereof, to solicit an audience of His Most Faithful Majesty, for the purpose of delivering the said letter into His Majesty's hands.

I lost no time in obeying your Lordship's instructions; and having previously communicated with the other Foreign Ministers on this most important and interesting object, I addressed to M. de Villanova Portugal on the 4th instant the request for an audience, of which I have the honour to inclose a copy.

The Envoys of Austria and Prussia having received similar instructions from their Courts, accompanied by letters from their respective Sovereigns to His Most Faithful Majesty, made similar requests for an audience.

On the 15th instant, we each received intimations dated the 13th, of the same tenor, announcing that His Majesty would receive the letters, with whose delivery we had the honour to be entrusted, on any evening of the ensuing week at the hour of ordinary audience.

The Baron de Neveu, Count Fleming and myself, repaired to San Cristoval on the following evening, at the appointed time, but His Majesty was not there; and finding that His return from the Island of Governador was uncertain, we proceeded together to M. de Villanova's house to ascertain when it was likely to take place.

His Excellency readily undertook to make us acquainted with the return of His Majesty, and on the 17th sent a note, appointing the evening of the 19th for the audience.

I had the pleasure to accompany the Austrian and Prussian Envoys accordingly to San Cristoval last night, when we had the honour to deliver into His Majesty's hands the letters from our respective Sovereigns; and I beg leave to assure your Lordship, that I did not fail to repeat faithfully to His Majesty, on the part of His Royal Highness The Prince Regent, those sentiments which your Lordship's dispatch commanded.

His Majesty charged me to assure His Royal Highness of his sincere desire to do every thing in His power that might meet, or be agreeable to, His Royal Highness's wishes.

The audience was entirely private, there being no other persons in the room than His Majesty and myself.

I have the honour to be, &amp;c.

(Signed)

H. CHAMBERLAIN.

*Viscount Castlereagh, K. G.**&c. &c. &c.*

(Inclosure in No. 50, b.)

Rio de Janeiro, February 4, 1819.

THE meeting of the Allied Sovereigns and Cabinets at Aix-la-Chapelle having been concluded by a solemn and joint appeal to His Majesty the King of the United Kingdom of Portugal and Brazil, to induce His Most Faithful Majesty to contribute, as far as lies in his power, by the unrestricted abolition of the traffic in Slaves throughout His Majesty's dominions, to the consummation of that great object, which, since the Congress of Vienna in the year 1815, has been one of the most anxious solicitude to the several Powers who were parties to that arrangement; the Undersigned, &c. &c. &c., hastens to make known to His Excellency the Commander Thomas Antonio de Villanova Portugal, &c. &c. &c., that he has received, by the Diana packet, the letter which His Royal Highness the Prince Regent has addressed to His Most Faithful Majesty, on this most interesting and most important subject.

He hastens equally to inform His Excellency, that he has received instructions to solicit the honour of an audience of His Most Faithful Majesty, for the purpose of delivering the said letter into His Majesty's hands: and he therefore requests His Excellency will lay the same before the King, and, having received his commands thereon, will have the kindness to communicate to the Undersigned, the time and place, when His Majesty will be pleased to permit him to have the honour of executing the commands of His Royal Highness.

He begs leave to transmit herewith a correct copy of the beforementioned letter, and to renew to His Excellency the assurances of his highest consideration.

(Signed) H. CHAMBERLAIN.

*His Excellency M. de Villanova Portugal,*  
                   &c.   &c.   &c.

No. 51, b.

*Viscount Castlereagh to G. W. Chad, Esq. &c.*

SIR,

*Foreign Office, May 11, 1819.*

HIS Royal Highness the Prince Regent has been pleased to name Thomas Gregory Esquire to be His Majesty's Commissary Judge, and Edward Fitzgerald, Esquire, the present Judge of the Vice-Admiralty Court at Sierra Leone, to be His Majesty's Commissioner of Arbitration, and Daniel Molloy Hamilton Esquire to be His Majesty's Registrar, to the mixed British and Netherlands Commission to be established at Sierra Leone, under the Treaty for the prevention of the illegal Traffic in Slaves, concluded between Great Britain and the Netherlands on the 4th of May 1818.

You will take an early opportunity of announcing these appointments to the Government of the King of the Netherlands; and add, that the Gentlemen in question are already at Sierra Leone, and furnished with His Royal Highness's Commission and Instructions to enable them to enter upon the exercise of their duties, as soon as the Netherland Commissioners shall have arrived, furnished with the Commission and Instructions of their Sovereign to the same effect.

You will urge, therefore, the Netherlands Government, that their Commissioners, if they are not already gone to Sierra Leone, may be sent out, furnished with these documents, without any more delay than is required for the necessary preparations on the occasion.

His Royal Highness's Government, as you will perceive by my other letter of this date, propose to provide at Sierra Leone a suitable office for carrying on the proceedings of the Commission; and orders will be sent out, that every courtesy and consideration shall be paid to the Commissioners, which is due to the public character they bear, and every respect secured to the Court, which is necessary to give efficiency to its proceedings.

G. W. Chad, Esq.  
&c. &c. &c.

I am, &c.

(Signed)

CASTLEREAGH.

No. 52, b.

*Viscount Castlereagh, to G. W. Chad, Esq. &c.*

SIR,

*Foreign Office, May 11, 1819.*

HIS Royal Highness the Prince Regent has been pleased to name Christopher Edward Lefroy Esq. to be His Majesty's Commissary Judge, and Thomas Sherard Wale Esq. to be His Majesty's Commissioner of Arbitration, to the Mixed British and Dutch Commission to be established at Surinam, under the Treaty for the prevention of the illicit Traffic in Slaves concluded between Great Britain and the Netherlands, on the 4th of May 1818.

You will take the earliest opportunity of announcing these appointments to the Government of the King of the Netherlands. You will add, that the Commissioners will leave England for their destination early in the month of July, furnished with His Royal Highness's Commission and instructions, to enable them to enter upon the exercise of their duties, so soon as the Commissioners of the King of the Netherlands shall be furnished on their part with their Sovereign's Commission and instructions to the same effect.

You will therefore suggest the expediency that these documents may be made out, and the Board of Commission enabled to commence its labours, so soon as the official forms of the Netherlands Chancery will permit.

You will request that His Majesty's Commissioners may be treated with that courtesy and consideration to which their public character gives them a claim, particularly with respect to entire liberty and security of person and property, for themselves and household, and to the free importation of such articles as they may *bond fide* require for their own use and convenience.

You will express the perfect confidence of His Royal Highness's Government that every thing will be arranged, in respect to the Commission at Surinam, which can give due fulfillment to the object of the Convention, and that, for this purpose, provision will be made by the express enactment of the Government, for that public respect being paid to the proceedings of the Commission, which is necessary to its efficient execution, and to enable the Commissioners to secure due order, decorum, and authority to the Court.

You will propose to the Netherland Government that they shall provide a suitable office for the use of the Commission at Surinam; adding, that His Royal Highness's Government will provide a suitable office at Sierra Leone, for the Commission to be established there under the same Treaty.

G. W. Chad, Esq.  
&c. &c. &c.

I have, &c.

(Signed)

CASTLEREAGH.

## No. 53, b.

*G. W. Chad, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Brussels,  
May 8, 1819.—Received May 15.*

MY LORD,

I HAVE the honour to inclose to your Lordship the copy of a note which I have received from the Baron de Nagell, stating that an inquiry will, without loss of time, be instituted on the subject of the facilities stated to be afforded to the Slave Trade at Elmina, and that Instructions to this effect will be sent out by the brig Comet, which is about to sail for the Gold Coast.

I have, &c.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Signed) G. W. CHAD.

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*(Inclosure in No. 53, b.)*

MONSIEUR,

*Bruxelles, le 30 Avril 1819.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'informer M. Chad, Ministre Plénipotentiaire de Sa Majesté, Britannique, en reponse ultérieure à Sa note du 13 de ce mois, que ni les rapports du Gouvernement des possessions du Royaume des Pays-Bas à la Côté de Guinée; ni ceux de M. Wardenburg, Capitaine de la corvette le Dolphin, qui a visité récemment ces établissemens, ne donnent aucun indice sur les facilités qui seraient accordées à Elmina au commerce des Esclaves. Le Ministre des Colonies s'est empressé de recommander aux Autorités qui le concerne, de veiller à ce que les ordres de Sa Majesté pour la repression de ce trafic, soient soigneusement exécutés, et se concertera d'ailleurs avec le Ministre de la Marine, à l'effet de profiter du départ prochain du Lieutenant de Marine Blow, Commandant le bric la Comète, pour instituer un examen exprès et impartial sur la nature et la tendance du commerce des canots dont on se plaint.

Il saisit, &c.

*Monsieur Chad,  
&c. &c. &c.*

(Signé) A. W. C. DE NAGELL.

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*(Translation of Inclosure in No. 53, b.)*

*Brussels, April 30, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to acquaint Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, in further reply to his note of the 13th of this month, that neither the Dispatches from the Government of the settlements of the Kingdom of the Netherlands on the Coast of Guinea, nor those of M. Wardenburg, the Captain of the Dolphin corvette, who has recently visited those establishments, make any mention of facilities having been afforded at Elmina to the Trade in Slaves. The Mini-



ster for the Colonies has lost no time in recommending to the proper Authorities, to see that the orders of His Majesty to suppress this traffic be carefully executed, and will also concert with the Minister of Marine, to take advantage of the approaching departure of the Lieutenant of Marine Blow, commanding the brig Comet, in order to institute an impartial inquiry into the nature and tendency of the trade in canoes, of which complaint is made.

He avails himself, &c. &c. &c.

*G. W. Chad, Esq.*  
 &c. &c. &c.

(Signed)

A. W. C. DE NAGELL.

No. 54, b.

*G. W. Chad, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Brussels, 25th May 1819.—Received 27th May.*

MY LORD,

I HAVE the honour to transmit herewith to your Lordship the copy of a note addressed to me by the Baron de Nagell, inclosing the instructions in the Dutch language, to be delivered to the officers in command of the Netherland ships of War, appointed in virtue of the Treaty of the 4th of May 1818, for the repression of the Slave Trade.

I have, &c.

*Viscount Castlereagh, K. G.*  
 &c. &c. &c.

(Signed)

G. W. CHAD.

(*Inclosure in No. 54, b.*)

*Bruxelles, le 21 Mai 1819.*

Le Soussigné, Ministre des Affaires Etrangères, a l'honneur d'adresser à Monsieur Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, une copie en langue Hollandaise de l'instruction qui sera remise aux Commandans des vaisseaux et batimens de guerre de Sa Majesté le Roi des Pays-Bas, qui en vertu des stipulations du Traité de la Haye, en date du 4 Mai 1818, seront destinés à empêcher le commerce des Esclaves.

La dite instruction redigée d'après la formule annexée au Traité à été également transmise à M. le Baron Fagel, Ambassadeur du Roi à Londres pour être communiquée au Gouvernement de Sa Majesté Britannique, conjointement avec un état nominatif des batimens de guerre, qui en seront dès à-present munis.

Le soussigné aime à se flatter que Monsieur le Ministre Plenipotentiaire de Sa Majesté Britannique trouvera dans cette communication, une nouvelle preuve du désir du Gouvernement des Pays-Bas, de remplir les engagements qu'il a contractés avec celui de la Grande Bretagne, pour mettre un terme à cet odieux trafic.

Il prie Monsieur Chad, &c.

*Monsieur Chad,*  
 &c. &c. &c.

(Signé)

A. W. C. DE NAGELL.

(Translation of Inclosure in No. 54, b.)

Brussels, 21st May 1819.

THE Undersigned, Minister for Foreign Affairs, has the honour to forward to Mr. Chad, His Britannic Majesty's Minister Plenipotentiary, a copy in the Dutch language of the instructions to be sent to the Commanders of the ships and vessels of war of His Majesty the King of the Netherlands, which, in virtue of the stipulations of the Treaty concluded at the Hague on the 4th of May 1818, are appointed to prevent the trade in Slaves.

The said instructions, made out according to the form annexed to the Treaty, have been also transmitted to Baron Fagel, the King's Ambassador in London, to be communicated to the Government of His Britannic Majesty, together with a list of the names of the ships of war which shall be furnished therewith.

The undersigned flatters himself that His Britannic Majesty's Minister Plenipotentiary will find in this communication, a fresh proof of the desire of the Netherland Government to fulfil the engagements which it has contracted with that of Great Britain, in order to put an end to this odious traffic.

He requests Mr. Chad, &c.

Mr. Chad,  
&c. &c. &c.

(Signed) A. W. C. DE NAGELL.

Mem.—These instructions are similar to those annexed to the Treaty.

No. 55, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, May 7, 1819.—Received July 14.

MY LORD,

IMMEDIATELY upon the receipt of your Lordship's dispatch, received by the Lady Mary Pelham packet, I made the communications therein directed, respecting the appointment of the respective Commissioners for the Mixed Commission to be established at Rio de Janeiro and at Sierra Leone, under the Convention of the 28th July 1817; and in order to prevent delay in the reply of this Government, I delivered them personally to the Minister, for the purpose of giving any explanation he might think it necessary to require.

With respect to Sierra Leone, he assured me, that it had been in vain endeavoured to find fit persons to go there. All those who had offered themselves were, he said, incompetent to the duties they would have to perform, and he consequently did not mean to send any of them, and that he saw no other way of procuring capable persons, but by engaging that they should remain there a very short period, and be well provided for after their return. He assured me that the appointment should be made as speedily as possible, and I think that they will proceed to their destination via England.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

Viscount Castlereagh, K. G.  
&c. &c. &c.

No. 56, b.

*William Hamilton, Esq. to Henry Chamberlain, Esq. &c.*

EXTRACT.

*Foreign Office, July 16, 1819.*

LORD CASTLEREAGH cannot doubt, but that before this reaches you, the Portuguese Commissioners for Sierra Leone will have left Rio for their destination:—should this not be the case, you will immediately urge their departure, as of course the Portuguese Government will be responsible for any inconvenience arising from delay in opening the Commission, after the Commissioners shall be prepared to commence their operations.

The English Commissioners for Sierra Leone left England about the middle of April.

(Signed) WILLIAM HAMILTON.

*Henry Chamberlain, Esq.*

&amp;c. &amp;c. &amp;c.

No. 57, b.

*Viscount Castlereagh to Henry Chamberlain, Esq. &c.,*

SIR,

*Foreign Office, July 17, 1819.*

I HAVE the honour to transmit you the copy of a letter from the Secretary of the Admiralty, dated the 29th ult. and inclosing a letter from Commodore Sir George Collier, commanding on the coast of Africa, with its inclosures, respecting the detention of two Slaving vessels belonging to Prince's Island, and the conduct of the Governor of that Island upon the occasion.

Upon a full consideration of the circumstances detailed in this communication, His Britannic Majesty's Government cannot entertain any doubt whatever, that the Government of His Most Faithful Majesty will regard Sir G. Collier as completely justified in the steps which he has taken in consequence of the extraordinary conduct of the Portuguese Authorities; and I have accordingly received the Prince Regent's commands to instruct you, to lay the whole statement of the transaction before His Most Faithful Majesty; and you will accompany your communication with an urgent request, in the name of the Prince Regent, that no time may be lost in instituting an inquiry into the conduct of the Governor of Prince's Island; and that, as there are the strongest reasons to believe on this statement, that he has been deeply implicated in the abuses which have been practised on that coast, in carrying on the Slave Trade, in violation of the Treaty between the two Countries, he may be removed without further delay from the command of that Island.

I am, &amp;c.

*H. Chamberlain, Esq.*

(Signed) CASTLEREAGH.

&amp;c. &amp;c. &amp;c.

*Mem.* These inclosures being Admiralty communications, are not given from the Foreign Department.

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No. 58, b.

*Baron William Fagel, His Netherland Majesty's Charge d'Affaires in London, to Viscount Castlereagh, K. G. &c. &c.*

*Whitehall-Place, July 19, 1819.*

C'EST d'après des ordres de Sa Cour, que le Soussigné, Secrétaire d'Ambassade de sa Majesté le Roi des Pays Bas, a l'honneur de porter à la connoissance de Son Excellence Lord Castlereagh, que le brick de guerre de sa dite Majesté, L'Irene de 18 pieces de canon et 110 hommes d'équipage, commandé par le Capitaine Lieutenant Lucas, sorti dernièrement des ports d'Hollande pour les Indes Orientales, a été muni d'un exemplaire du Traité du 4 Mai 1818, et des pièces y annexés.

Le Soussigné prie Son Excellence d'agréer l'hommage de Sa plus haute consideration.

(Signé)

W. FAGEL.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 58, b.

(Translation.)

*Whitehall Place, July 19, 1819.*

THE Undersigned, Secretary of Embassy from His Majesty the King of the Netherlands, has the honour, by command of his Court, to acquaint His Excellency Lord Castlereagh, that the brig of war of His said Majesty, L'Irene, of eighteen guns and one hundred and ten men, commanded by Captain-Lieutenant Lucas, which lately sailed from the ports of Holland for the East Indies, has been furnished with copies of the Treaty of the 4th of May 1818, and of the papers annexed thereto.

The undersigned requests His Excellency to accept the homage of his highest consideration.

(Signed)

W. FAGEL.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 59, b.

*Viscount Castlereagh to G. W. Chad, Esq. &c.*

SIR,

*Foreign Office, July 20, 1819.*

IN reference to the third Article of the Treaty with the Netherlands for the prevention of the Slave Trade, in which it was stipulated that the names of the several vessels furnished with the Instructions annexed to the said Treaty,

the force of each, and the name of their several Commanders, should, from time to time, immediately upon their issue, be communicated by the Power issuing the same to the other High Contracting Party, I am to direct you to communicate to the Government of His Netherland Majesty, that the Instructions alluded to have been issued to the four following vessels of His Majesty's navy on the part of His Majesty:—

	<i>Guns.</i>	<i>Commanders.</i>
The Pheasant .....	22	Captain B. M. Kelly.
The Erne .....	20	Captain Timothy Scomen.
The Myrmidon .....	20	Captain H. T. Leeke.
The Morgiane .....	18	Captain C. B. Strong.

I am, &c.

*G. W. Chad, Esq.*  
&c. &c. &c.

(Signed) CASTLEREAGH.

No. 60, b.

*Viscount Castlereagh to the Earl of Clancarty, K. B. &c. &c.*

MY LORD,

*Foreign Office, July 30, 1819.*

IN reference to the third Article of the Treaty with the Netherlands for the prevention of the Slave Trade, in which it was stipulated that the names of the several vessels furnished with the instructions annexed to the said Treaty, the force of each and the names of their several Commanders, should from time to time, immediately upon their issue, be communicated by the Power issuing the same, to the other High Contracting Party; I am to direct your Excellency to communicate to the Government of His Netherland Majesty, that the instructions alluded to have been issued to the two following vessels of His Majesty's navy, viz.

	<i>Guns.</i>	<i>Commanders.</i>
Thistle, Gun Brig, .....	12	Lieut. Robert Hagan.
Snapper, .....	9	James Henderson.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency the Earl of Clancarty,*  
&c. &c. &c.

No. 61, b.

*The Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, August 6, 1819.—Received August 9.*

MY LORD,

IN obedience to your Lordship's dispatch of the 30th ultimo, marked No. 13, I immediately made the official notification therein directed, and have the honour herewith to inclose the copy of a note received by me from His Excellency M. le Baron de Nagell acknowledging the same.

I am, &c.

*Viscount Castlereagh, K. G.*  
&c. &c. &c.

(Signed) CLANCARTY.

(*Inclosure in No. 61, b.*)

*Bruxelles, le 4me Août 1819.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Son Excellence M. le Comte de Clancarty, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, la reception de sa note d'avant hier, contenant les noms, &c. des vaisseaux qui ont été pourvûs par le Gouvernement Anglois des instructions annexées au Traité du 4 Mai 1818.

(Le Soussigné, &c.

(Signé)

A. W. C. DE NAGELL.

*Le Comte de Clancarty,*  
*&c. &c. &c.*

(*Translation of Inclosure in No. 61, b.*)

*Brussels, August 4, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to acknowledge the receipt of the note of His Excellency the Earl of Clancarty, Ambassador Extraordinary and Plenipotentiary from His Britannic Majesty, dated the day before yesterday, containing the names, &c. of the vessels which have been furnished with the instructions annexed to the Treaty of the 4th of May 1818.

The Undersigned, &c.

(Signed)

A. W. C. DE NAGELL.

*Earl of Clancarty,*  
*&c. &c. &c.*

No. 62, b.

*Viscount Castlereagh to the Right Honourable Edward Thornton, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Brazils.*

SIR,

*Foreign Office, September 6, 1819.*

THE access which you have had to my correspondence with Mr. Chamberlain will have put you in possession of the state of the discussions between His Most Faithful Majesty and the Sovereigns who lately met at Aix-la-Chapelle, on the subject of the final abolition of the Slave Trade throughout the Portuguese Dominions. The Sovereigns on that occasion addressed to His Most Faithful Majesty a joint letter, strongly urging this act of humanity and justice, which has not yet been answered.

In contemplating the Count de Palmella's early departure for the Brazils, to take upon himself the guidance of His Most Faithful Majesty's councils, I do not wish to touch upon this ground further than to instruct you to avail yourself of your access to that Sovereign, for the purpose of endeavouring to

convince him how much the best feelings of humanity and policy are in unison with the true interests of his subjects, in inducing an early compliance with the appeal which has been made to him from Europe.

On Count Palmella's return from Paris, I shall profit of the earliest opportunity both of renewing our late conferences on the subject of the Slave Trade and of revising, together with him, the Commercial Treaty of 1810.

You are aware that Portugal has in some measure linked her final abolition of this trade with the measure last alluded to, and I entertain hopes, that if we are met with fairness on the part of His Most Faithful Majesty's Government, we may be able to make an efficient progress in both these subjects.

I am, &c.

(Signed)

CASTLEREAGH.

*The Right Honourable Edward Thornton, Esq.*

&c. &c. &c.

No. 63, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, August 21, 1819.—Received October 6.*

MY LORD,

WE, the undersigned, His Majesty's Commissary Judge and Commissioner of Arbitration appointed under the late convention, have the honour to inform your Lordship of our having arrived at Rio de Janeiro on the 10th instant, and pursuant to your Lordship's instructions, a note, of which we have the honour to inclose a copy, was without delay transmitted to His Majesty's Chargé d'Affaires at this Court; since which we have been given to understand, that His Most Faithful Majesty purposes giving us an audience, and that after presentation, and having gone through the usual etiquette of the Court, we are to proceed to open the Commission.

Your Lordship will doubtless be pleased to hear that we have every reason to anticipate harmony and a good understanding in the Commission.— Senhor Silvestre Pinheiro Ferreira, has received from his Government the appointment of Commissary Judge: the Commissioner of Arbitration and Registrar have also been appointed, and an office for the use of the Commission is immediately to be provided by the Portuguese Government, and we trust, my Lord, that nothing will occur to prevent our announcing to your Lordship by the next packet, that the Provisions of the late Convention with His Most Faithful Majesty are in full force.

We have the honour to be, &c.

(Signed)

HENRY HAYNE.

ALEXANDER CUNNINGHAM.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

(Inclosure in No. 63, b.)

SIR,

WE, the undersigned, His Britannic Majesty's Commissary Judge and Commissioner of Arbitration to the Mixed English and Portuguese Commis-

67.

sion to be established in Rio de Janeiro, in conformity with the instructions received from His Majesty's Minister for Foreign Affairs, have the honour of making known to you our arrival at this port, and have to beg that you will be pleased to notify the same to the proper authorities, with the request that such steps may be taken, as will insure the opening of the Commission in due form, with as little delay as possible.

We have the honour to be, &c.

Henry Chamberlain, Esq.  
&c. &c. &c.

(Signed)

HENRY HAYNE.  
ALEX. CUNNINGHAM.

No. 64, b.

Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B. &c.

SIR,

Foreign Office, October 13, 1819.

I TRANSMIT to you inclosed, three printed copies of the regulations, prepared by the Government, for the guidance of the British Commissioners appointed for carrying into effect the Treaties for the Abolition of the Slave Trade; and it appearing of the highest importance, that the Commissioners, named on the part of the other Contracting Powers, should respectively be furnished with instructions of a similar nature from their Governments, I am to desire, that you will communicate a copy of the same to the Court at which you reside, with a request, that as little time as possible may be lost, in authorizing their Commissioners to act in unison with His Majesty's Commissioners, at the several settlements at which they are appointed, in the manner pointed out in these regulations.

I am, &c.

(Signed)

CASTLEREAGH.

His Excellency Sir Henry Wellesley, K. B.  
&c. &c. &c.

Mem. For these Regulations see inclosure in No. 7. Class A. of these papers.

No. 65, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, August 21, 1819.—Received October 16.

EXTRACT.

I HAVE the honour to acknowledge the receipt, by Mr. Cunningham, on the 10th inst. of your Lordship's dispatch dated the 28th of February last; and on the 13th inst. in obedience to the instructions therein contained, I addressed a note to M. de Villanova Portugal, pressing the execution of the measures remaining to be taken, for putting into activity the regulations agreed upon between the two Governments for putting a stop to the illegal Traffic in Slaves, and desiring to be furnished with the information relative to the passports to be furnished to vessels legally engaged in the Traffic, and the instructions to be issued to the Portuguese Men of War.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed)

H. CHAMBERLAIN,



No. 66, b.

The Count de Palmella to Vicount Castlereagh, K. G. &amp;c. &amp;c.

*South Audley-Street, October 16, 1819.*

LE Comte de Palmella a l'honneur de faire ses complimens à milord Castlereagh, et s'empresse de faire sçavoir à Son Excellence, qu'il se trouve en possession d'une lettre du Roi Son Maître pour Son Altessé Royale, en reponse à celle qui lui a été adressée relativement à l'abolition de la Traite des Nègres; et en égard à l'importance de son contenu, le Comte de Palmella prie milord Castlereagh de vouloir bien prendre les ordres de Son Altesse sur la manière qui lui sera plus agréable de recevoir la susdite lettre. Il profite de cette occasion pour presenter à Son Excellence l'assurance de sa haute consideration.

(Signé) LE COMTE DE PALMELLA.

*Vicomte Castlereagh, K. G.**&c. &c. &c.*

No. 66, b.

*(Translation.)**South Audley-Street, October 16, 1819.*

THE Count de Palmella has the honour to present his compliments to Lord Castlereagh, and hastens to make known to his Lordship, that he has in his possession a letter from the King, his Master, to His Royal Highness, in answer to that which was addressed to him respecting the abolition of the Traffic in Slaves; and in consequence of the importance of its subject, the Count de Palmella requests Lord Castlereagh will take His Royal Highness's commands, as to the manner in which it will be most agreeable to receive the before-mentioned letter. He profits by this opportunity to offer to his Lordship the assurance of his high consideration.

(Signed) THE COUNT DE PALMELLA.

*Viscount Castlereagh, K. G.**&c. &c. &c.*

No. 67, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, August 31, 1819.—Received October 16.*

**EXTRACT.**

IN obedience to the instructions I had the honour to receive from your Lordship, under date of the 7th April last, which reached me on the 10th instant, I have communicated to the Government of His Most Faithful

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Majesty the departure of Mr. Gregory for his Post of Commissary Judge at Sierra Leone, and have urged the dispatch of the Portuguese Commissioners for the same destination.

M. de Villanova Portugal has not yet officially acknowledged this communication ; but I have learnt from him verbally, that having found it impossible to procure in this country fit persons to undertake the situation, instructions had been sent to the Conde de Palmella, directing him to select two proper persons from amongst the Portuguese subjects resident in London ; and if that should be impracticable, to refer the choice to the Governors of Portugal, who would be authorised to make the appointments.

(Signed) H. CHAMBERLAIN.

No. 68, b.

*Viscount Castlereagh to the Count de Palmella, &c. &c.*

*Foreign Office, October 21, 1819.*

LORD CASTLEREAGH presents his compliments to Count Palmella, and has the honour to acknowledge the receipt of his note of the 16th instant, requesting to know in what manner the letter which the Count has received from Rio de Janeiro, addressed by His Most Faithful Majesty to The Prince Regent, should be presented to His Royal Highness.

Lord Castlereagh has the honour to acquaint the Count Palmella, that if he will have the goodness to transmit the letter to him, Lord Castlereagh will take the earliest opportunity of laying the same before His Royal Highness.

Lord Castlereagh, &c. &c.

*Count de Palmella,  
&c. &c. &c.*

No. 69, b.

*Viscount Castlereagh to the Count de Palmella, &c. &c.*

SIR,

*Foreign Office, October 25, 1819.*

I HAVE just received a letter, of which the inclosed is an extract, from one of His Majesty's Commissioners at Sierra Leone, under the Treaty with Portugal for putting a stop to the illicit Trade in Slaves that may be carried on by British or Portuguese subjects or under those flags ; and I lose not a moment in forwarding this part of it to you, in order that you may state to your Government, by the earliest possible opportunity, the extreme inconvenience to which this highly important service is likely to be exposed, by the delay in the arrival of Commissioners for the same purpose on the part of His Most Faithful Majesty. I am sensible I have only to represent to you the urgency of the case, in order to secure your cordial co-operation and assistance in remedying the evil in the most prompt and effectual manner.

I have the honour, &c. &c.

(Signed) CASTLEREAGH.

*Count de Palmella,  
&c. &c. &c.*

No. 70, b.

Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B. &amp;c.

SIR,

*Foreign Office, October 23, 1819.*

THE Commissioners, whom His Royal Highness the Prince Regent was pleased to appoint to reside at Sierra Leone, under the Treaty with Spain for the prevention of the illegal Traffic in Slaves, have acquainted me, under date of the 24th July last, that the appointments of His Catholic Majesty's Commissioners destined to act with them, are signed only by the Spanish Secretary of State, whereas their own Commissions had been made out under the Royal Sign Manual. Some difficulties of form and law were apprehended in consequence of this apparent deviation on the part of the Spanish Government from the general tenor of the Treaty, which erected the Commissioners into a tribunal of Judges.

In alluding, however, to this circumstance, in your communications with the Government of His Catholic Majesty; you will acquaint them, that if they are of opinion that the appointment signed by the Secretary of State is, in the case alluded to, sufficiently solemn and valid, as to all the proceedings of the Commissioners under the Treaty in question, His Majesty's Government will make no difficulties as to the particular form of the appointment. If, however, upon consideration, His Catholic Majesty's Ministers shall think it better, that the appointment of the Spanish should, as in the case of the British Commissioners, be made under the Royal Sign Manual, you will request that such appointment may be made out, and transmitted without delay to Sierra Leone, together with a formal sanction of the proceedings which have already taken place, so far as those proceedings shall appear to rest upon the form of the appointment of the Commissioners of His Catholic Majesty.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Excellency Sir H. Wellesley, K. B.*

&amp;c. &amp;c. &amp;c.

No. 71, b.

The Count de Palmella to Viscount Castlereagh, K. G. &amp;c. &amp;c.

Londres, ce 25 Octobre, 1819.

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle, conformément au désir témoigné par Son Excellence Milord Castlereagh dans sa note du 21 courant, a l'honneur de transmettre ci-jointe à Son Excellence la lettre adressée par Sa Majesté Très Fidèle à Son Altesse Royale le Prince Régent, en réponse à celle de Son Altesse Royale du 9 Decembre dernier.

Le Soussigné a aussi l'honneur de remettre à Son Excellence la copie de la susdite lettre, et il profite de cette occasion pour renouveler à Son Excellence les assurances de sa haute consideration.

(Signé)

LE COMTE DE PALMELLA.

Vicomte Castlereagh, K. G.

&amp;c. &amp;c. &amp;c.

No: 71, b.

(Translation.)

London, October 25, 1819.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, in conformity with the desire expressed by His Excellency Lord Castlereagh in his note of the 21st instant, has the honour to transmit to His Excellency the inclosed letter from His Most Faithful Majesty to His Royal Highness the Prince Regent, in answer to that of His Royal Highness, dated the 9th of December last.

The Undersigned has likewise the honour to transmit to His Excellency a copy of the aforesaid letter, and he avails himself of this opportunity to renew to His Excellency the assurances of his high consideration.

(Signed) THE COUNT DE PALMELLA.

Viscount Castlereagh, K. G.  
&c. &c. &c.

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(Inclosure in No. 71, b.)

Sa Majesté le Roi de Portugal à Son Altesse Royale le Prince Régent de la Grande Bretagne.—Rio de Janciro, ce 21 Août, 1819.

MONSIEUR, MON FRERE ET COUSIN,

CE fût avec la plus grande reconnoissance et l'estime la plus parfaite, que J'ai reçu la lettre de votre Altesse Royale du 9 Decembre dernier, par laquelle elle a bien voulu me communiquer ses vœux pour l'abolition générale de la traite des Negres, d'après les résultats des conférences d'Aix la Chapelle.

Je crois que Votre Altesse Royale voudra bien me faire la justice, d'être persuadée de l'exactitude avec laquelle J'ai fait observer par mes peuples les stipulations du Traité de Vienne, pour l'abolition au nord de la Ligne; et celle, qu'avec d'autres dispositions J'ai déjà donné à ce commerce la direction la plus convenable, sans risquer une commotion générale dans le Bresil, pour substituer des colons blancs à un peuple noir, dont on ne peut espérer que des travaux rudes, mais sans aucune industrie, ni de l'activité dans ces mêmes travaux. Il est bien désagréable d'être placé entre deux maux, dont l'un gêneroit l'accroissement de l'industrie, tandis que l'autre heurtant contre l'habitude formée par deux siècles, choqueroit les opinions des Propriétaires, et peut-être exalteroit l'imagination des Esclaves. Dans cette crise J'ai préféré les moyens indirects;—la Traite a déjà diminuée de beaucoup, et J'espère qu'avec le tems votre Altesse Royale aura la satisfaction ce voir se réaliser ses vues.

Je suis, avec la plus grande estime, et la considération la plus parfaite,

Monsieur, Mon Frère et Cousin,

De Votre Altesse Royale,

Le bon Frère et Cousin,

Son Altesse Royale le Prince Regent.

(Signé) JEAN R.

(Translation of Inclosure in No 71, b.)

His Majesty the King of Portugal to His Royal Highness the Prince Regent of Great Britain.—Dated Rio de Janeiro, August 21, 1819.

SIR, MY BROTHER AND COUSIN,

IT was with the highest gratitude and most perfect esteem that I received the letter of your Royal Highness of the 9th of December last, in which your Royal Highness has been pleased to communicate to me your wishes for the general abolition of the Trade in Slaves, in conformity with the results of the conferences of Aix la Chapelle.

I believe that your Royal Highness will do me the justice to be persuaded of the strictness with which I have caused my subjects to observe the stipulations of the Treaty of Vienna for the abolition to the north of the Line, and that, in other respects, I have already given to that commerce the direction which is the most conformable to those stipulations, without risking a general commotion in the Brazils, in order to substitute white colonists for a black population, from whom rude labour alone can be looked for, without either industry or activity. It is extremely disagreeable to be thus placed between two evils—one of which would prevent the increase of industry in general; whilst the other, by opposing the prejudices of two centuries, would be revolting to the opinions of the Proprietors, and perhaps inflame the minds of the Slaves. In this crisis I have preferred indirect means: the traffic has already much decreased, and I hope that in time your Royal Highness will have the satisfaction of seeing your views realized.

I am, with the highest esteem and the most perfect consideration,

Sir, My Brother and Cousin,

Your Royal Highness's

Good Brother and Cousin,

His Royal Highness the Prince Regent.

(Signed) JOHN. R

No. 72, b.

*Viscount Castlereagh to the Count de Palmella, &c.*

SIR,

*Foreign Office, October 28th, 1819.*

I HAVE received the commands of His Royal Highness the Prince Regent to communicate to you the accompanying papers, relative to the details of a voyage for carrying on an illicit Traffic in Slaves, in which some of His Most Faithful Majesty's subjects have been engaged; in order that you may lay the same before your Government with the least possible delay.

On the 19th of August last, one of His Majesty's cruisers on the coast of Africa, the Pheasant, commanded by Captain N. M. Kelly, detained and brought into Sierra Leone, a small schooner called the Nova Felicidade, of not more than eleven or twelve tons burden, which was alleged to be carrying no less than seventy Slaves from Cabinda, but is suspected to have come from a

port north of the Line, to the Island of Princes, unprovided with a royal passport, and totally without the means of giving to the unfortunate individuals confined within this prison, the most necessary supplies of air, exercise, or wholesome food. I have no doubt, that your well-known humanity will instantly prompt you to communicate these details to your Government; and that you will represent to them, how eminently it becomes their character, as directing the affairs of a civilized nation, and how important to their fair name, at a moment when the continuance of the Negro Slave Trade is a subject of general abhorrence in every civilized country, with the single exception of the Brazils, that they should adopt the most decisive and rigorous measures to arrest the progress of an evil, which appears to be increasing rather than to diminish in its most horrid character.

It is painful to me in the extreme to be under the necessity of reiterating to you these considerations; but I am sure you will attribute my conduct to its true motives, an anxious wish to plead, in the name of the Prince Regent's Government, the cause of humanity with His Most Faithful Majesty; and to endeavour, by bringing His Most Faithful Majesty into the alliance which many of the Powers have lately formed against the barbarous custom of dragging our fellow-creatures from their homes, to raise the character of Portugal in the opinions of the British people, and to cement still closer the bonds of friendship and mutual good will, which have so long united the two countries.

In the particular instance now brought under your notice, it is an additional source of surprize and regret that, according to Captain Kelly's report to the Secretary of the Admiralty, dated the 21st of August last, there should be very strong grounds of apprehension, that the schooner employed upon this service belonged to the Governor of Prince's Island, who had hired her for the voyage of a merchant resident within his Government.

If this should prove to be the case, you cannot fail to perceive, how necessary it is, that His Most faithful Majesty should take the most vigorous measures for preventing this odious traffic from being carried on, in direct violation of His orders, by those who have been appointed to be the guardians of the laws.

In order that you may be aware, that this is not the first time there has been reason to apprehend that the conduct of the Governor of Prince's Island has been in the greatest degree reprehensible, for encouraging and sharing in this traffic, I take this opportunity of forwarding to you the copy of an instruction,\* which, in July last, I addressed, by the Prince Regent's commands, to Mr. Chamberlain, His Majesty's Chargé des Affaires at Rio de Janeiro, containing the particulars of the detention by Sir George Collier, of two Portuguese Slaving vessels, the *Amistad* and the *Princess*, and of the very extraordinary conduct on that occasion pursued by the Acting Governor, and by the Military Commandant at Prince's Island.

You cannot fail to perceive, in these documents, ample proof of the horrid and disgraceful manner, in which this odious traffic is still carried on by His Most Faithful Majesty's subjects; how, in its most illicit form, it is encouraged and connived at by the Portuguese authorities, and how seriously it becomes the duty of every Government, and of every individual friend of humanity, to do all in their power to put an end to such unjustifiable outrages.

I have the honour to be, &c.

*The Count de Palmella,*  
&c. &c. &c.

(Signed) CASTLEREAGH.

*Mem.* \* The Communication here alluded to is that which forms No. 57, in this series of the correspondence.

No. 73, b.

*Count de Palmella to Viscount Castlereagh, K. G. &c. &c.*

MILORD,

Londres, ce 29 Octobre 1819.

J'AI reçu la Lettre que Votre Excellence m'a fait l'honneur de m'adresser en date du 25 courant, dans laquelle, après vous être referé à l'extrait (qui accompagnait votre Lettre) du rapport reçu d'un des Commissaires Britanniques à Sierra Leone, relativement au navire Portugais, Nova Felicidade, que le bâtiment de guerre de Sa Majesté Britannique y a amené, et qui, faute de Commissaires de la part de Sa Majesté Très Fidelle n'a pas pu être jugé, votre Excellence me recommande de représenter à ma Cour les inconvéniens qui resultent du retard de l'arrivée des sudits Commissaires Portugais à Sierra Leone; et la nécessité d'en presser le départ afin de remédier, le plutôt possible à ces mêmes inconvéniens.

En réponse, je dois vous assurer, Milord, que mon Gouvernement ne mérite aucunement d'être blâmé du retard dont vous semblez l'accuser dans votre Lettre. Malgré toute sa sollicitude, il n'a pas pu trouver des personnes capables qui aient voulu accepter la place de Commissaires à Sierra Leone; et c'est ce qui l'a obligé, à la fin de m'autoriser à les choisir d'entre les individus Portugais établis à Londres, si je le pouvais, ou de transmettre cette même autorisation à Messieurs les Gouverneurs du Royaume de Portugal. Voilà aussi ce que j'ai du faire, et je me flatte, à l'heure qu'il est, que Leurs Excellences auront trouvées des personnes capables qui aient voulu accepter le susdit emploi de Commissaires à Sierra Leone et qu'elles ne tarderont pas à se rendre à leur destination.

En attendant, permettez moi de vous proposer, Milord, de faire appliquer au cas actuel du navire Nova Felicidade, cette partie de l'Art. XIV du règlement pour les Commissions Mixtes, qui regarde celle établie à Sierra Leone, où il est dit " que dans le cas de mort d'un ou de plusieurs des Commissaires, ceux qui leur survivront, seront autorisés à juger les batimens dont les cas seront portés par devant cette Commission, bien entendu cependant qu'il restera aux parties interessées la faculté d'appeller de ce jugement par devant la Commission Mixte établie à Rio de Janeiro.

En faisant cette proposition, je prie votre Excellence de la regarder comme une nouvelle preuve du désir constant qui anime le Gouvernement de Sa Majesté Très Fidelle de voir remplies complètement et aussi promptement que possible les stipulations de la Convention additionnelle du 28 Juillet 1819.

J'ai l'honneur d'être, Milord, &amp;c.

(Signé) LE COMTE DE PALMELLA.

*Viscount Castlereagh, K. G.**&c. &c. &c.*

No 73, b.

*(Translation.)**Count de Palmella to Viscount Castlereagh, K. G. &c. &c.*

MY LORD,

London, October 29, 1810.

I HAVE received the letter which your Excellency has done me the honour of addressing me, dated the 25th instant, in which, after referring to the

extract (which accompanied your letter) of the report received from one of the British Commissioners at Sierra Leone, relative to the Portuguese ship *Nova Felicidade*, which one of His Britannic Majesty's ships of war carried into that port, and which, owing to there being no Commissioners appointed on the part of His Most Faithful Majesty, could not be proceeded against, your Excellency recommends me to represent to my Court the inconveniences that result from the delay of the arrival of the aforesaid Portuguese Commissioners at Sierra Leone, and the necessity of urging their immediate departure, in order to remedy the said inconveniences as soon as possible.

In answer, I have to assure your Lordship, that no blame should in any respect be attached to my Government for the delay with which your letter appears to charge it.—Notwithstanding all its solicitude, it has not been able to find suitable persons who would accept the situation of Commissioners at Sierra Leone, and this has at length compelled it to empower me to select them from amongst the Portuguese individuals established at London, if possible, or to transmit this authority to the Governors of the kingdom of Portugal.—This I have thought it my duty to do, and I flatter myself that their Excellencies will by this time have selected proper persons, who will have accepted the aforesaid situations of Commissioners at Sierra Leone, and that they will, without delay proceed to their destination.

In the mean time, permit me, my Lord, to propose to you to apply to the case of the ship in question (the *N. Felicidade*) that part of the 14th article of the regulations for the Mixed Commissions which regards the one established at Sierra Leone, wherein it is said, "that in case of the death of one or more of the Commissioners, those surviving shall be authorised to proceed to the adjudication of the ships which shall be brought before that Commission, it being nevertheless well understood, that the parties interested shall have the right of appeal from this judgment to the Mixed Commission established at Rio Janeiro."

I beg your Excellency will consider this proposition as a fresh proof of the constant desire which animates the Government of His Most Faithful Majesty to see completely fulfilled, and with all possible expedition, the stipulations of the Additional Convention of the 28th July 1819.

I have the honour to be, &c.

(Signed) COUNT DE PALMELLA.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

No. 74, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c.,  
dated the Hague, November 5, 1819.—Received November 11.*

EXTRACT.

I AVAIL myself of this occasion to convey to your Lordship a copy of the note addressed by me to His Excellency M. le Baron de Nagell, in obedience to your Lordship's instructions, transmitted by your dispatch of the 13th ultimo.

(Signed) CLANCARTY.



(Inclosure in No. 74, b.)

*The Earl of Clancarty to Baron de Nagell, &c. &c.*

IT appearing of considerable importance, that the Commissioners named on the part of the High Contracting Parties, in virtue of the Treaty between their Majesties The King of the United Kingdom of Great Britain and Ireland and of the Netherlands, signed on the 4th day of May 1818, for the abolition of the Slave Trade, should be furnished with instructions of a similar nature by their respective Governments; the Undersigned, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, has received orders from his Court to communicate to that of the Hague the "Regulations issued by the British Government for the guidance of the Commissioners appointed for carrying into effect the Treaties for the abolition of the Slave Trade," and has the honour herewith to convey to His Excellency M. le Baron de Nagell a copy of these Regulations accordingly.

He has further been instructed to move this Government to take the same into their early consideration, in order that as little time as possible may be lost in authorizing the Commissioners appointed by this Court, to act in unison with those of His Britannic Majesty, at the several settlements at which they are appointed to reside, in the manner pointed out in these instructions.

The Undersigned, &c.

*Monsieur de Nagell,*  
&c. &c. &c.

(Signed)

CLANCARTY.

No. 75, b.

*Viscount Castlereagh to the Earl of Clancarty, &c. &c.*

MY LORD,

*Foreign Office, November 11, 1819.*

I HAVE the honour to inclose to your Lordship the copy of a letter which has been received from the Treasury at this Office, together with an extract from a Report which has lately been made by Sir George Collier on his return from the Coast of Africa, on the present State of the Slave Trade there, and particularly on the encouragement said to be given to its prosecution in the Dutch Settlements on that coast; and I have to desire, that your Excellency will take an early opportunity of laying the same before the Netherland Government, and request them to investigate the subject, and to give such orders and instructions to their Authorities in Africa, as may effectually prevent the humane and benevolent decisions of His Netherland Majesty for the complete abolition of the Slave Trade, from being violated by the conduct of his agents on the Coast of Africa.

I am, &c.

*His Excellency the Earl of Clancarty,*  
&c. &c. &c.

(Signed)

CASTLEREAGH.

(*Inclosure 1 in No. 75, b.*)

SIR,

*Treasury Chambers, October 27, 1819.*

I AM commanded by the Lords Commissioners of His Majesty's Treasury to inclose, for the consideration of Lord Castlereagh, an extract from a report which has been made by Commodore Sir George Collier to the Lords of the Admiralty on his recent return from the coast of Africa, by which it appears that Foreign Slave Traders are greatly assisted in their inhuman traffic by being enabled to obtain canoes and canoe-men from the foreign European settlements on the Gold Coast, and particularly from Dutch Accra:

And I am to acquaint you, that as the Dutch Government is, no doubt, ignorant of the assistance thus afforded to the illicit Slave Traders, whose vessels are generally navigated under the Spanish, Portuguese, and American flags, my Lords would wish to suggest to Lord Castlereagh, whether he may not see fit to instruct His Majesty's Minister at the Hague, to represent the same to the Government of the Netherlands, and to urge that, conformable to the practice at the English forts, the Governor of the Dutch forts may be directed to prohibit the supplying of any vessels with canoes, but such as are engaged in innocent trade directly with those forts, so that slaving vessels may be wholly deprived of this important assistance.

My Lords, at the same time, wish to call Lord Castlereagh's attention to the observations of Sir George Collier, with respect to the necessity of further provisions for the more effectual suppression of this inhuman traffic, and to the expediency of making such communications to the Courts of Spain and the Brazils as may be most conducive to this object.

I am, &c.

*William Hamilton, Esq.*  
 &c. &c. &c.

(Signed)

C. ARBUTHNOT.

(*Inclosure 2 in No. 75, b.*)

*Extract of the Report of Commodore Sir George Collier to the Lords of the Admiralty on the subject of the Slave Trade.*

“THE vessels under the Portuguese and Spanish flags call at the settlements and forts on the Gold Coast which are not under the controul of the British, and there make arrangements for the supply of canoes as well as canoe-men; the former are usually purchased, and the men hired; the canoes either follow the vessels or are taken in tow to such particular point of the coast as best suits the views of the Slave Factor or Supercargo, who has been previously landed from some other vessel, in order to make his arrangements. Porto Novo, Lagos, and Benni are not unfrequently preferred for collecting the Slaves, and the canoes are there employed in taking them off, or transporting them, coastways, to some more convenient spot, till a full cargo is in readiness, when a few hours only are required to ship them: For, with all the desire of His Majesty's Government, and all the exertions of the Lords of the Admiralty to prevent the continuation of this traffic on the coast of Africa, North of the Line, still the temptations are so great, and the facilities

for evading actual detection so many, both to Portuguese as well as Spaniards, that all the zeal and anxiety of Officers employed to put into force the orders of the Government will still be baffled.

“ The Slave Trade, especially as it is now conducted by the Spaniards, Portuguese, and Americans, is more horrible than those who have not had the misfortune to witness it can believe; indeed no description I could give would carry a true picture of its baseness and atrocity; yet desirous as His Majesty’s Government, I know, are to put an end to this traffic, and anxious as I am sure every British Officer witnessing the cruelty of this trade must be to prevent it, yet it is my duty to observe, from my own positive knowledge and experience, that until the North Slave Trade shall be declared piracy, and every one found engaged therein subject to all the penalties of piracy, and that vessels fitted out for the positive purpose of slaving where it is still allowed, be interdicted permission to approach the windward coast as well as the Gold Coast, (the Benni or Biafra coasts being North of the Line,) nearer than ten leagues, this most detestable and more than ever cruelly conducted trade, will never be abandoned by the subjects of Spain, Portugal or America.

“ Dutch Accra is one of the principal points on the coast for the supply of canoes to the slaving vessels, and the protection given by the flag of that nation, on these occasions, is afforded under the eye of the British and Danish settlements there, without even the power of remonstrance.

No. 76, b.

*Viscount Castlereagh to Count de Palmella, &c. &c.*

*Foreign Office, November 19, 1819.*

THE undersigned has the honour to acknowledge the receipt of the Count De Palmella’s note of the 29th October 1819, expressive of the difficulties experienced by the Government of His Most Faithful Majesty in selecting proper persons able and willing to undertake the duties of Portuguese Commissioners at Sierra Leone: and proposing, that, in the particular case of the Nova Felicidade, the adjudication should be proceeded in by the British Commissioners alone, in the absence of any on the part of His Most Faithful Majesty; under an application to them of that part of the Art XIV. of the regulation for the Mixed Commissions, which states, that in the case of the death of one or both of the Portuguese Commissioners at Sierra Leone, judgment shall be proceeded in by the remaining individuals of the Mixed Commission there.

The undersigned has received His Royal Highness’s directions to give instructions to His Majesty’s Commissioners, in conformity with the above-mentioned proposition on the part of the Count de Palmella, subject, nevertheless, to the understanding, that neither the British captors nor His Majesty’s Government shall be held to be liable to any increased expence arising out of the non-arrival of the Portuguese Commissioners.

The undersigned, &c. &c.

(Signed)

CASTLEREAGH.

*Count de Palmella,  
&c. &c. &c.*

79

No. 77, b.

*The Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated the Hague, November 16, 1819.—Received November 19.*

MY LORD,

I HAD the honour last night of receiving your Lordship's dispatch, with its inclosures of the 10th instant, upon the subject of the facilities afforded to the prosecution of the Slave Trade on the coast of Africa from the Dutch settlements on that coast.

Well aware of the great and constant anxiety of His Majesty's Government, that no efforts should be omitted to prevent the continuance of this nefarious traffic, I shall not fail, with zealous obedience to your Lordship's instructions, immediately to make such representations to this Court, as I should hope may induce from them the issue of prompt and peremptory orders to their public Functionaries on the African coast, calculated effectually to put a stop to the illicit encouragement afforded by them to a trade which their Sovereign has already condemned by solemn Treaty.

I should hope at an early date to be enabled to acquaint your Lordship with the result; and I have the honour to remain with great respect,

My Lord, &c.

(Signed) CLANCARTY.

*Viscount Castlereagh. K. G.  
&c. &c. &c.*

No. 78, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, October 12, 1819.—Received December 14.*

EXTRACT.

I HAVE the satisfaction of being able to announce to your Lordship, that the delivery of the letters, from their Royal and Imperial Majesties the King of France and Emperor of Russia to His Most Faithful Majesty, on the subject of the final abolition of the Slave Trade, has taken place.

These letters were presented to His Most Faithful Majesty at an audience held for the purpose on Saturday last the 9th instant.

(Signed) H. CHAMBERLAIN

No. 79, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, October 13, 1819.—Received December 14.*

MY LORD,

IT is with no trifling degree of mortification and disappointment, that we again address your Lordship, without having it in our power to announce the opening of the Mixed Commission at this place.

We had the honour of being presented to the King by His Majesty's Chargé des Affaires, a few days after our arrival, since which time, my Lord, we have not ceased to urge His Most Faithful Majesty's Ministers, through the medium of His Majesty's Chargé des Affaires, to expedite those legal formalities which stood in the way of opening our Commission, but the accomplishment of this object previous to the sailing of the packet appearing very doubtful so late as the 5th instant, we addressed a note to His Majesty's Chargé des Affaires, to which we had the pleasure of receiving a satisfactory reply

The difficulty and delay is attributed to the novelty of the Tribunal. All obstacles being apparently overcome, we this morning received a notice, requesting our presence at the house of the Vice Chancellor to take the prescribed oath, and we agreed with our colleagues to adjourn from thence to the Chamber of Commerce, no house having been yet appropriated for the purpose of opening the Commission. We failed not, my Lord, to attend at the house of the Vice Chancellor; and we leave your Lordship to judge what was our disappointment, at finding that the Vice Chancellor still detected informalities on the part of his own Government, notwithstanding the pains that had been taken on our part to have every thing in order; the consequence of which is, my Lord, that we are under the necessity, to our great mortification, of allowing the packet to sail, without announcing to your Lordship the installation of the Commission.

We have the honour to be, &c.

(Signed) HENRY HAYNE.

Viscount Castlereagh, K. G.

ALEXANDER CUNNINGHAM.

&c. &c. &c.

No. 80, b.

*Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c.,  
dated Rio de Janeiro, October 13, 1819.—Received December 14.*

MY LORD,

I BEG leave to transmit herewith an official note (together with the inclosures contained therein,) received this morning from M. de Villanova Portugal, in reply to my note of the 13th August, respecting the execution of certain stipulations of the Convention of 28th July 1817, of which I had the honour to forward your Lordship a copy, by the Chesterfield packet, inclosed in my dispatch dated 21st August.

From the present communication your Lordship will perceive, that measures are already in activity for carrying into full execution the stipulations contained in the fourth and seventh Articles of that Convention; and that orders have been sent to the Portuguese Authorities at Mozambique, Angola and St. Thomas's, to fit out armed vessels to be employed in preventing an illicit traffic in Slaves.

I have the honour to be, &c.,

(Signed)

H. CHAMBERLAIN.

Viscount Castlereagh, K. G.

&c. &c. &c.

(Inclosure 1 in No. 80, b.)

(Translation.)

The undersigned, one of His Majesty's Council, Minister and Secretary of State for the Affairs of the Kingdom, charged, ad interim, with the Department for Foreign Affairs and War, in reply to the note which Mr. Henry Chamberlain, Consul General and Chargé d'Affaires of His Britannic Majesty addressed to him under date of the 13th August last, relative to the measures which this Government may have taken towards putting into execution the stipulations of Articles four and seven of the Convention of the 28th July 1817, has to inform him, that the competent department of Marine having been directed to cause passports to be struck off and instructions to be printed, with which vessels engaged in the Slave Trade ought to be provided, in conformity with what was adjusted and agreed upon by those Articles, all the vessels carrying on this Trade have begun to be cleared out, as well from this port as from the other ports of Brazil, with the formalities indicated therein; and by the inclosed copies of the said passports and instructions, Mr. Chamberlain will see the manner in which the before-mentioned stipulations have been fulfilled. Orders have likewise been already sent to Mozambique, Angola, and St. Thomas's, to build schooners and other vessels of war to be especially employed in preventing the illicit Traffic in Slaves, according to the stipulations of Article seven.

The undersigned takes this opportunity to assure Mr. Chamberlain of his particular esteem and regard.

(Signed) THOMAS ANTONIO DE VILLANOVA PORTUGAL.

(Inclosure 2 in No. 80, b.)

O CONDE DOS ARCOS do Conselho de Sua Magestade, Gentilhomen da sua Camara, Tenente General dos Reaes Exercitos, Commendador da Ordem de Christo, Grão Cruz da de São Bento de Aviz, Ministro e Secretario de Estado dos Negocios da Marinha, e Dominios Ultramarinos, Inspector Geral da Marinha,

Faço saber a todos que o presente passaporte virem, que o navio denominado de tonnelladas, levando homens de tripulação, e passageiros, de que he Mestre e Dono Portuguezes, e vassallos d'este Reino Unido, segue viagem para os portos de e costa de d'onde hade voltar para Os ditos Mestre, e Dono havendo primeiro prestado o juramento necessario perante e tendo provado legalmente, que no dito navio e carga não tem parte pessoa alguã estrangeira, como se mostra pela certidão da mesma que vai anuexa a este passaporte os dites Mestre, e Dono do dito navio ficando obrigados a entrar unicamente n'aquelles portos da costa d'Africa, onde o Trafico da Escravatura he permittido aos vassallos do Reino Unido de Portugal, do Brazil, e dos Algarves, e a voltar delá para qualquer dos portos deste Reino, onde unicamente lhes será permittido

desembarcar os Escravos que trouxerem, depois de ter satisfeito as formalidades necessarias, para mostra que se tem em tudo conformado com as determinações do Alvará de 24 de Novembro de 1813, pelo qual Sua Magestade foi servido regular o transporte de Escravos da costa d'Africa para os seus dominios do Brazil. E deixando elles de cumprir qualquer destas condições, ficarão sujeitos ás penas impostas pelo Alvará de de contra aquelles fizerem o Trafico de Escravos de huã maneira illicita. E porque na hida, ou volta, pode ser encontrado em quaesquer Mares, ou portos pelos Cabos e officiaes das náus, e mais embarcações do mesmo Reino: Ordena El Rei-Nosso Senhor, que lhe não pöhão impedimento algum, e recommenda aos das armadas, esquadras, e mais embarcações dos Reys, Principes, Republicas, Potentados, amigos, e alliados desta Corõa, que lhe não embarquem seguir a sua viagem, antes para a fazer lhe dem a ajuda, e favor de que necessitar, na certeza deque aos recommendados pelos seus principes, se fará pela nossa parte o mesmo, e igual tratamento. Em fé do que Sua Magestade lhe mandou dar este passaporte por mim assignado, e sellado com o sello grande das Armas Reaes, o qual passaporte valerá sómente por e só por huã viagem. Dado no Palacio de aos dias do mez de do anno do nascimento de Nosso Senhor Jesus Christo de

Por Ordem de Sua Excellencia.

Este passaporte, No. authoriza o navio nelle mencionado a levar a seu bordo de huã vez qualquer numero de Escravos, não excedendo sendo por tonelada; conforme he permittido pelo Alvará de 24 de Novembro de 1813, exceptuando sempre os Escravos empregados como marinheiros ou criados, e as crianças nascidas a bordo durante viagem.

Por Ordem de Sua Excellencia.

(Translation of Inclosure 2 in No. 80, b.)

THE Count dos Arcos, a Member of His Most Faithful Majesty's Council, Gentleman of his Bedchamber, Lieutenant-General of the Army, Commander of the Order of Christ, Grand Cross of that of Saint Benedict of Aviz, Minister and Secretary of State for the Affairs of the Marine and Trans-Atlantic Dominions, Inspector General of the Navy,

Make known to those that shall see the present passport, that the vessel called of tons, and carrying men, and passengers, Master, and Owner, Portuguese, and subjects of the United Kingdom, is bound to ports of and and coast of from whence she is to return to, the said Master and Owner having previously taken the required oath before the and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that which is annexed to this passport, the said Master, and Owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa where

the Slave Trade is permitted to the subjects of the United Kingdom of Portugal, Brazil, and the Algarves, and to return from thence to any of the ports of this kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of the Alvará of the 24th of November 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the Coast of Africa to his dominions of Brazil, and should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the Alvará of

against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, The King our Lord orders them not to give her any obstruction; and His Majesty recommends to the officers of the fleets, squadrons, and ships of the Kings, Princes, Republics; and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid and accommodation she may want for continuing the same, being persuaded that those recommended by their Princes, will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this passport, signed and sealed with the great seal of the Royal Arms, which shall have validity only for \_\_\_\_\_ and for one voyage alone. Given in the Palace of \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ in the year after the birth of our Lord Jesus Christ of \_\_\_\_\_

By Order of His Excellency.

This passport, numbered \_\_\_\_\_ authorizes any number of Slaves not exceeding \_\_\_\_\_ being \_\_\_\_\_ per ton, as permitted by the Alvará of the 24th of November 1813, to be on board of this ship at one time, excepting always such Slaves employed as sailors or domestics, and children born on board during the voyage.

By Order of His Excellency.

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(Inclosure 3 in No. 80, b.)

*Instruções destinadas para os Navios de Guerra Portuguezes e Inglexes que tiverem a seu cargo o impedir o Commercio illicito de Escravos.*

#### ARTIGO I.

**TUDO** o Navio de Guerra Portuguez ou Britannico terá o direito, na conformidade do Artigo quinto da Convenção Addicional da data de hoje, de vizitar os Navios Mercantes de huma ou de outra Potencia, que fizerem realmente, ou forem suspeitos de fazer, o Commercio de Negros; e se a bordo dellas se acharem Escravos, conforme o theor do Artigo sexto da Convenção Addicional acima mencionada; e pelo que diz respeito aos Navios Portuguezes, se houverem motivos para se suspeitar, que os sobreditos Escravos fossem embarcados em hum dos pontos da Costa de Africa onde este Commercio não lhes he já permittido, segundo as Estipulações existentes entre as Dnas Altas Potencias: neste caso tão sómente, o Commandante do dito navio de guerra os poderá deter; e havendo-os



detido, deverá conduzi-los o mais promptamente que for possível para serem julgados por aquella das duas Comissões Mixtas, estabelecidas pelo Artigo oitavo da Convenção Adicional de data de hoje, de que estiverem mais proximos, ou à qual o Commandante do Navio Apprezador julgar, debaixo da sua responsabilidade, que póde mais depressa chegar desde o ponto onde o Navio de Escravatura houver sido detido.

Os Navios a bordo dos quaes se não acharem Escravos destinados para o Trafico, não poderão ser detidos debaixo de nenhum pretexto ou motivo qualquer.

Os Criados ou Marinheiros Negros que se acharem a bordo destes ditos Navios, não serão em cazo nenhum hum motivo sufficiente de detenção.

## ARTIGO II.

Não poderá ser vizitado ou detido, debaixo de qualquer pretexto ou motivo que seja, navio algum mercante, ou empregado no Commercio de Negros, em quanto estiver dentro de hum porto ou enseada pertencente a huma das Duas Altas Partes Contractantes, ou ao alcance de tiro de peça das baterias de terra; mas dado o cazo que fossem encontrados nesta situação navios suspeitos, poderão fazer-se as representações convenientes ás Authoridades de Paiz, pedindo-lhes que tomem medidas efficazes para obstar a semelhantes abuzos.

## ARTIGO III.

As Altas Partes Contractantes, considerando a immensa extensão das Costas de Africa ao norte do Equador, onde este Commercio fica prohibido, e a facilidade que haveria de fazer hum trafico illicito naquellas paragens onde a falta total, ou talvez a distancia das Authoridades competentes impedisse de se recorrer a estas Authoridades, para se opporem ao dito commercio: e para mais facilmente alcançarem o fim util que tem em vista; Convierão de conceder, e com effeito se concedem mutuamente a faculdade, sem prejudicar aos direitos de soberania, de vizitar, e de deter como se se encontrasse no mar largo, qualquer navio que for achado com Escravos a bordo, ainda mesmo ao alcance de tiro de peça de terra das Costas dos seus territorios respectivos, no Continente da Africa, ao norte do Equador; huma vez que ali não haja Authoridade local à qual se possa recorrer, como fica dito no Artigo antecedente. No cazo sobredito, os navios vizitados poderão ser conduzidos perante as Comissões Mixtas, na fórma estipulada no Artigo primeiro das presentes Instrucções.

## ARTIGO IV.

Não poderão ser detidos, debaixo de pretexto algum, os navios Portuguezes mercantes, ou empregados no Commercio de Negros, que forem encontrados em qualquer paragem que seja, quer perto da terra, quer no mar largo, ao *sul do Equador*, a menos que não seja em consequencia de se lhes haver começado a dar caça ao norte do Equador.

## ARTIGO V.

Os Navios Portuguezes munidos de hum Passaporte em regra, que tiverem carregado a seu bordo Escravos nos pontos da Costa de Africa onde

o commercio de Negros he permittido aos vasallos Portuguezes, e que depois forem encontrados ao Norte do Equador; não deverão ser detidos pelos navios de guerra das duas nações, quando mesmo estejam munidos das presentes instrucções, com tanto que justifiquem a sua derrota, seja por ter, segundo os uzos da navegação Portugueza, feito hum bordo para o Norte de alguns grãos, a fim de hir buscar ventos favoraveis; seja por outras causas legitimas, como as fortunas do mar, devidamente provadas; ou seja finalmente no caso em que os seus passaportes mostrem que elles se destinão para algum dos portos pertencentes á Coroa de Portugal, que estão situados fóra do Continente da Africa.

Bem entendido que, pelo que respeita aos navios de Escravatura que forem detidos ao Norte do Equador, a prova da legalidade da viagem deverá ser produzida pelo navio detido; e que ao contrario, acontecendo que hum navio de Escravatura seja detido ao Sul do Equador conforme a estipulação do Artigo precedente, nesse cazo a prova da illegalidade deverá ser produzida pelo apprezador.

He igualmente estipulado que, ainda mesmo quando o numero de Escravos, que os cruzadores acharem a bordo de hum navio de Escravatura, não corresponder ao que declarar o seu passaporte, não será este motivo bastante para justificar a detenção do navio; mas neste cazo o capitão e o dono do navio deverão ser denunciados perante os Tribunaes Portuguezes no Brazil, para ali serem castigados conforme as leis do paiz.

#### ARTIGO VI.

Todo o navio Portuguez que se destinar a fazer o commercio licito de Escravos, debaixo dos principios declarados na Convenção Addicional de data de hoje, deverá ter o capitão e os dois terços, ao menos, de nação Portugueza. Bem entendido, que o ser o navio de construcção estrangeira nada implicará com a sua nacionalidade; e que os marinheiros negros serão sempre considerados como Portuguezes, com tanto que (se forem Escravos) pertençam a vasallos da Coroa de Portugal, ou que tenham sido forrados nos dominios de Sua Magestade Fidelissima.

#### ARTIGO VII.

Todas as vezes que huma Embarcação de guerra encontrar hum navio mercante estiver no cazo de dever ser vizitado, aquella deverá comportar-se com toda a moderação, e com as atencões devidas entre Nações Amigas e Alliadas; e em todo o cazo a vizita será feita por hum Official que tenha o Posto ao menos de tenente da Marinha.

#### ARTIGO VIII.

As embarcações de guerra que, debaixo dos principios declarados nas presentes instrucções, deliverem os navios de Escravatura, deverão deixar a bordo toda a carga de Negros intacta, assim como o Capitão, e huma parte, ao menos, da tripulação do dito navio.

O Capitão fará huma declaração authentica por escrito, que mostreo estado em que elle achou a embarcação detida, e as alteraçoes que nella tiverem havido. Deverá tambem dar ao Capitão do Navio de Escravatura hum certificado assignado dos papeis que houverem sido apprehendidos ao dito navio, assim como do numero de Escravos achados a bordo ao tempo da

detenção. Os Negros não serão desembarcados, senão quando os navios a bordo dos quaes se achão, chegarem ao lugar aonde a validade de preza deve ser julgada por huma das duas Commissões Mixtas, para que, no caso que não sejam julgados de boa preza, a perda dos donos possa mais facilmente resarcir-se. Se porém houverem motivos urgentes, procedidos da duração da viagem, do estado de saúde dos Escravos, ou outros quaesquer, que exijão os Negros sejam desembarcados todos, ou parte delles, antes de poderem os navios ser conduzidos ao lugar da residencia de huma das mencionadas Commissões, o Commandante do navio apprezador poderá tomar sobre si esta responsabilidade, com tanto porém que aquella necessidade seja constadada por hum attestado em fórma.

#### ARTIGO IX.

Não se poderá fazer transporte algum de Escravos, como objecto de commercio, de hum para outro porto do Brazil, ou do Continente e Ilhas da Costa de Africa para os dominios da Corôa de Portugal fóra da America, senão em navios munidos de passaportes *ad hoc* do Governo Portuguez.

Feito em Londres aos vinte e oito dias do mes de Julho do anno do Nascimento de Nosso Senhor Jezus Christo mil oitocentos e dezeseite.

(L. S.) CONDE DE PALMELLA.

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(*Translation of Inclosure 3 in No. 80, b.*)

*Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves.*

#### ARTICLE I.

EVERY British or Portuguese ship of war shall, in conformity with the fifth Article of the Additional Convention of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade; and should any Slaves be found on board, according to the tenor of the sixth Article of the aforesaid Additional Convention, and as to what regards the Portuguese vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the Coast of Africa where the Traffic in Slaves can no longer be legally carried on in consequence of the stipulations in force between the two High Powers: In these cases alone, the Commander of the said ship of war may detain them; and having detained them, he is to bring them as soon as possible for judgment before that of the two Mixed Commissions appointed by the eighth Article of the Additional Convention of this date which shall be the nearest, or which the Commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the Slave ship shall have been detained.

Ships on board of which no Slaves shall be found intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot in any case be deemed a sufficient cause for detention.

## ARTICLE II.

No merchantman 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.

## ARTICLE III.

The High Contracting Powers, having in view the immense extent of the shores of Africa to the north of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic on points where either the total absence, or at least the distance of lawful Authorities, bar ready access to those Authorities; in order to prevent it have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other power, without prejudice to the rights of Sovereignty, to visit and detain, as if on the high seas, any vessel having Slaves on board, even within cannon-shot of the shore of their respective territories on the continent of Africa to the north of the Equator, in case of there being no local Authorities to whom recourse might be had, as has been stated in the preceding Article. In such case, vessels so visited may be brought before the Mixed Commissions in the form prescribed in the first Article of the preceding Instructions.

## ARTICLE IV.

No Portuguese merchantman or Slave ship shall, on any pretence whatever be detained, which shall be found any where near the land, or on the high seas, *south of the Equator*, unless after a chase that shall have commenced north of the Equator.

## ARTICLE V.

Portuguese vessels furnished with a regular passport, having Slaves on board shipped at those parts of the Coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found North of the Equator, shall not be detained by ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved; or, lastly, in the case of their passports proving that they were bound for a Portuguese port not within the Continent of Africa.

Provided always that, with regard to all Slave ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to Slave ships detained to the south of the Equator, in conformity with the stipulation of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of Slaves found on board a Slave ship by the cruisers, even should the number not agree with

that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese Tribunals in the Brazil, in order to their being punished according to the laws of the country.

#### ARTICLE VI.

Every Portuguese vessel intended to be employed in the legal traffic in Slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native Portuguese, and two-thirds, at least, of the crew shall likewise be Portuguese: provided always, that its Portuguese or foreign construction shall, in no wise, affect its neutrality, and that the Negro sailors shall always be reckoned as Portuguese; provided they belong, as Slaves, to subjects of the Crown of Portugal, or that they have been enfranchised in the dominions of His Most Faithful Majesty.

#### ARTICLE VII.

Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations, and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navy.

#### ARTICLE VIII.

The ships of war which may detain the Slave ships in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of Negroes untouched, as well as the Captain, and a part, at least, of the crew of the above-mentioned Slave ship.

The Captain shall draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it. He shall deliver to the Captain of the Slave ship a signed certificate of the papers seized on board the said vessel, as well as of the number of Slaves found on board at the moment of detention. The Negroes shall not be disembarked, till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Commissions, in order that, in the event of their not being adjudged legal prizes, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said Commissions, the Commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

#### ARTICLE IX.

No conveyance of Slaves from one port of the Brazils to another, or from the Continent or Islands of Africa to the possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portuguese Government *ad hoc*.

Done at London, the twenty-eighth day of July in the year of our Lord one thousand eight hundred and seventeen.

(L. S.)

CASTLEREAGH.

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No. 81, b.

Henry Chamberlain, Esq. to Viscount Castlereagh, K. G. &c. &c., dated  
Rio de Janeiro, October 12, 1819.—Received December 14.

MY LORD.

IN consequence of a communication from His Excellency M. de Villanova Portugal, received last evening, notifying that the necessary orders had been expedited to the High Chancellor to administer the oaths to the British and Portuguese Commissioners, preliminary to the Installation of the Mixed Commission, these gentlemen have been this day to the house of the Dezenbargador Joze Albano Fragoso, who is acting in that capacity pro tempore, but I regret to say that this Magistrate found some informality in the documents they presented to him, and refused to proceed in the business till these were rectified.

Mr. Hayne and Mr. Cunningham have just called at my house on their way home, to make me acquainted with this unexpected difficulty, which effectually disappointed all my hopes of being able by this packet to announce the promised Installation.

Your Lordship may, however, depend upon my seeing the Minister to-morrow upon the subject, and that every possible exertion shall be made on my part to remove or remedy the objections that have thus suddenly presented themselves. I hope the next packet will not sail, without carrying the account of its having taken place, accompanied by copies of the correspondence that has passed on the subject.

Instructions have been sent to the Comte de Palmella, to name fit persons as Commissioners pro tempore on the part of His Most Faithful Majesty (and to send them on without delay) to Sierra Leone, whither Commissions will be sent after them, as soon as their nominations are known.

I have the honour to be, &c.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed) H. CHAMBERLAIN.

No. 82, b.

The Count de Palmella to Viscount Castlereagh, K. G. &c. &c.

EXTRACT.

Londres ce 31 Decembre, 1819.

J'AI reçu la lettre officielle que votre Excellence m'a fait l'honneur de m'écrire en date du 28 Octobre dernier, avec plusieurs documents annexés, tous relatifs à la Traite des Nègres; et je n'ai pas manqué, conformément au desir de votre Excellence, d'en adresser aussitôt la copie à mon Gouvernement. Notre lettre, milord, traite trois points bien distincts, sur chacun desquels je me fais un devoir de vous répondre.

1<sup>mo</sup>. La saisie du schooner Portugais Nova Felicidade, par un des Bâtimens croiseurs de Sa Majesté Britannique, au sujet duquel vous m'avez déjà écrit une note en date du 25 Octobre. Dans ma réponse à cette note, je me suis expressé, milord, de suggérer le moyen qui me paraît le plus naturel pour

accélérer le jugement sur la légalité de cette prise, même avant l'arrivée des Commissaires Portugais qui doivent faire partie de la Commission mixte résidant à Sierra Leone; et vous aurez reconnu, j'espère, dans cet empressement de ma part, la preuve la plus évidente de la loyauté avec laquelle Sa Majesté Très Fidèle désire contribuer à l'exacte exécution de la convention du 28 Juillet 1817, et empêcher ou punir toute contravention à ce Traité. C'est donc aux Commissaires qui se trouvent actuellement à Sierra Leone qu'il appartiendra de juger sur la question de fait; savoir s'il est prouvé que le schooner Nova Felicidade doit être condamné suivant les principes fixés dans la convention ci-dessus mentionnée. Quant au nombre excessif des Esclaves que l'on dit avoir été trouvés à son bord, Votre Excellence n'ignore pas que ce cas se trouve prévu dans la convention susdite, et ne suffit pas pour faire condamner le Bâtiment, mais que le capitaine et le propriétaire deviennent passibles, d'après les Loix Portugaises, de châtimens très graves, pour avoir contrevenu au règlement que fixe, d'après le port de chaque Bâtiment, le nombre d'esclaves qu'il peut lui être permis de transporter. Je n'ai pas manqué dans le rapport que j'ai fait à ma Cour de cette affaire, de réclamer toute son attention sur cette circonstance importante, et si le crime est prouvé, je le doute pas que les coupables ne subissent, dans toute sa rigueur, le châtimement qu'ils auront mérité, et que l'humanité réclame. Au reste, je dois vous assurer, Milord, que les Loix Portugaises, renouvelées encore dernièrement par Sa Majesté Très Fidèle, sont très strictes et très positives à cet égard, mais si effectivement le Vaisseau dont il s'agit faisait un commerce illicite, il ne doit pas paraître étonnant, qu'on ait cherché à entasser un plus grand nombre d'esclaves que les Loix ne le permettent, et certainement les Bâtimens Britanniques, ou de toute autre nation qui, en contravention des Loix de leurs Pays, transportent encore actuellement des esclaves par contrebande dans les colonies, se rendent tous plus au moins coupables du même abus et de la même inhumanité.

2do, Quant à la question générale de l'abolition de la Traite des Nègres, que votre Excellence touche dans sa lettre, elle n'ignore pas que cette question est pour le Brésil d'une importance trop grave, pour que je puisse me croire autorisé à la discuter ainsi incidemment. Sa Majesté Très Fidèle a déjà beaucoup fait pour donner, à cet égard, une garantie de ses intentions bienfaisantes. Elle espère que le temps la mettra à même de conclure un jour cette œuvre salutaire, et elle regardera ce jour comme un des plus heureux de son règne. En attendant, tous ses soins sont employés pour améliorer le sort des Esclaves, et surtout leur traversée de la côte d'Afrique à celle du Brésil. C'est là peut-être le bienfait le plus essentiel que l'humanité demande, et le Gouvernement Portugais se trouve à même de l'effectuer d'autant mieux, que c'est dans les ports de ses propres colonies sur la côte d'Afrique que les esclaves sont embarqués. Enfin, les Gouvernemens de l'Europe sont trop justes pour ne pas appercevoir, que l'abolition finale de la Traite doit éprouver au Brésil des difficultés majeures, et pour désirer que Sa Majesté Très Fidèle adopte à cet égard des mesures précipitées, surtout s'ils considèrent que ce commerce était fait naguères par toutes les autres nations qui possèdent des colonies, et par la Grand Bretagne elle même, et qu'il n'est pas devenu plus blâmable aujourd'hui qu'il ne l'était par le passé.

3tio. Le troisième point dont il s'agit dans la lettre de Votre Excellence, c'est à dire, les rapports de Sir George Collier sur les Evénemens qui ont eu lieu dans l'Isle du Prince, et la détention de deux Bâtimens Portugais soupçonnés par lui de faire le commerce illicite des Esclaves, ayant déjà été référé à ma cour, comme Votre Excellence me dit, et comme je le vois par la copie de sa dépêche à Mr. Chamberlain, qu'elle a bien voulu me communiquer, je m'abstiendrai, jusqu'à ce que j'aie reçu des ordres positifs, d'entrer à cet égard dans une discussion détaillée.

Je suis persuadé, cependant, que le Gouvernement Britannique est trop

juste pour ne pas avoir égard aux réclamations fondées qui pourront lui être adressées dans la suite sur cette affaire, et qu'il reconnâtra lui-même, combien il importe que les stipulations de la convention du 28 Juillet 1817, ne soient pas violées par ses croiseurs, s'il désire que le principe de droit mutuel de visite, que le Gouvernement de Sa Majesté Très Fidèle a le premier adopté pour empêcher, autant que faire se pourra, la Traite illicite des nègres, puisse être admis successivement par les autres nations maritimes.

Quant à l'accusation portée contre le Gouverneur de l'Isle du Prince, de prendre part à ce trafic illicite, je n'ai pas manqué de la signaler à l'attention de mon Gouvernement, qui s'empressera certainement de faire à cet égard les recherches nécessaires, et de mettre un terme à cet abus, s'il existe, ainsi qu'à l'entrepôt que l'on suppose établi dans l'Isle du Prince, pour conduire par cantrabande des esclaves dans les colonies Espagnoles. Je ne niera pas la possibilité de tels abus, mais c'est par des communications officielles et de bonne foi entre les deux Gouvernemens, qu'on peut chercher à les découvrir, à les punir, et à les empêcher, et non pas en employant, comme il me semble que Sir George Collier l'a fait l'injustice et la violence.

J'espère que Votre Excellence me connaît assez pour être persuadé, que dans les observations que je me suis permis, il n'entre aucune espèce d'aigreur, mais seulement le désir d'éviter tout malentendu, et de rétrécir, autant qu'il peut dépendre de moi, les liens d'Amitié qui unissent nos deux pays. Je puis sans doute me tromper mais j'ose croire que Votre Excellence ne doutera pas de la loyauté et de la sincérité de mes intentions.

(Signed)

LE COMTE DE PALMELLA,

Viscount Castlereagh, K. G.

&c. &c. &c.

No. 82. b.

(Translation.)

The Count de Palmella to Viscount Castlereagh, K. G. &c. &c.

EXTRACT.

London, December 31st, 1819.

I have received the official letter, which your Excellency did me the honour to write to me, under date of the 28th of October last, together with the several documents annexed, relating to the Slave Trade, and I did not fail, agreeably to your Excellency's wishes, immediately to forward copies of them to my Government.

Your letter, my Lord, treats upon three very distinct subjects, upon each of which I feel it my duty to reply to you.

1st. With regard to the capture of the Portuguese schooner, Nova Felicidade, by one of His Britannic Majesty's schooners, on which subject you have already written to me a note, dated the 25th of October. In my reply to that note, I was anxious, my Lord, to suggest the mode which appeared to me the most natural to expedite the sentence on the legality of that capture, even previous to the arrival of the Portuguese Commissioners, who are to form part of the Mixed Commission residing at Sierra Leone; and you will perceive, I trust, in this anxiety on my part, the most indisputable proof of the fidelity with which His Most Faithful Majesty desires to contribute to a strict adherence to the Convention of the 28th July 1817, and to prevent or punish every deviation from that Treaty. It will be the duty, therefore, of the Commissioners who are resident at Sierra Leone, to judge upon the point in dispute, viz. Whether it be proved that the schooner Nova Felicidade is to be condemned upon the principles laid down in the Convention above-men-



tioned. With regard to the immense number of Slaves reported to have been found on board, your Excellency is aware that this case is provided for in the Convention above-mentioned, and is not sufficient to condemn the vessel. But the captain and owner subject themselves, by the laws of Portugal, to the most serious punishment, for having acted contrary to the regulation which defines, according to the tonnage of each vessel, the number of Slaves he is allowed to carry.

In the report which I have made to my Court on this subject, I did not fail to call its particular attention to this important circumstance, and in case the crime is proved, I have no doubt that the guilty parties will suffer the utmost severity of punishment which they have deserved, and which humanity demands. Moreover, I can assure you, my Lord, that the Portuguese laws, lately again enforced by His Most Faithful Majesty, are very strict and positive in this respect. But if the vessel in question should, in reality, have traded illicitly, it will not appear extraordinary, that an effort has been made to entice on board a greater number of Slaves than the laws allow, and unquestionably British ships, or those of any other nation which, in defiance of the laws of their country, still actually carry Slaves in a contraband manner to the colonies, become all, more or less, guilty of the same crime and inhumanity.

2d. With regard to the general question of the abolition of the Slave Trade, treated of in Your Excellency's letter, you are aware that this subject is of too serious importance to the Brazils to allow me to feel authorized to discuss it, as it were, incidentally. His Most Faithful Majesty has already done a great deal by giving a guarantee of his beneficent intentions in this respect. He trusts, that at some time the day will arrive, when he will be enabled to complete this salutary work, and he will consider that day as one of the happiest of his reign. In the mean time, all his endeavours are directed towards ameliorating the condition of Slaves, and especially their voyage from the coast of Africa to the coast of Brazil. This is, perhaps, the most essential benefit which humanity requires; and the Portuguese Government is the better able to confer it, since the ports where the Slaves are embarked are those of her own colonies on the coast of Africa. In fine, the Governments of Europe are too just and enlightened not to perceive that the final abolition of the Trade must experience greater difficulties in the Brazils, or to desire that His Most Faithful Majesty should adopt precipitate measures in this respect, especially if they bear in mind that this traffic was carried on, not long ago, by every other nation possessing colonies, and even by Great Britain herself, and that it is not more blameable now than it has been hitherto.

3d. The third point treated of in your Excellency's letter, that is to say, the accounts received from Sir George Collier, of the events which have taken place at Prince's Island, and the detention of two Portuguese ships which he suspected of carrying on the Slave Trade, having already been referred to my Court, as Your Excellency informs me, and as I perceive, by a copy of your dispatch to Mr. Chamberlain, which you have had the goodness to communicate to me, I shall abstain, until I have received positive instructions, as to entering into a detailed discussion upon this subject.

I am persuaded, however, that the British Government possesses too much justice not to pay attention to such well-founded representations as it may from time to time receive upon this subject; and that it will itself acknowledge how highly important it is that the stipulations of the Convention of the 28th July 1817, should not be violated; if it be desirous that the principle of mutual right of search, which the Government of His Most Faithful Majesty has been the first to adopt, in order to prevent, as far as possible, the illicit trade in Slaves, may be admitted by all other maritime powers successively.

With regard to the charge adduced against the Governor of Prince's Island, of having taken part in this illicit trade, I have not failed to submit it to the particular attention of my Government, who will certainly lose no time in causing the necessary inquiries to be made respecting it, and to put an end to such abuse, if it exists, as well as to the depôt, which is supposed to be established in Prince's Island, for conveying Slaves by contraband means to the Spanish colonies. I will not deny the possibility of such abuses, but it is only by official communications, and good faith between the two Governments that we can seek to discover and to prevent them; and not by acting with violence and injustice.

I trust your Excellency knows me too well not to be persuaded that in the observations which I have taken the liberty of making, I am actuated by no sort of ill-will, but solely by a desire to avoid, as far as lies in my power, any kind of misunderstanding, and to draw closer the ties of friendship which unite the two countries. I may undoubtedly be mistaken, but I trust that your Excellency will do justice to the loyalty and sincerity of my intentions.

(Signed) LE COMPTE DE PALMELLA.

Viscount Castlereagh, K. G.  
&c. &c. &c.

No. 83, b.

*Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated the Hague,  
December 28, 1819.—Received January 1, 1820.*

MY LORD,

REFERRING to your Lordship's dispatch of the 21st instant; and to mine with its inclosure of the 24th of the same month; I have now the honour to transmit a copy of His Excellency M. le Baron de Nagell's official note addressed to me on the 25th instant, in which he acknowledges the receipt of the Notification I was directed to make to His Government, of the issue of the Instructions annexed to the Treaty of the 4th of May 1818, by His Majesty's Government, to Sir George Ralph Collier, of His Majesty's ship Tartar of 42 guns.

I am, &c.,

(Signed) CLANCARTY.

Viscount Castlereagh, K. G.  
&c. &c. &c.

*(Inclosure in No. 83, b.)*

*Le Baron de Nagell à le Comte de Clancarty.*

*La Haye, ce 25 Decembre 1819.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur d'accuser à Son Excellence le Comte de Clancarty, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique la réception de sa note du 24me de

Decembre dernier, par la quelle le Soussigné est informé d'après la teneur de l'Article 3 du Traité entre les Royaumes de la Grande Bretagne et des Pays Bas, en date du 4me Mai 1818, pour prevenir et empêcher le Commerce des Esclaves, que le vaisseau de Sa Majesté le Roi de la Grande Bretagne Tartar portant 42 pieces de canon, et commandé par Sir George Ralph Collier, a reçu les instructions requises par le Traité susmentionné.

Le Soussigné, en remerciant M. l'Ambassadeur de cette information officielle, s'est empressé de la communiquer aux Departemens de la Marine et des Colonies, et saisit, &c.

(Signed)

A. W. C. DE NAGELL.

*A Son Excellence M. le Comte de Clancarty,*  
&c. &c. &c.

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*(Translation of Inclosure in No. 83, b.)*

*Baron de Nagell to the Earl of Clancarty, &c. &c.*

*The Hague, December 25, 1819.*

THE Undersigned, Minister for Foreign Affairs, has the honour to acknowledge the receipt of the note of His Excellency the Earl of Clancarty, Ambassador Extraordinary and Plenipotentiary from His Britannic Majesty, dated the 24th of December last, by which the undersigned is informed, that, according to the tenor of the third Article of the Treaty between the Kingdom of Great Britain and the Netherlands, dated the 4th of May 1818, for the prevention and abolition of the Slave Trade, His Britannic Majesty's ship Tartar, of 42 guns, commanded by Sir George Ralph Collier, has received the instructions required by the Treaty above mentioned.

The undersigned thanks the Earl of Clancarty for this official information, which he will communicate without delay to the Departments of the Marine and of the Colonies.

(Signed)

A. W. C. DE NAGELL.

*His Excellency the Earl of Clancarty,*  
&c. &c. &c.

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No. 84, b.

*Count de Palmella to Viscount Castlereagh, K. G. &c. &c.*

*Londres, ce 27 Janvier 1820.*

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle, a la satisfaction d'annoncer à Son Excellence M. lord Castlereagh, que Messieurs les Gouverneurs du Royaume de Portugal, conformément à l'autorisation que, pour cet effet, ils avoient reçue de Sa Majesté Très Fidèle, ont nommé Messieurs Joao Jacome Altavilla et Joaquim Cezar de la Figaniera, pour former de la part de Sa susdite Majesté, la Commission Mixte, établie à Sierra Leone, le premier en qualité de Commissaire Juge, et le second en celle de Commissaire Arbitre.

Le Soussigné, persuadé qu'il est de l'intention et de l'intérêt des deux Gouvernemens, que cette Commission soit complète le plutôt possible, prend la liberté de suggérer à Son Excellence Milord Castlereagh, comme un moyen d'y parvenir, que le premier bâtiment Britannique que le Gouvernement fera partir pour Sierra Leone, touche à son passage à Lisbonne, et y prenne à son bord les susdits Commissaires Portugais.—Si Son Excellence approuve ce projet, le Soussigné la prie de le lui faire savoir le plutôt possible, afin qu'il puisse en instruire sans délai Messieurs les Gouverneurs du Royaume de Portugal.

En attendant il croit devoir joindre, comme il fait ici, la copie des lettres patentes par lesquelles Leurs Excellences ont procédé à la nomination des susdits Commissaires.

Le Soussigné profite de cette occasion pour présenter à Son Excellence Milord Castlereagh l'assurance de sa haute considération.

(Signé)

Viscomte Castlereagh, K. G.  
&c. &c. &c.

LE COMTE DE PALMELLA.

No. 84, b.

(Translation.)

Count de Palmella to Viscount Castlereagh, K. G. &c. &c.

London, January 27, 1820.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, has the satisfaction to announce to His Excellency Lord Castlereagh, that the Governors of the kingdom of Portugal, in pursuance of the authority which they had received to that effect from His Most Faithful Majesty, have named Messieurs Joao Jacomo Altavilla and Joaquim Cezar de la Figaniere, to form the Mixed Commission established on the part of His said Majesty at Sierra Leone—the former in quality of Commissary Judge, and the latter in that of Commissioner of Arbitration.

The Undersigned, in the persuasion that it is the intention and the interest of both Governments that this Commission should be completed as soon as possible, takes the liberty of suggesting to His Excellency Lord Castlereagh, as a means of attaining that end, that the first British vessel which the Government shall dispatch for Sierra Leone, should touch at Lisbon on its passage, and there take on board the above-mentioned Portuguese Commissioners. If His Excellency approve this plan, the Undersigned requests him to inform him of it as soon as possible, in order that he may, without delay, communicate it to the Governors of the kingdom of Portugal.

In the mean time he thinks it right to inclose, and he herewith incloses, a copy of the Letters Patent, by virtue of which their Excellencies have proceeded to the nomination of the above-mentioned Commissioners.

The Undersigned avails himself of this opportunity to present to His Excellency Lord Castlereagh the assurance of his high consideration.

(Signed)

Viscount Castlereagh, K. G.  
&c. &c. &c.

THE COUNT DE PALMELLA.

No. 85, b.

*Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated the Hague,  
January 28, 1820.—Received February 1.*

MY LORD,

REFERRING to your Lordship's dispatch of the 13th October last, upon the subject of the proposed "Regulations for the guidance of the Commissioners appointed for carrying into effect the Treaties for the abolition of the Slave Trade;" and also to the official note which, in obedience to your instructions, I presented to this Court thereon, a copy of which was transmitted for your Lordship's information by my dispatch of the 5th November last; I have now the honour to inclose herewith a copy of M. le Baron de Nagell's note upon the subject of those regulations.

Though this paper expresses the approbation of this Court of the regulations as applicable to the Mixed Commission at Sierra Leone, consent to their adoption, and moreover announces generally approval and adoption of the three first forms applicable to the Commanders of vessels, yet I must nevertheless own myself to have been somewhat surprised, as well as disappointed, at its remaining substance; because, notwithstanding the desire expressed by me on the part of my Government in my note of the 3d November, that as little time as possible should be lost in the final decision of this matter; now, at the end of nearly three months (as far as relates to this Mixed Commission at Surinam,) the whole of this business is still to be begun.

I therefore waited upon M. de Nagell to converse with him upon this subject.

He stated that the delay which had occurred, arose from the King's having been very considerably engaged in other affairs; and assured me, that every endeavour should be used on his part to have the matter now brought to an early termination: in the mean time, however, he stated that the King had not been insensible to the inconvenience which might arise from the inactivity of the Mixed Commission at Surinam, from the want of proper authority to act in unison; and pointed particularly to that part of his note to me, wherein, till the ultimate instructions shall be issued, the Mixed Commission is authorised by this Government to employ, *pro re nata*, such forms as may appear most analagous to the Treaty, and most expedient for the proceedings.

Though I should much doubt that the temporary expedient, thus pointed at, can be redereed at all available, its suggestion at least evinces a desire to avoid delay; and M. le Baron de Nagell assures me he will use his best efforts for this purpose.

I have the honour to be, &amp;c.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

(Signed)

CLANCARTY.

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*(Inclosure in No. 85, b.)*

*Le Baron de Nagell à le Comte de Clancarty, &c. &c.*

*Le Haye, ce 5 Janvier 1820.*

LE Roi appréciant combien il importe que les Commissaires, établis en vertu du Traité du 4 Mai 1818, pour l'abolition de la Traite des Nègres, soient

munis d'instructions consonantes, a fait examiner, dans cet esprit, les formulaires transmis le 3 Novembre dernier, par Son Excellence Lord Clancarty, &c.

Le Soussigné, &c. a été chargé de faire connaître, que pour autant que ces formulaires concernent le Tribunal Mixte de Sierra Leone, Sa Majesté ne fait aucune difficulté à leur adoption. Mais par rapport au Tribunal Mixte de Surinam, où les jugemens devront être prononcés au nom de Sa Majesté, il sera nécessaire de suivre un ordre de procédure et des formulaires plus conformes à ceux en usage dans les Colonies des Pays Bas;

En conséquence les dispositions requises viennent d'être prescrites, pour que ce dernier Tribunal fasse dresser des formulaires de ce genre en Hollandais, tout en lui laissant dans l'entrefait, la liberté d'employer *pro re nata* les formulaires qui lui paraîtront les plus analogues au Traité précité, et les plus expédiens pour l'instruction des procès.

Quant aux trois premiers formulaires remis par Son Excellence Lord Clancarty, destinés uniquement aux Commandans des vaisseaux autorisés à la saisie des Négriers, ils ont été homologués par le Roi, et remis au Ministre de la Marine, aux fins de les faire traduire en Hollandais, pour en munir les Officiers des vaisseaux autorisés à faire les recherches sur la Traite des Nègres, et leur servir de règle et d'instruction.

Le Soussigné à l'honneur, &c.,  
(Signé) A. W. C. DE NAGELL.

Le Comte de Clancarty,  
&c. &c. &c.

(Translation of Inlosure in No. 85, b.)

*Baron de Nagell to the Earl of Clancarty, &c. &c.*

*The Hague, January 25, 1820.*

THE King, duly appreciating how important it is that the Commissioners established in virtue of the Treaty of the 4th May 1818, for the abolition of the Slave Trade, should be furnished with suitable instructions, has, with this object in view, desired that the forms should be examined which were received from His Excellency the Earl of Clancarty in his note of the 3d of November last.

The undersigned, &c. is authorised to declare, that so far as these forms relate to the Mixed Tribunal at Sierra Leone, His Netherland Majesty has no objection to their adoption. But with regard to those which relate to the Mixed Tribunal at Surinam, where sentence is to be pronounced in the name of His Majesty, it will be necessary to adopt a mode of proceeding and forms more analogous to those in use in the colonies of His Netherland Majesty.

The necessary instructions have consequently been given in this latter Tribunal to prepare forms of this description in the Dutch language, leaving to them in the interim the liberty of using such forms *pro re nata*, as may appear to them to be the most analogous to the Treaty above-mentioned, and the most proper for conducting the proceedings.

With respect to the three first forms transmitted by His Excellency Lord Clancarty, which are intended solely for the Commanders of vessels empowered to detain Slave ships, they have been confirmed by the King, and transmitted to the Minister of Marine for the purpose of being translated into the Dutch language, and furnished to the Officers of ships authorized to make inquiries relative to the Traffic in Slaves, and to serve as a guide and instruction for their conduct.

The undersigned, &c.  
(Signed) A. W. C. DE NAGELL.

Earl of Clancarty,  
&c. &c. &c.

No. 86, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K. G. &c. &c., dated Surinam, November 23, 1819.—Received February 2, 1820.*

MY LORD,

IN obedience to the commands of His Royal Highness the Prince Regent, communicated to us by your Lordship, that we should from time to time report the proceedings of the Court of which we are appointed Members, for the information of His Royal Highness's Government, we have the honour to inform your Lordship, that no case has yet occurred which would admit of the interposition of the Court; at the same time, we feel it our duty to communicate to your Lordship, that under the fifth and sixth Articles of a Decree issued by the Netherland Government, an official copy of which we have the honour to inclose, a Trade in Slaves with the West Indian Islands does exist; that two vessels, one from Guadaloupe, the other from Martinique, under the French flag but consigned to inhabitants of this colony, are at the present time discharging their cargoes of Slaves in the river Surinam; and that a ship under the Netherland colours has sailed from hence for the purpose of purchasing Slaves at Pernambuco.

We have the honour to be, &c. &c.

(Signed) CHRISTOPHER EDWARD LEFROY.

British Commissary Judge.

THOMAS S. WALE, Arbitrator.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

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(Inclosure in No. 86, b.)

(Translation.)

Surinam Courant, January 12, 1819.

PARAMARAIBO.

PROCLAMATION RESPECTING THE SLAVE TRADE.

WE, Cornelis Rynhard Vaillant, Knight of the Order of the Netherland Lion, Governor-General, ad interim of the Colony of Surinam, and Commander in Chief of the Land and Sea Forces in the same, &c. &c. &c.

To all who shall see the presents, or shall hear them read, greeting.

WE notify, that we have received from his Excellency the Minister for Public Instruction, National Industry, and the Colonies, a dispatch, No. 1190, dated September 26, inclosing a decree of his Majesty, given at Loo, September 17, 1818, of the following tenour:—

We, William, by the grace of God, King of the Netherlands, Prince of Orange Nassau, Grand Duke of Luxemburg, &c. &c. &c.

Having considered our decree of June 15, 1814; likewise Article eight of the Treaty concluded August 13, 1814, between our kingdom and that of Great Britain; as also Article one of the Treaty dated the 4th of May, of the same year, all relative to the abolition of the Slave Trade; and Article sixty

of the Fundamental Law : and being solicitous to prevent a traffic so disgraceful to humanity, We, on the proposal of our Minister for Justice and Foreign Affairs, and after hearing the Council of State, have decreed and do decree:—

#### ARTICLE I.

No one, of whatever description, in our West India colonies and settlements, or on the coast of Guinea, shall be permitted to carry on the Slave Trade, or to be directly or indirectly connected with that traffic, whether by fitting out ships or vessels for that purpose, or by having an interest in the fitting out, to that end, of national or other ships and vessels, and by designedly letting them by contract for such object, or by shipping, buying, selling, bartering, and openly or surreptitiously importing, or causing to be imported, Negroes, as Slaves, into any Netherland or Foreign colony or settlement out of Europe, on pain, to transgressors and their accomplices, of incurring a penalty of five thousand florins, besides being declared infamous, and imprisoned for the period of five years.

#### ARTICLE II.

To the same punishment shall be liable all foreigners, who, subsequently to April 1, 1819, shall have carried to, or imported, or attempted to import, into our above-mentioned colonies and settlements one or more Negroes, and who shall be apprehended in our said colonies and settlements : and any ships and vessels, laden with Negroes, which, previous to that period, may put into any of the Netherland harbours in those parts of the world, shall immediately be warned off.

#### ARTICLE III.

Penalties similar to those specified in Article I. shall be inflicted upon all Masters of vessels, Steersmen, and Supercargoes, whether Netherland or foreign, who shall have lent their assistance towards the carrying on of the prohibited Traffic in Slaves, and shall, in consequence, after the above period, have carried to, or imported into, or attempted to carry to or import into, the said colonies or settlements, any cargo of Negroes.

#### ARTICLE IV.

Sailors, and other seafaring men, who shall be apprehended in our colonies on a charge of having deliberately entered into the service of ships or vessels knowing them to be engaged in the Slave Trade in general, or in the importation of Slaves into our above-mentioned colonies and settlements, shall, by way of punishment, be imprisoned for two years ; and those who discover it afterwards, shall immediately stand discharged from their service, and take the first opportunity, unattended with danger to themselves, to quit the same, on pain, in the contrary case, of incurring the punishment alluded to.

#### ARTICLE V.

The above denunciations of punishment, however, shall no way apply to Slaves now existing in the colonies or to their children, whether born or that



may be born, respectively, who shall be transferred to and from any Netherland colony in the West Indies, or to and from any foreign colony, or any portion thereof; and we expressly declare, that no one whosoever shall, on that account, be suffered to be at all molested, inasmuch as such importation and transfer does not come within the meaning of the prohibited Slave Trade.

#### ARTICLE VI.

Neither shall the punishments threatened by the present law be made applicable to those who shall save and succour any Slave vessel in distress, or who may have transhipped from such vessel any Slaves, provided the Commander give due information of it within fourteen hours of his putting into the first port he shall make.

Our Ministers of Justice and Public Instruction, of National Industry and the Colonies, are directed, each according to his department, to see the above carried into execution; and the latter shall cause the present decree to be proclaimed and affixed, as usual, in the before-mentioned colonies and settlements; and copies of the present decree shall likewise be communicated to our Ministers for Foreign Affairs, and to the Council of State for their information.

Given at Loo, September 17, 1818, and in the fifth of our reign.

(Signed) WILLIAM.

By order of the King.

(Signed) J. G. DE MEY VAN STREEFKERK.

No. 87, b.

*Viscount Castlereagh to the Count de Palmella, &c. &c.*

EXTRACT.

*Foreign Office, February 15, 1820.*

VISCOUNT CASTLEREAGH presents his compliments to the Count de Palmella, and has the honour to acknowledge the receipt of the Count's note of the 10th instant, announcing that the Commissioners appointed by His Most Faithful Majesty to reside at Sierra Leone, have arrived in London, on their way to the former place.

No. 88, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, December 22, 1819.—Received February 26, 1820.*

MY LORD,

WE have at length the honour of announcing to your Lordship, the Installation of the Mixed Commission at this place.

Since we had last the honour of addressing your Lordship, we have waited on His Majesty's Minister at this Court, to beg His Excellency would urge the opening of the Commission previous to the sailing of this packet; and in consequence of His Excellency's application, we were appointed to meet the Portuguese Commission on the 18th December, which we accordingly did, and for the proceedings of that day we beg leave to refer your Lordship to the Protocol of which we have the honour of inclosing a copy, in consequence of which we addressed a note on the subject to His Majesty's Minister at this Court.

Our first sitting was adjourned to the 23d instant, when we propose meeting to arrange the forms of our future proceedings; and we have no reason to think, My Lord, that the documents necessary to the rendering us an efficient Tribunal will be long delayed.

We have the honour, &c.

(Signed) HENRY HAYNE,  
ALEX. CUNNINGHAM.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Inclosure in No. 88, b.)

(Translation.)

ON the 18th of December 1819, in this City and Court of Rio de Janeiro, in the Room of the Conferences of the Royal Board of Commerce, Agriculture, Manufactures and Navigation of this Kingdom of Brazil, and the ultra-marine Dominions, did assemble in quality of Commissioners, Judge, and Arbitrator on the part of His Most Faithful Majesty the King of the United Kingdom of Portugal, Brazil, and the Algarves, Silvestre Pinheiro Ferreira and John Pereira de Souza, and on the part of His Britannic Majesty, the King of the United Kingdom of Great Britain and Ireland, the Commissioners, Judge, and Arbitrator, Henry Hayne and Alexander Cunningham, with the view of opening, in compliance with the Royal Decree of the 9th of October last, and with the Instructions subjoined to it, the Mixed Commission, which, in conformity with the Convention of the 28th July 1817, annexed to the Treaty of the 22d January 1815, was to be established in this kingdom of Brazil; I Braz Martins Costa Passos being present as secretary, and producing the Alvará that appoints and authorizes me to hold that place, and which after being read and allowed to be in good and due form, was confirmed by the Supreme Chancery, so as that the Commissary Judge, Silvestre Pinheiro Ferreira, pursuant to the royal orders, put to me the oath, binding me faithfully to discharge my duties according to the above Convention and Treaty, and to watch in every respect over the service of His Most Faithful Majesty, as well as over the right of the parties. And the Commissioners, Judges and Arbitrators having all, in each other's presence, taken the oath prescribed by the above-mentioned convention, in the hand of the Dezebargador José Albano Fragozo, Judge of Criminal Causes to the Court and the Royal Family, acting in the capacity of Supreme Chancellor; the Portuguese Commissioners, Silvestre Pinheiro Ferreira, and John Pereira de Souza exhibited to the Board the respective Alvarás of their appointment, which are recited underneath, as did the British Commissioners their Commissions in the English language, which are likewise recited underneath, whereupon the two British Commissioners offered the following observations:—That, the Commission having thus been installed, in compliance and conformity with the royal orders, they, the British Com-

missioners, conceived, that being unprovided with a commission from His Most Faithful Majesty such as the Portuguese Commissioners had received, their jurisdiction would not be respected by the Authorities of these kingdoms; to which doubt it was replied by the Portuguese Commissioners, that they were not instructed how to satisfy it, nor did they know whether it would be proper to bring it under His Majesty's notice, inasmuch as their instructions left that point undecided. The British Commissioners therefore declared, that they reserved it to themselves, to apply, through the medium of their respective Envoy, to the Government, for the necessary explanations on that important subject. And to certify that the act of installation took place in the manner above stated, I drew up the present Instrument, which they signed in common with me.

HENRY HAYNE.  
SILVESTRE PINHEIRO FERREIRA.  
ALEXANDER CUNNINGHAM.  
JOHN PEREIRA DE SOUZA.  
BRAZ MARTINS COSTA PASSOS.

No. 89, b.

*Viscount Castlereagh to Count de Palmella, &c. &c.*

*Foreign Office, March 1, 1820.*

VISCOUNT CASTLEREAGH presents his compliments to Count de Palmella; and in order that he may be enabled to reply to that part of the Count's note of the 21st ultimo, wherein he desires to know what further steps may be necessary for enabling the Commissioners appointed by His Most Faithful Majesty to reside at Sierra Leone, to enter upon their functions without delay, upon their arrival at that place; Lord Castlereagh requests the Count de Palmella would have the goodness to transmit to him the original appointment of those Gentlemen, which he will lose no time in causing to be examined by His Majesty's Law Officers.

I am, &c.

*Count de Palmella,*  
*&c. &c. &c.*

(Signed)

CASTLEREAGH.

No. 90, b.

*The Count de Palmella to Viscount Castlereagh, K. G. &c. &c., dated March 6, 1820.*

EXTRACT.

LE Comte de Palmella a l'honneur de faire ses complimens à Milord Castlereagh, et conformément aux désirs exprimés par Son Excellence dans sa note du 1 de ce mois, il s'empresse de lui adresser ci-joint l'original des lettres patentes dont se trouvent munis les Commissaires Portugais, qui doivent former, de la part de Sa Majesté Très Fidèle, la Commission Mixte établie à Sierra Leone.

Il profite de cette occasion pour présenter à Milord Castlereagh l'assurance de sa haute considération.

(Signé)

LE COMTE DE PALMELLA.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

No. 90, b.

*(Translation.)*

*The Count de Palmella to Viscount Castlereagh, K. G. &c. &c., dated  
March 6, 1820.*

## EXTRACT.

THE Count of Palmella has the honour to present his compliments to Lord Castlereagh; and, conformably to the wish expressed by His Excellency in his note of the 1st instant, takes the earliest opportunity of transmitting to him herewith inclosed, the original of the letters patent with which the Portuguese Commissioners, who are to form the Mixed Commission established on the part of His Most Faithful Majesty at Sierra Leone, are provided; and he avails himself of this opportunity to present to Lord Castlereagh the assurance of his high consideration.

(Signed) THE COUNT DE PALMELLA.

*Viscount Castlereagh, K. G.*

&amp;c. &amp;c. &amp;c.

*(Inclosure in No. 90, b.)**Os Governadores dos Reynos de Portugal e dos Algarves, &c.*

FAZEMOS saber a todos a quem o conhecimento dessa nossa Carta de Nomeação Interina pertencer, que, autorizados especialmente para este effeito por Sua Magestade Fidelissima Nosso Senhor El Rey do Reyno Unido de Portugal e do Brazil e Algarves, temos nomeado, como por esta nossa Carta nomeamos, em vertud da dita faculdade a João Jacomo Altavilla e a Joaquim Cezar de la Figamiere para haverem de exercer em Serra Leão o primeiro os funcçoens de Commissario Juiz, e o secundo as de Commissario Arbitro, na Commissão Mixta que no dito Porto deve estabelecerse, em conformidade do ajustado entre Suas Magestades Fidelissima e Britannica, no Artigo octavo de Convenção de vinte e oito de Julho de mil oito centos e deccete Adicional ao Tratado de vinte e dos de Janeiro de mil oito centos e quinze, relativo ao Commercio dos Escravos; e isto até que Sua Magestade Fidelissima Nosso Senhor seja servido ou confermar esta nossa Nomeação, ou outra couza dispor: Autorisamos por tanto os ditos dois por nos nomeados, de cujas boas qualidades de intelligencia e probidade somos informados, para, como Commissarios por parté de Sua Magestade Fidelissima Nosso Senhor, hirem logo residir no referido estabelecimento de Serra Leão, e para ali, conjuntamente com os Commissarios nomeados por parte de Sua Magestade Britannica, ouvirem, examinareem e julgarem sem appelação todos as cauzas de captura de embarcaçoens de Escravatura, que lhes forem apresentados, conforme as estipulazoens de mencionada Convenção, regulamento e instrucçoens a ella annexas: Prestando os mesmos dois Commissarios, antes de entrarem em exercicio, perante o magistrado principal do Paez, o juramento de bem e fielmente julgarem seguindo suas consciencias, não dando preferencia nem aos reclamantes nem aos

captadores, e regulandose em todas as suas decisoes pelas estipulaçoens do Tratado de vinte e dois de Janeiro de mil oito centos e quinze e da convenção adicional, Para firmeza de que mandamos passar a presente Carta de Nomeação a qual vai por nós assinada e sellada com o sello Real deste Reino Unido. Dado em Lisboa no Palacio do Governo dos onze de Janeiro do anno do Nascimento de Nosso Senhor Jesus Christo de mil oito centos e vinte.

(L. S.) C. CARDINAL PATRIARCHA.  
C. R. CONDE DE PENICHE.  
B. M. PEREIRA FORJAS.  
MARQUEZ DE BORBA.  
RICARDO RAIMUNDO-NOGUEIRA.

(*Translation of Inclosure in No. 90, b.*)

*The Governors of the Kingdoms of Portugal and of the Algarves, &c.*

WE notify to all who ought to be informed of these our letters of temporary appointment, that, having been specially authorised for this purpose by His Most Faithful Majesty our Lord the King of the United Kingdom of Portugal and of Brazil, and of the Algarves, we, in virtue of the said power, have named, as by these our letters we do name, John Giacomo Altavilla and Joaquim Cezar de la Figaniere to execute, at Sierra Leone, the former the functions of Commissary Judge, and the latter the office of Commissioner Arbitrator in the Mixed Commission about to be established at that port, in conformity with the agreement between their Most Faithful and Britannic Majesties, contained in Article eight of the Convention signed the twenty-eighth of July 1817, and appended to the Treaty concluded January 22, 1815, relative to the Slave Trade, to be in force till such time as His Most Faithful Majesty, our Lord, shall be pleased either to confirm this our nomination, or to determine otherwise: wherefore, we authorise the above two individuals, appointed by us, and of whose good qualities, in point of intelligence and probity, we are satisfied, to proceed immediately to, and to reside at, the settlement of Sierra Leone just mentioned, in the character of Commissioners, on the part of His Most Faithful Majesty our Lord; and there, jointly with the Commissioners nominated on the part of His Britannic Majesty, to hear, examine, and judge, without appeal, all causes of captured slave vessels brought before them, conformably to the stipulations of the above-mentioned Convention and Regulations, and of the instructions thereunto annexed: and the said two Commissioners shall, previous to entering upon the exercise of their functions, take, before the Chief Magistrate of the country, the oath of well and faithfully passing judgment agreeably to their conscience, of not shewing partiality either to appellants or captors, and of governing themselves in all their decisions by the stipulations of the Treaty of January 22, 1815, and of the additional Convention. In confirmation of which we have directed the present letters of nomination to be made out, which are signed by us, and sealed with the Royal seal of this United Kingdom. Dated Lisbon, Palace of the Government, January 11, in the year of our Lord Jesus Christ 1820.

(L. S.) C. CARDINAL PATRIARCH.  
C. R. CONDE DE PENICHE.  
B. M. PEREIRA FORJAS.  
MARQUEZ DE BORBA.  
RICARDO RAIMUNDO-NOGUEIRA.

## No. 91, b.

*His Majesty's Commissioners at the Havannah to Viscount Castlereagh, K. G. &c. &c., dated Havannah, November 12, 1819.—Received March 19, 1820.*

MY LORD,

IN consequence of the temporary absence of one of the Commissioners of His Catholic Majesty, and of the subsequent illness of the Captain-General of this Island, the opening of the Mixed Commission to be established here under the Treaty between Great Britain and Spain of the 23d September 1817, did not take place till the 11th instant.

Upon that day, the Commissioners of the two nations, accompanied by the Secretary of the Commission, proceeded to the house of the Captain-General, where his Excellency administered to us severally, in proper form, the oath prescribed by the Treaty;—our respective Commissions having been previously produced and examined, that of His Catholic Majesty's Commissioners being merely a royal order addressed by the Minister of State, Don Jose Pizarro, in July 1818, to the Captain-General of this Island, notifying the appointment of the persons whom His Catholic Majesty had been pleased to nominate Commissioners and Secretary under the above-mentioned Treaty.

The proper oath was subsequently administered to the Secretary of the Commission.

The Commissioners then proceeded to the office which had been previously prepared, and the Mixed Commission was declared accordingly to be opened.

The Commissioners appointed on the part of His Catholic Majesty are, Don Alexandro Ramirez, Intendant of this Island, as Commissary Judge, and Don Francisco Araugo, a Counsellor of the Indies, as Commissioner of Arbitration; the Secretary is Don Rafael Gonzalez, an eminent Lawyer established in the town.

The unavoidable delay which has occurred in opening the Commission, has fortunately not occasioned any inconvenience, as no vessel detained by the cruizers of either nation, in conformity to the stipulations of the Treaty of the 23d September 1817, has as yet arrived at this port.

We have the honour to be, &c.

(Signed)

HENRY THEO. KILBEE.  
R. F. JAMESON.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

## No. 92, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, January 10, 1820.—Received March 19, 1820.*

EXTRACT.

WE had the honour of informing your Lordship, on the 22d ultimo, that our second sitting was to take place on the following day, and we now beg leave to inclose a copy of the Protocol No. 2, which contains the result of that day's conference.

(Inclosure in No. 92, b.)

(Translation.)

*Protocol of the Proceedings of the Mixed Commission at Rio de Janeiro.*

EXTRACT.

ON the 23d of December 1819, the Commissary Judges, Silvestre Pinheiro Ferreira, and Henry Hayne, and the Commissioner Arbitrator, John Pereira Souza being met, the Board was informed by the Commissary Judge, Henry Hayne, that the Commissioner Arbitrator, Alexander Cunningham, was prevented by indisposition from attending.

The Commissary Judge of His Britannic Majesty represented, that he and his Colleague were instructed to agree with the Commissioners nominated by His most faithful Majesty, upon the manner of proceeding in the discharge of the duties entrusted to them, and that, as they had received from their Government several printed papers, drawn according to precedents by the High Court of Admiralty of Great Britain, for the regulation and guidance of the Commissions established in virtue of the Treaties concluded with Portugal, Spain and Holland, they proposed the following papers to be translated, approved, and entered in the Records of the Commission, so as to constitute part of its regulations, viz :

1st. The declaration of the two Negotiators who signed the Convention, in which declaration they rectified the mistake committed in the printed Convention respecting the position of Cabinda and Molembo.

2d. The Alvará of January 16, 1818.

3d. The interrogatories and questions to be put to witnesses, with such modifications as may appear necessary to the Commission, in particular cases.

4th. The Regulations, properly so called, which were taken from those made out by the Court of Admiralty, and adapted to the exigencies of these Mixed Commissions on the Slave Trade.

The Portuguese Commissioners replied, with regard to adopting, and inserting in the Records of the Commission, the papers presented to the Board by the British Commissioner, that the first paper, containing the declaration of the negociators who had signed the Convention, in which declaration they rectified the error of the press, in respect to the geographical position of Cabinda and Molembo, it appeared to them, that, as it was a State Paper, intended as an integral part of the Convention, this Commission ought not merely to insert it in its Records, but address His Majesty officially, to solicit His Majesty would direct that the same publicity should be given it in His dominions as it had, by means of the press, received in those of His Britannic Majesty, the more especially as in the copies of the Convention which were printed and published in this City, there existed not only that error, but another in the English Text, by laying down the territories of Molembo and Cabinda in 5 deg. and 12 sec. instead of 12 min. as expressed in the Portuguese Text.

That, in like manner, the insertion of the Alvará of the 16th January 1818 in the Records of the Commission appeared to be useless, in as much as that Alvará was a public law, and inserted in the general collection of Laws.

Touching the regulations and the form of the interrogatories, the Portuguese Commissioners answered, that they must, in the first instance, be examined by the Board, in order that the Commission, after having informed itself of their contents, might adopt as much as should be found

compatible with the form of summary process established in the Portuguese Courts of Justice; and supply, in accordance with that form, what is not compatible with it, so as to enable them to send the regulations and *formula* of interrogatories up to the Royal presence, accompanied by the needful information; and since hitherto no Interpreter, as mentioned in Article three of the Instructions, had been appointed, the Commission were now under the necessity of soliciting His Majesty to be pleased, as speedily as possible, to give orders concerning the nomination and functions of the said Interpreter, to the end that the said Article of the Regulations, after being translated, might be discussed, and presented to His Majesty, for His Royal approbation.

To which the British Commissary Judge agreed, observing, that in case His Majesty's Government should think proper to make any essential alteration in the said Regulations, he reserved to himself the right of requesting a communication of the reasons there might exist for the necessity of such alterations, to enable him, on his part, to convey them to the notice of his Government.

SILVESTRE PINHEIRO FERREIRA.  
HENRY HAYNE.  
JOAO PEREIRA DE SOUZA.  
BRAZ MARTINS COSTA PASSOS.

No. 93, b.

*Viscount Castlereagh to the Count de Palmella, &c. &c.,*

*Foreign Office, March 27, 1820.*

VISCOUNT CASTLEREAGH presents his compliments to the Count de Palmella. He has had the honour to receive the Count de Palmella's note of the 6th of March 1820, together with the original letters patent therein inclosed, constituting the nomination on the part of the Governors of Portugal of the Gentlemen destined to sit, on the part of His Most Faithful Majesty, in the Mixed British and Portuguese Commission at Sierra Leone.

Lord Castlereagh has the honour to return the original of this document, and to acquaint the Count, that he has forwarded to His Majesty's Commissioners at Sierra Leone a copy thereof, together with the commands of His Majesty, that they should enter provisionally upon the duties of the Commission with the Portuguese Gentlemen referred to, it being very essential to avoid any further delay in this respect; but as it is also very important, that every sanction which is contemplated by the Treaty shall be given to the appointment of the Commissioners, so that no formality should be left unobserved, the neglect of which might tend to invalidate in law the proceedings of the Commission, when possibly questioned by any of the parties; Lord Castlereagh begs to suggest to the Count de Palmella the expediency of pressing his Court to forward, as soon as possible, the approbation of His Most Faithful Majesty to the nomination of these Gentlemen, set forth in a formal document, which should sanction the appointment and the proceedings taken in virtue thereof, from the date of the letters patent nominating them to be Commissioners at Sierra Leone on the part of His Most Faithful Majesty.

Viscount Castlereagh avails himself, &c.

*Count de Palmella,*

*&c. &c. &c.*



No. 94, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K. G. &c. &c., dated Surinam, November 15, 1819.—Received March 30, 1820.*

MY LORD,

WE have the honour to inform your Lordship of our arrival, on the 21st of last month, in Surinam.

We have obeyed your Lordship's directions in notifying the same to the Governor of this colony, in conferring with the Commissioners appointed by His Majesty the King of the Netherlands, and in taking in proper form the oath prescribed.

We have also to inform your Lordship, that the Commission is prepared to act, on the occurrence of a case subject to its cognizance.

We have the honour to be, &c.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

CHRIS. EDWD. LEFROY.  
THOS. S. WALE.

*(Inclosure in No. 94, b.)*

*(Translation.)*

### GAZETTE OF THE GOVERNMENT.

Notification concerning the appointment of the Mixed Commission:

We, Mr. Cornelis Rynhard Vaillant, Knight of the Order of the Netherlands Lion, Governor-General, *ad interim*, of the Colony of Surinam, &c. &c. &c.

To all who shall see the presents, or hear them read, greeting, we notify,

THAT as by Article the 7th of the Treaty, concluded the 4th May 1818, at the Hague, between His Majesty the King of the Netherlands and His Majesty the King of Great Britain and Ireland, with the view of counteracting the Slave Trade, it has been agreed between the High Contracting Parties, for the purpose of adjudging, with the least possible delay, such ships as might be detained for having engaged in the prohibited traffic in Slaves, to establish in one of the possessions of His Majesty the King of the Netherlands, and in one of the possessions of His Majesty the King of Great Britain, respectively, a Mixed Commission, composed of an equal number of persons of both nations, to be appointed thereto by their Sovereigns.

This Commission was installed to-day;

And that His Majesty the King of the Netherlands has appointed to be Members of the same,—Mr. P. J. Changnior, as Judge; and the Jonkheer J. P. Graafland, as Arbitrator;

And His Majesty the King of Great Britain and Ireland,—Mr. C. E. Lefroy, A. M. as Judge; and Mr. T. S. Wale, A. B. as Arbitrator;

And that, moreover, conformably to Article II. of the regulations for the Mixed Commission, annexed to the above Treaty, His beforementioned Majesty the King of the Netherlands has nominated Secretary to that Commission, Mr. J. C. Guicherit ;

And we charge and command each and every one whom it may concern to acknowledge and duly to respect the above Commission ;

And, that no one may pretend ignorance hereof, these presents shall be notified and affixed in the usual manner, and likewise be inserted in the Government Gazette.

Done at Paramaraibo, the 3d November 1819, in the 6th year of His Majesty's reign.

C. R. VAILLANT.

By order of the Governor-General, ad interim.

JAS. PRINGLE, Secretary to the Government.

No. 95, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K. G. &c. &c., dated Surinam, December 27, 1819.—Received March 30, 1820.*

EXTRACT.

IN reference to our dispatch of the 23d of November, we have the honour to inform your Lordship, that the trade in Slaves under the French flag is carried on in great vigour ; and that the majority of the Slave cargoes admitted under that flag are recent importations from Africa.—Every circumstance of appearance and language of the Negroes, and even the admission both of buyers and sellers, render this a fact too notorious to permit us to conceal it from your Lordship.

(Signed)

CHRIS. EDW. LEFROY.  
THOS. S. WALE.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 96, b.

Count de Palmella to Viscount Castlereagh, K. G. &c. &c.

Londres, ce 1 Avril 1820.

LE Comte de Palmella a l'honneur de faire ses complimens à Milord Castlereagh, et d'accuser la réception de la note que Son Excellence lui a adressée pour le prévenir que les ordres alloient être expédiés à Sierra Leone, afin que les Commissaires, nommés par la Regence de Portugal pour siéger dans la Commission Mixte qui, en vertu de la Convention du 28 Juillet 1817, doit siéger dans cet établissement, fussent à leur arrivée installés dans leur emploi : et Son Excellence ajoute qu'il seroit à désirer que la nomination des susdits Commissaires fût, aussitôt que possible, confirmée par Sa Majesté Très Fidèle.

Le Comte de Palmella a en conséquence ordonné aux Commissaires Portugais de partir sans délai, et il suppose que le vaisseau qui les conduit pourra mettre à la voile dans les premiers jours de la semaine prochaine: il espere pourtant que les ordres de Sa Majesté Britannique parviendront par la même occasion à Sierra Leone, afin que leur installation n'éprouve point d'embarras.

Dans les dernières dépêches qu'il a reçues de la Cour de Brésil, le Comte de Palmella trouve l'assurance que la nomination des susdits Commissaires sera confirmée aussitôt que leurs noms seront parvenus à la connaissance du Ministère du Rio de Janeiro; ainsi Milord Castlereagh peut être tranquille à cette egard.

Le Comte de Palmella saisit cette occasion pour informer Son Excellence, que l'expédient qu'il avoit suggéré au Government de Sa Majesté Britannique, de faire juger les batimens Portugais qui pourroient être amenés à Sierra Leone, avant l'arrivée des Commissaires Portugais, par les Commissaires Britanniques, en laissant aux parties intéressés le droit d'en appeler, si elles se croient lésées, à la Commission Mixte qui réside à Rio de Janeiro, a reçu l'approbation et la sanction de Sa Majesté Très Fidèle.

Il prie Son Excellence Milord Castlereagh de vouloir bien agréer l'assurance de sa plus haute consideration.

Vicomte Castlereagh, K. G.

&c. &c. &c.

No. 96, b.

(Translation).

Count de Palmella to Viscount Castlereagh, K. G. &c. &c.

London, April 1, 1820.

THE Count de Palmella has the honour to present his compliments to Lord Castlereagh, and to acknowledge the receipt of the note which His Excellency has addressed to him, informing him that directions were about to be sent to Sierra Leone, in order that the Commissioners named by the Regency of Portugal to the Mixed Commission, which, in virtue of the Convention of the 28th of July 1817, is to reside in that settlement, might, on their arrival, be installed in their employments: and His Excellency adds, that it would be desirable that the nomination of the above-mentioned Commissioners should be, as soon as possible, confirmed by His Most Faithful Majesty.

The Count de Palmella has, in consequence, directed the Portuguese Commissioners to take their departure without delay, and he believes that the vessel which is to convey them will be able to sail early in the ensuing week. He hopes, however, that the orders of his Britannic Majesty will arrive by the same opportunity at Sierra Leone, that there may be no difficulty as to their installation.

In the last dispatch which he received from the Court of Brazil, the Count de Palmella finds an assurance that the nomination of the above-mentioned Commissioners will be confirmed as soon as the Ministry of Rio de Janeiro have notice of their names. Lord Castlereagh may therefore be at ease on that head.

The Count de Palmella seizes this opportunity to inform His Excellency, that the expedient which he had suggested to the Government of His Britannic Majesty, to cause judgment to be given by the British Commissioners on such Portuguese vessels as may be brought into Sierra Leone before the arrival of the Portuguese Commissioners, leaving to the parties interested the right of appealing, if they think themselves aggrieved, to the Mixed Commission which resides at Rio de Janeiro, has received the approbation and sanction of His Most Faithful Majesty.

He requests His Excellency Lord Castlereagh to accept the assurance of his highest consideration.

Viscount Castlereagh, K. G.

&c. &c. &c.

No. 97, b.

Henry Theo. Kilbee, Esq. to William Hamilton, Esq. &c., dated Havannah, February 6, 1820.—Received April 4.

DEAR SIR,

NO vessel detained in conformity with the stipulations of our Treaty with Spain, has yet arrived for adjudication at this port. The Slave Trade continues to be very brisk; and almost daily there are arrivals from and departures to the coast of Africa. The Intendant, who is the Spanish Commissary Judge in this Mixed Commission, upon a late occasion stated to me, that he considered the point respecting the allowing a longer period than five months for the completion of voyages commenced previously to the 30th of May last, to be still undecided; as he had been informed by his Government, that a representation had been made, with the hope of inducing His Royal Highness the Prince Regent's Government to consent to an extension of that period, to which no reply had been received. I informed the Intendant that I believed the matter to be finally arranged; and that no extension of the period would be granted: that, however, there was sufficient time to receive instructions from his Government before the expiration of the five months allowed by the Treaty; but that if no instructions were received, we of course must be guided by the stipulations contained therein. In point of fact, however, it is but just to say, that five months is not a sufficient time to enable a vessel to complete her voyage, provided she ships her cargo of Slaves south of the Line: and I am informed that there are but very few examples of its having been done, even when the trade to the north of the Line was permitted. At present, I am told that many of the Spanish Slave ships are obliged to go to Mozambique, as the Portuguese will not give them any good Negroes at their settlements on the western coast of Africa; and a voyage from hence to Mozambique and back is seldom completed within the year.

Information has reached this place of the arrival at Cuba of the crews of two or three Slave ships, which have been condemned by the Mixed Commission at Sierra Leone. This intelligence has, I am informed, effectually checked the smuggling system to the north of the Line, which was lately much encouraged from this port. I have been engaged for some time with the Secretary of this Mixed Commission, in translating and adapting, as far as possible, to the Spanish forms of law, the regulations for the guidance of the Mixed Commissions, inclosed in Lord Castlereagh's dispatch.

I have the honour to be, &c.

(Signed) H. T. KILBEE.

William Hamilton, Esq.

&c. &c. &c.

No. 98, b.

Henry Theophilus Kilbee, Esq. to William Hamilton, Esq. &c. dated Havana, March 8, 1820.—Received April 12.

## EXTRACT.

WITH reference to my private letter to you of the 10th of February, I have now the honour to inclose an extract of a letter received by the Intendant of this island, from the Marquess of Casa Irujo, when Minister of State, by which it appears, that the British Government has been requested to grant a prorogation of the term of five months, allowed by the Slave Trade Treaty with Spain, for completing the voyages of such vessels as shall have sailed for the coast of Africa previously to the 30th of May 1820. No further communication has been received here upon the subject of the inclosed extract: and the Intendant, Consulado, and Merchants of this place, generally persuade themselves, that the term mentioned by the Marquess of Casa Irujo, of ten months from May 1820, has been acceded to by the British Government; and I have reason to believe that the Intendant, as Commissary Judge, does not consider himself to be authorized to consent to the condemnation of any vessel detained previously to the expiration of the said term of ten months, unless he shall receive further instructions from his Government, which he has promised to solicit. I have always used the same language upon this subject, namely, that I conceived we were bound to act as in exact conformity to the stipulations of the Treaty, unless expressly instructed to the contrary by our respective Governments. I cannot, however, avoid again observing, that five months is evidently not a sufficient period for completing a voyage from hence to the coast of Africa, south of the Line, and back; and that, if the term be not increased, the traffic is virtually abolished some months previous to the 30th May next. Indeed, I am informed that the Slave ships which clear out even at present for the coast of Africa, do not expect to be back by the 30th October (after which their seizure will be lawful), but reckon upon the assurances which have been held out to them by the authorities here of a prorogation of the term allowed by Treaty. The persons interested in the traffic have not failed to remark, that when Great Britain abolished the Slave Trade, ten months were allowed by the Act of Parliament for the completion of voyages, although the trade was then open, and indeed almost confined to the north of the Line, from whence the returns were more speedy. I confess I am interested in this point, as I am very anxious that the duties of this Mixed Commission should be performed in as conciliatory a manner as possible to the inhabitants of this island; and it certainly would be a hard and aggravating case, should we be under the necessity of condemning a vessel which was lawfully cleared out, and found it absolutely impossible to return within the time allowed by Treaty.

(Signed) H. T. KILBEE.

(Inclosure in No. 98, b.)

Marquess of Casa Irujo to Don Alexandro Ramirez, Intendant of the Island of Cuba, dated Madrid, February 26, 1819.

## EXTRACT.

HIS Majesty has commanded his Ambassador in London to solicit from the British Government that the term of five months, granted after the final

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abolition of the Slave Trade in May 1820, for completing voyages undertaken previous to the 20th of the said month and year, may be prorogued to a sufficient period; for it is evident, beyond all doubt, that the navigation for the island of Cuba to the coast of Africa, and the return, must be often ten months at least.

No. 99, b.

The Earl of Clanwilliam to H. Kilbee, Esq.

SIR,

*Foreign Office, April 17, 1820.*

YOUR letter to Mr. Hamilton of March the 8th has been received and laid before Lord Castlereagh.

In reference to the extension of the term fixed by Article I. of the Slave Trade Abolition Treaty, and to the further extension thereof, which it would appear has been aimed at by persons engaged in this traffic, I am to acquaint you, that you have acted in strict conformity with Lord Castlereagh's view of the subject, in maintaining the necessity of acting up to the words of the article which, it must be remembered, was in itself a concession, on the face of the Treaty, to the interests of the Slave Trader.

This extended term of five months, in addition to the time which will have elapsed between the first promulgation of the Treaty and the 30th of May 1820, and which was intended as a notice to all parties interested, will have afforded ample time for the winding up all Slave Trade speculations, so as to ensure the observance of this important article in the Treaty. It is not denied, that the period of five months, from and after the 30th of May, would barely suffice for the clearing out and return of vessels engaged in this traffic, but at the same time that this extension of time was calculated to meet the fair claims and wishes of these traders, its very object was to discourage, rather than to facilitate, the commencement of such enterprises, at so late a period as the day on which the virtual suppression was intended to take place.

An application of this nature could only be considered as tending to defeat the purpose of the abolition, and Lord Castlereagh was therefore obliged to represent to the Spanish Government, both from the letter and in the spirit of the Treaty, that those traders whom the love of lucre and of enterprise might betray into speculations in the face of a Treaty which has been so long made public, must submit to pay the penalty of the risks which they had thus wilfully incurred.

I am, &c.

*H. Kilbee, Esq.*

(Signed)

CLANWILLIAM.

&c. &c. &c.

No. 100, b.

Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B. &c.

SIR,

*Foreign Office, April 17, 1820.*

I HAVE the honour to inclose, for your Excellency's information, copies of two private communications from Mr. Kilbee, His Majesty's Commissary Judge at the Havannah, and of the reply which I have directed

to be returned thereto, relative to the term allowed by Treaty with Spain for completing Slave Trade voyages, commenced previously to the 30th of May 1820.

I am, &c.  
(Signed)

CASTLEREAGH.

*His Excellency Sir Henry Wellesley, K. B.*  
&c. &c. &c.

*Mem.* The inclosures in this dispatch form the three preceding numbers.

No. 101, b.

*The Right Honourable Edward Thornton to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, February 14, 1820.—Received April 30, 1820.*

EXTRACT.

I FEEL myself entirely justified by the tenour of your Lordship's dispatches, in connecting the subject of the abolition of the Slave Trade with that of the re-consideration of the Treaty of Commerce of 1810. I have not as yet had an opportunity of bringing His Most Faithful Majesty to any expression of opinion upon this delicate and interesting topic, and it did not appear to me proper in the present state of suspense, in which the absence of Count Palmella keeps every discussion, to attempt to press His Majesty, by any direct address, to the consideration of it, and His Majesty has abstained from any sort of allusion to it. I have however intimated my persuasion as to what must be expected from this country; the more especially as the epoch of the abolition, on the part of Spain, is now fast approaching, and the assembled Sovereigns and people of Europe, united upon this cause, must see, with infinite grief, its beneficial effects suspended by the continuance of the trade in the hands of a single power.

(Signed) EDWARD THORNTON.

No. 102, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh K. G. &c. &c., dated Rio de Janeiro, March 7, 1820.—Received May 9.*

EXTRACT.

WE had the honour of addressing your Lordship upon the subject of the establishment of the Mixed Commission at this place on the 10th of January, since which time, my Lord, we have availed ourselves of every opportunity and means in our power, to get the preliminary arrangements completed, which we have been most desirous of accomplishing, that we may have nothing to do on the arrival of a vessel, but to proceed without delay to adjudication.

We have the honour of inclosing for your Lordship's information copies of the Protocols No. 3 and 4, of the two last conferences, by which your

Lordship will learn that the causes of delay are, the want of an Interpreter, who has been nominated but not formally appointed, and the want of the decision on some trifling points which our colleagues felt it necessary to submit to their Government for approbation, and which are mentioned in the two former Protocols.

His Majesty's Minister at this Court, having been good enough to urge the removal of the abovementioned causes of delay, we hope soon, my Lord, to accomplish every thing that is necessary previous to the arrival of a prize.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*Viscount Castlereagh, K. G.,*  
*&c. &c. &c*

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*(First Inclosure in No. 102, b.)*

*(Translation.)*

ON the 24th February 1820, this Mixed Commission having met at the requisition of the British Commissioners, the latter stated that their motive for convening it was, to know whether His Majesty's Government had granted the application concerning the decisions requested by the Portuguese Commissioners, in consequence of the Conference held on the 23d of December last; and whether the Commission was able to continue its preliminary labours. They added, that the immediate reason for their demand was their considering themselves responsible to their Government for any delay which, in case a prize should be brought in to be adjudged, might arise for want of a determination concerning the basis of the process and form of judgment in respect to the details specified in the instructions annexed to the Convention between the two Crowns; that, in the next place, they were impelled by the inconvenience and obstacles resulting to this service from the want of a house appropriated to it, with the appointment of regular conferences on stated days, and at fixed hours; and because, finally, they deemed themselves necessitated to declare and protest, on their part, and in the name of their Government, against all losses and damages which, to the parties interested, might ensue from the want of an act of the Portuguese Government for all Magistrates to recognize the authority of the British Commissioners, and from the want of the preliminary arrangements and dispositions abovementioned, inasmuch as they, the British Commissioners, would not be held responsible for such losses and damages, if any should accrue; and as it behoved them to guard against their Government being made liable for them, they therefore desired this to be put on record in the way of a protest, so as that it might serve them as a defeasance and plea for ever. To which the Commissary Judge of His Most Faithful Majesty replied, that as to the question whether His Majesty's Government had yet come to a decision on the communication of the Protocol of the Conference held on the 23d December last, he was enabled to give an assurance that no resolution had yet come to his knowledge, up to that moment, and that, consequently, the deliberation upon the instructions which the British Commissioners had proposed for the economical regulation of the Commission, could not yet take place for want of an Interpreter, which appointment was one of the measures resting with His Majesty. And in regard to the declaration and protest, all that his duty required of him, the Commissary Judge of His Most Faithful Majesty, was to consent to their being entered according to the forms of law. Of all which, after it had been read to, and fully understood by the said British Commissioners, and the Portuguese Commissary Judge, who alone was



present at this Conference, as the Commissioner Arbitrator, John Pereira de Souza, was prevented by indisposition, I drew up the present Minute, which the said Commissioners that were present signed with me, an adjournment having taken place to the 2d of March next.

HENRY HAYNE.  
SILVESTRE PINHEIRO PEREIRA.  
ALEXANDER CUNNINGHAM.  
BRAZ MARTINS COSTA PASSOS.

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*(Second Inclosure in No. 102, b.)*

*(Translation.)*

ON the 2d of March 1820, the British Commissioners having, in the manner that was settled in the last Conference, assembled together with His Majesty's Commissary Judge, (the Commissioner Arbitrator being still prevented by indisposition) the British Commissioners stated, that as, in their opinion, the Commission ought in the present Conference proceed to the discussion of the preliminary points which it would be necessary to adjust for the future course of their labours, and as that was not feasible for want of an interpreter, and of answers to the observations made by them in the antecedent Conferences, it would be proper to agree upon the way of settling those points without loss of time, the moment His Majesty's Government should send down the desired decisions.

The Commissary Judge of His Majesty replied, that in his estimation, frequent Conferences were alike unnecessary and inexpedient, inasmuch as, in the first place, whenever he should receive the just mentioned decisions, he would not fail laying them before the Commission, by immediately calling a Conference for that purpose; and, in the second place, because the purpose alleged by the British Commissioners, of saving their responsibility with their Government, would be equally answered by a reference to the date on which the royal decisions that regulated the progress of the labours of the Commission would be presented to the Board.

To certify the above act I have drawn up this Protocol, which was signed by me and by the aforesaid Commissioners, Judges, and Arbitrator.

SILVESTRE PINHEIRO PEREIRA.  
HENRY HAYNE.  
ALEXANDER CUNNINGHAM.  
BRAZ MARTINS COSTA PASSOS.

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No. 103, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K.G.  
&c. &c., dated Surinam, April 1, 1820.—Received May 27.*

EXTRACT.

WE are extremely sorry to report, that several fresh arrivals of Slave vessels under the French flag have taken place, and that, as nearly as we can compute upon the whole, since the publication of the decree, of which we

had the honour to inclose to your Lordship a copy in our dispatch of the 23d of November last, no less a number than 2800 Slaves (the greater part recently from Africa) have lately been introduced into this colony. We have had some conversation with the Captain and officers of a Dutch frigate, "the Comet," which is commissioned under the Treaty to cruise upon this station, but they do not think their authority extends to an interference in any case with the French flag, or with the interception of Slaves imported under its protection. Our official Colleagues, Messrs. Changnior and Graafland, are likewise of the same opinion, and that neither the letter or the spirit of the authority, with which the Mixed Courts are at present invested, comprehends any means of repressing or controuling this method of evading the object of the Treaty.

Under these circumstances, it will be manifest to your Lordship, that, unless in compliance with the last clause of the first Article of the Treaty, the Dutch Government repeals the permission, contained in the Decree to which we have before had occasion to refer, of importation from "Friendly Colonies," whose vessels have not been subject, by any express Treaty, to the right of search, or has recourse to some further measures, your Lordship's efforts in this great cause will be in part at least defeated.

(Signed)

CHRIS. EDW. LEFROY.  
T. S. WALE.

No. 104, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K. G.  
&c. &c., dated Surinam, April 6, 1820.—Received May 27.*

MY LORD,

ALTHOUGH we had so recently the honour of addressing you, a circumstance has occurred since we made up our last dispatch, of which we think it our duty to put your Lordship in possession, viz. the arrival of a vessel, under Dutch colours, with not less than four hundred and eighty Slaves on board (with papers professedly from a "Friendly Colony," under the authority of the decree of the Dutch Government, accompanying our dispatch of the 23d of November, but which papers, from the appearance, manners, and every circumstance attending both the vessel and her cargo, we can feel no doubt to have been collusive), without the least obstruction either from the Dutch ships of war in the river, or from the Governor or Local Authorities in this place. With regard to the Dutch naval officers, as they had before expressed an opinion, that their Commissions under the Treaty were entirely suspended and superseded by the authority of the Local Government within the colony; and as we felt persuaded, that this was a complete misconception of the duty of the naval officers commissioned under the Treaty, we waited on M. Changnior to submit to him our opinion to that effect, and request, if he concurred in it, that he would join us in expressing the same to Captain Blow, of the Comet, that he might be induced to intercept the Slave ship in her passage up the river.—M. Changnior, however, concurred in the opinion of Captain Blow, and said, that, whatever might be the practice in the British Navy, a Dutch naval officer could not act in a colonial harbour upon any General Commission from home, without express instructions from the Local Government. In consequence of this opinion, we had no alternative but the very unpleasant one of remaining quiet spectators of the

arrival of this vessel, and the free disposal of her cargo, in evasion of the Treaty, in the execution of which we have the honour to be employed, and in violation of one of the express conditions upon which the colony was restored. Although we have not thought ourselves warranted in assuming a Diplomatic character, by remonstrating with the Colonial Government, we should scarcely have satisfied the trust reposed in us by His Royal Highness the Prince Regent and the Country, if we had not expressed to the other members of the "Mixed Court" our disapprobation of the circumstance, and taken the earliest opportunity of acquainting your Lordship with its occurrence.

We are, &c.

(Signed)

E. LEFROY.

T. S. WALE.

Viscount Castlereagh, K. G.

&c. &c. &c.

No. 105, b.

*Dn. Santiago Usoz, His Catholic Majesty's Chargé d'Affaires in London,  
to Viscount Castlereagh, K. G. &c. &c.*

*Portland Place, 29 de Mayo, 1820.*

EL Ynfrascripto Encargado de Negocios de Su Magestad Catolica presenta sus respetos al Exmo. Señor Vizconde de Castlereagh, Principal Secretario de Estado de Su Magestad Britanica para los Negocios Estrangeros, y tiene la honra de hacer presente a Su Excelencia, que la llegada del termino en que, con arreglo al tratado concluido en 23 de Setiembre de 1817, debe cesar enteramente el trafico Español de Negros en la costa del Africa, y la evidencia fundada en hechos inegables de practica en la navegacion, de que los cinco meses de proroga, concedidos por el Artículo primero del citado Tratado para poder redondear sus viages los Buques Negreros, son un plazo insuficiente respecto á las Expediciones procedentes de la Ysla de Cuba, Puerto Rico y demas puntos de la America Española; han llamado muy seriamente la atencion del Rey su Augusto Amo, y convencidole de la necesidad y justicia de que el Artículo en cuestion sea modificado de mutuo acuerdo entre el Gobierno Español é Ynglés, ampliando la proroga de los cinco meses por el tiempo que se reputa indispensable para el redonder de un viage emprendido el mismo dia 30 de Mayo de este año a la Costa Oriental del Africa al Sur de la Linea Equinoccial.

El Ynfrascripto acaba de recibir las ordenes é instrucciones, que su Gobierno hé creido conveniente enviarle para negociar con el de Su Magestad Britanica la ampliacion del termino de los cinco meses, y se halla enterado de la Nota pasada por su Gobierno con fecha 15 del Corriente at Señor Embaxador Britanico en Madrid acerca de esto mismo. Si fueran menos obvias las razones en que se apoya la instancia del Gobierno Español, temeria el abaxo firmado no alcanzar quizá á exponerlas baxo su verdadero punto de vista con la claridad que desearia; pero son de si mismo tan claras y evidentes que le basta solo el indicarlas para probar á la ilustrada perspicacia de Su Excelencia la justicia de ella. Si el fin y espíritu mismo del Tratado; si las miras que en su conclusion se propusieron ambos Gobiernos fueron (como es inegable) tolerar el Trafico de Negros hasta el 30 de Mayo de 1820, y no se concede á las expediciones salidas antes de dicha fecha el tiempo preciso para

regresar, la citada referida epoca será ilusoria, y resultaría en realidad anticipada respectivamente de tres, cuatro o mas meses, lo que en ultimo analisis equivaldria à un absurdo, é irrogaria nulidad en el acto y repugnaria ademas a la sincera y generosa politica de la Ynglaterra. Que las miras de esta al mismo tiempo de llenar sus ideas de filantropica fueron las de que realizasen sus viages las expediciones salicas hasta el 30 de Mayo, se prueba por la proroga de los cinco meses en que se convino para el efecto, Pero este termino es insignificante para lograrlo, siendo tanto mayor la inconveniencia resultante de la letra del Artículo primero, si se considera que se convino por el segundo en un plazo mayor de seis meses para redondear los viages al Norte de la Linea, viages mucho mas cortos que los emprendidos al Sur de ella, y esto aun sin doblar el Cabo de Buena Esperanza, y cuando es tan sabido por el menos versado en la navegacion que las expediciones al Sur de la Linea, y siendo con la mayor felicidad y sin contar estadias requieren al menos un termino doble. En este caso siguiendo el espiritu mismo del Tratado, la justicia reclama imperiosamente la necesidad de alguna modificacion en la letra del articulo primero. De otro modo resultaria que el Gabinete Britanico acordó el 30 de Mayo como epoca en que habia de cesar totalmente el trafico, y concedió los cinco meses siguientes como una proroga gratuita para las expediciones que pudieran dilatarse este tiempo. El Gobierno Español espera que el de Su Magestad Britanica se persuadirá facilmente por las razones indicados en la Nota à Sir Henry Wellesley (qui desde luego supone el Ynfrascripto habra llegado yà à manos de S. E.) y por lo que en esta tiene el honor de exponerle, del derecho y oportunidad con que Su Magestad Catolica solicita y propone la negociacion de un nuevo convenio para ampliar la proroga de los cinco meses estipulados para amparar asi los cuantiosos intereses arriesgados, de la mejor fè posible, en el Comercio de Negros por una numerosa porcion de Sns amados Subditos, conciliando el debido cumplimiento de la abolicion del Trafico, con el resguardo y proteccion de aquellos mismos intereses aventurados, como queda y, dicho a baxo la sana confianza de obtener de la Gran Bretaña el explicito reconocimiento de la unica razonable inteligencia que puede darse á la mente virtual del Tratado comprometida á la verdad por la letra discordante de su primer articulo, cuya extraña redaccion fué probablemente efecto de un descuido involuntario, y cuyos inconvenientes no dexó de percibir desde luego el Gobierno Español, como el mismo Señor Duque de San Carlos lo há representado á S. E. en varias ocasiones, y como en la presente tiene el abaxo firmado orden de relevar al Ministerio de Su Magestad Britanica.

El Gobierno Español se lisonjea, pues, con la esperanza de que las aperturas y proposiciones que manda hacer a su encargado de Negocios en esta Corte, sean oidas y recibidas por el Ministerio Britanico con la favorable consideracion que merecen por su convincente y perentoria naturaleza; y que se penetrará de toda la actividad que exige este asunto afin de contribuir por su parte á cortar los incalculables perjuicios que redundarian en contra de la España, si se ignorase el 30 de Octubre futuro en los Apostaderos y Cruzeros Yngleses la decision que Ambos Gobiernos tomen sobre el particular.

En vista, pues, de los convincentes razones que quedan insinuadas, confia el Ynfrascripto haber preparado el animo de Su Exceleccio para oirle sobre las proposiciones que tiene orden de su Gobierno de hacer, y que S. E. tendrá á bien fixarle dia y hora en que podrá tener el honor de hacer selas, y conferenciar sobre la materia, quedando pronto á transmitirselas por escrito, cuando asi fuere conveniente y oportuno.

El Ynfrascripto se aprovecha de esta ocasion para ofrecer al Exmo. Señor Vizconde de Castlereagh las seguridades de su mas alta y distinguida consideracion.

SANTIAGO USOZ Y MOZI.

No. 105, b.

(Translation.)

Don Santiago Usoz, His Catholic Majesty's Chargé d'Affaires in London,  
to Viscount Castlereagh, K. G., &c. &c.

London, May 29, 1820.

THE Undersigned, Chargé d'Affaires of His Catholic Majesty, presents his respects to His Excellency Viscount Castlereagh, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, and has the honour of stating to His Excellency, that the arrival of the term at which, conformably to the Treaty concluded on the 23d of September 1817, the Spanish Slave Trade on the Coast of Africa is to cease entirely; and the certainty, resting upon the irrefragable evidence of facts and experience in navigation, that the five months of extension conceded by the first Article of the said Treaty to the Slave vessels, for the completion of their voyages, is a term insufficient with respect to ships proceeding from the Isle of Cuba, the Isle of Porto Rico, and the other points of Spanish America, have excited the serious attention of the King, his August Master, and convinced Him of the necessity and justice of modifying, through mutual consent between the Spanish and English Governments, the Article in question, by a further extension of the term of five months, to such a period as shall appear indispensable for the termination of a voyage, undertaken on the 30th of May of the present year, to portions of the Eastern Coast of Africa situated South of the Equator.

The Undersigned has just received the orders and instructions which his Government has thought it right to forward to him, with a view of negotiating with His Britannic Majesty's Ministers the enlargement of the term of five months, and is acquainted with the substance of the note addressed by his Government on the 15th instant to the British Ambassador at Madrid on the same subject. If the reasons on which the application of the Spanish Government is founded were less obvious, the Undersigned would be under some apprehension of being perhaps unable to place them in their real point of view with the requisite explicitness; but they are of themselves so clear and so evident, that he contents himself with merely pointing them out, to prove to His Excellency's enlightened judgment the justice of the application.

If the end and very spirit of the Treaty, if the views which both Governments proposed to themselves in concluding it, were, as is undeniable, to tolerate the Slave Trade until the 30th of May 1820; and yet, if the vessels that departed previous to that date be not allowed the time necessary for returning, the period alluded to will become illusory, and would, in point of fact, turn out to have been anticipated, respectively, by three, four, or more months, which, strictly examined would be equivalent to an absurdity, would nullify the act, and would, besides, be repugnant to the upright and generous policy of England. That the latter, while she realized her philanthropic ideas, desired, at the same time, that the vessels which had sailed up to the 30th of May, should make good their voyages, appears by the extension of five months, to which she agreed for that purpose. This term, however, is much too short for the object in view, and the inconvenience resulting from the

letter of the first Article must appear so much the greater, when it is considered, that by the second Article a term exceeding six months was agreed to for performing the voyages to the North of the Equator, though they are much shorter than those undertaken to the Southward of the Line, and that too without sailing round the Cape of Good Hope; and when it is a fact known even to those least conversant with navigation, that vessels bound to the Southward of the Equator, and which have a most successful passage, require, not taking into the account any lay-days in ports, at least double that time. Thus, pursuant to the spirit of the Treaty, justice imperatively calls for some modification in the letter of the first Article; otherwise the conclusion would be, that the British Cabinet had agreed to the 30th of May as the day on which the traffic was totally to expire, and conceded the five following months as a gratuitous extension of the term, to such vessels as might be delayed for that length of time.

The Spanish Ministry hope that His Britannic Majesty's Government, from the reasons adduced in the note addressed to Sir Henry Wellesley (which the undersigned supposes will have been transmitted to His Excellency) and from what he has the honour to observe in the present, will easily persuade themselves of the right and propriety which impel His Catholic Majesty to request and propose the negotiation of a fresh Convention, for an enlarged extension of the term of five months, stipulated with the view to secure, in this manner, the considerable capitals which are, in perfect faith, embarked in the Slave Trade by a numerous portion of his beloved subjects; and to reconcile the due execution of the abolition of the traffic with the safety and protection of those properties adventured, as has just been mentioned, under the justifiable confidence of obtaining from Great Britain the explicit recognition of the only reasonable meaning that can be attributed to the virtual import of the Treaty, which import is certainly compromised by the discordant letter of its first Article, the irregular wording of which was probably the effect of an involuntary want of care, and the inconveniences attending which the Spanish Government did not fail to perceive immediately, as represented by the Duke of San Carlos to His Excellency on various occasions, and, as once more repeated at present by the Undersigned to His Britannic Majesty's Ministry by direction of his Court.

The Spanish Government flatters itself therefore with a hope, that the overtures and proposals which it orders its Chargé d'Affaires at this Court to make, will be listened to and received by the British Ministry with that favourable consideration which they deserve from their convincing and urgent nature, and that they will feel all the solicitude called for by this subject, to contribute, on their part, to remove the incalculable mischiefs that would accrue to Spain, if, on the 30th of October next, the English naval stations and cruizers remained ignorant of the decision which both Governments may come to on this point.

The undersigned, having regard to the convincing reasons above adduced, trusts he has prepared His Excellency's mind to listen to him on the subject of the propositions which he is directed by his Government to make, and that His Excellency will be pleased to appoint a day and an hour, when the undersigned can have the honour of laying them before His Excellency, and of conferring on the business, being prepared to communicate them in writing, if that mode should be judged preferable.

The undersigned avails himself, &c. &c.

(Signed)

SANTIAGO USOZ Y MOZI.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

No. 106, b.

Viscount Castlereagh to the Earl of Clancarty, K. B. &amp;c.

EXTRACT.

*Foreign Office, May 30, 1820.*

I SEND to your Lordship herewith the copies of four dispatches, under dates of the 12th, the 19th, the 20th, and the 27th of November, 1819, which I have received from His Majesty's Commissioners resident at Sierra Leone, under the Treaties for preventing the illegal Traffic in Slaves.

You will perceive from these dispatches the necessity which exists, that the Netherland Commissioners at that settlement should be furnished, in several points therein alluded to, with instructions, the want of which has been the occasion of some misunderstanding and of much inconvenience in the proceedings of the Mixed Commission.

The principal point to which I here advert, and to which I request your Excellency will lose no time in inviting the attention of the Netherlands Government, is the form of practice to be observed in the proceedings of the Court of Commission, as referred to in the 2d and following Article of the regulations annexed to the Treaty of May 1818.

On this point I send to your Excellency a printed copy of Memoranda, grounded upon the proceedings in the Court of Admiralty here, and drawn up under the superintendance of Sir W. Scott, for the information and guidance, as far as circumstances would allow, of the several Mixed Commissions; and I wish your Excellency to submit them to the Netherland Government, and to urge them, in as far as they may not see any thing objectionable, to instruct their Commissioners at Sierra Leone to accede to the adoption of these Memoranda, as the basis of the form of their proceedings. You will particularly, also, press upon the Government of the King of the Netherlands, the adoption of the practice of allowing proctors, or agents of the parties, to act on the fair and indisputable ground, that it will be impossible for the parties on the one side and the other to bring forward their evidence so fully and clearly themselves as by their proctors, for the satisfaction of the ends of justice, you will set before the Netherland Government the expediency of sending out without delay such instructions, on these and the remaining points mentioned in this dispatch, as shall be most conducive to the due execution of the business of the Mixed Commission, in the same spirit of union and perfect cordiality, in which the Treaty from which it dates its origin, was framed.

(Signed) CASTLEREAGH.

*His Excellency the Earl of Clancarty, K. B.  
&c. &c. &c.*

P. S. I have just received from His Majesty's Commissioners at Sierra Leone advices, that other subjects of difference have arisen with M. Van Sirtema, the Commissary Judge from the King of the Netherlands on the subject of the appointment of a prize-agent, and on the question as to whether General Courts, comprising the Commissary Judges and the Arbitrators, should be held for the purpose of deciding questions which might arise on extra judicial matters. It would be very desirable that M. Van Sirtema should be urged by his Court to that spirit and tone of conciliation and good understanding which seems to have prevailed among the other Commissioners at Sierra Leone: but I forbear from giving your Excellency any special instructions to animadvert officially upon his personal conduct, wishing rather that

you should take an opportunity of conversing with the Netherland Minister upon this subject, in order to induce the Netherland Government to remind M. Van Sirtema, that his object should be to see the Treaty executed, in a full, an impartial, and a conciliatory manner.

(Signed) C.

*Mem.* The inclosures alluded to in this dispatch are all to be found in Class A. of these papers.

No. 107, b.

Viscount Castlereagh to the Count de Palmella, &c. &c.

EXTRACT.

*London, June 1, 1820.*

IN tendering to Portugal so important a boon as the immediate revision of an Article of the Commercial Treaty of 1810, decidedly favourable to Great Britain, the Count de Palmella will be aware, from the discussions which have taken place between the two Governments on different occasions, and especially in the year 1815 at Vienna, that the British Government is principally induced to bring forward so great a concession, in order thus the better to enable His Most Faithful Majesty to fulfil, with satisfaction to himself and to his people, the declaration made by his Plenipotentiaries at that period, with regard to the Abolition of the Slave Trade; which measure of Abolition, subject to certain commercial arrangements to be made with the British Government, they formally declared should finally take place in eight years from that time, or at latest in the year 1823.

The Undersigned persuades himself, that the Portuguese Plenipotentiaries could not, at that time, have contemplated a more liberal adjustment of the commercial relations between the two Crowns, than that which is now proposed; and although some delay has taken place in bringing this arrangement to its present bearings, the British Government trust that this circumstance will not induce His Most Faithful Majesty to disappoint the expectation, which, in common with all the other powers of Europe, the King has formed, that His Most Faithful Majesty will, at the period above specified, at the latest, abolish this proscribed traffic, universally and for ever; an expectation which the said Powers are the more justified in indulging, when they recollect, that Spain has since accelerated, by not less than three years, the time which, in common with Portugal, she then assigned for the measure of final Abolition; that France has also abolished the trade considerably within the period named in the transactions of 1814; and that His Most Faithful Majesty is now the only Sovereign that permits his subjects to carry on a trade in human beings; a trade, which, in concert with all allied and friendly Powers, His Majesty has solemnly pronounced to be in violation of every moral and religious principle, and which His Majesty has declared ought to be made to cease with the least practicable delay.

The Undersigned is fully aware, that the Count Palmella is not furnished with such instructions as will enable him to discuss and to conclude an arrangement founded on the bases above explained, previous to his embarkation for the Brazils. In order, however, that no unnecessary delay may intervene in bringing this negotiation to a satisfactory conclusion, instructions will be sent to Mr. Thornton, to prosecute the discussion at Rio Janeiro in such manner as may best tend to bring about a final settlement upon the whole of these important matters.

(Signed) CASTLEREAGH.

*Count de Palmella,*  
&c. &c. &c.



## No. 108. b.

His Excellency Sir H. Wellesley, K. B. to Viscount Castlereagh, K. G.  
&c. &c. dated Madrid, May 18, 1820.—Received June 4.

MY LORD,

I HAVE the honour to inclose the translation of a note which I have received from M. Jabat, respecting the term allowed by Treaty with Spain for completing voyages in the Slave Trade, commenced in the Spanish colonies previously to the 30th of May 1820.

Upon the receipt of this note I took an opportunity of pointing out to M. Jabat, my conviction of its being perfectly useless to forward this application to your Lordship; and I was the better enabled so to do, having received your Lordship's dispatch inclosing copies of a correspondence upon this subject between His Majesty's Commissary Judge at the Havannah and the Foreign Office. In compliance however with M. Jabat's earnest wishes, I have consented to forward a copy of his note to your Lordship, assuring him that I could not entertain the least expectation of a favourable reply to this application.

I have the honour to be, &c.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed) H. WELLESLEY.

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(Inclosure in No. 108, b.)

(Translation.)

M. Jabat to His Excellency Sir H. Wellesley, dated Madrid, May 15, 1820.

SIR,

THE term is near, at which, according to the Treaty concluded on the 23d of September 1817, the Spanish commerce in Negroes on the Coast of Africa ought to cease; and it is certain, and founded on indisputable facts in naval experience, that the few months of prorogation conceded by the first Article of the said Treaty, in order to give time for the completion of the voyages of the Slave ships, is a time insufficient for vessels fitted out from Cuba, Puerto Rico, and the other Spanish provinces beyond sea; the inconvenience resulting from that article being the greater, as the second Article authorizes a term of six months to complete voyages to the north of the line, much shorter than those undertaken to the south of it, (without doubling the Cape of Good Hope) and this has proved to the King, my august Master, the necessity and justice of the Article in question being modified by mutual accord between Spain and England, the prorogation of five months being lengthened to the time reckoned indispensably necessary by experience of the navigation, for completing the voyage undertaken the same day, the 30th of May of this year, to the eastern Coast of Africa south of the Equator.

His Majesty has in consequence commanded me to make this communication to you, for the purpose of your Excellency transmitting it without delay to the Cabinet of London, as I have done to the Chargé d'Affaires of my Government at the same Court, who ought to consult upon this matter

with the British Minister: the latter will be convinced of the right and propriety with which His Catholic Majesty, in defence of the great interests risked in good faith, in the commerce of Negroes, by an estimable and numerous portion of his beloved subjects, and in correction of an article evidently contrary to equity, to common sense, and the very spirit of the agreement, claims of His Britannic Majesty a new particular adjustment of the said Article, which prolonging to a proportionate term the date of five months, may reconcile the due fulfilment of the abolition of the Slave Trade, with the care and protection of Spanish property, adventured under full confidence, that the King my Master would obtain from the King of Great Britain an explicit acknowledgment of the only reasonable meaning which can be given to the real spirit of the Treaty, spoiled by the discordant letter of its first Article, the strange wording of which appears to have arisen from involuntary carelessness. A simple reflection will suffice to shew the urgency and justness of the demand. If the views of the Convention were (as is indisputable) to permit the Slave Trade until the 30th of May 1820, and the time necessary for their course is not conceded to the Slave ships sent out up to that date, so that without great good fortune and extraordinary success, the terms of prorogation must expire before the voyage terminates, and the vessels be exposed, consequently, to capture and condemnation, the stipulated term is illusory; and it will result that it is anticipated respectively by them four or more months, which will be an absurdity, if not an injury rendering the act of no effect, according to the principles of public law, and will certainly be repugnant to the sincere and generous policy of England, and even to the European philanthropy which, in the proscribing of one of the modern colonial systems most generally followed in America, has paid a very costly tribute to morals.

His Catholic Majesty, in the mean time, flatters himself with the hope that the overtures and proposals made in London in His name will be listened to and received with the favourable consideration, which they deserve from their convincing and important nature, and which may produce mutual confidence between two Monarchs intimately allied.

Lastly, His Majesty commands me to recommend to the Court of St. James's, through the medium of Your Excellency, its worthy representative, the dispatch which the business requires, in order to avoid the incalculable public and private injuries which will befall Spain, if the decision which both Governments may adopt upon this point should not be known on the 30th of October, in the stations and grounds destined for the visit of Slave ships.

*The English Ambassador,*  
&c. &c. &c.

(Signed)

JUAN JABAT,

No. 109, b.

His Excellency Sir H. Wellesley to Viscount Castlereagh, K. G. &c. &c.,  
dated Madrid, May 27, 1820.—Received June 8.

MY LORD,

MONSIEUR JABAT, when speaking to me lately on the subject of the request made by the Spanish Government, for a prolongation of the term fixed for vessels engaged in the Slave Trade to complete their voyages, said that it was by no means the wish of the Government, that vessels which had been

cleared out at so late a period as to render it impossible that their voyages should be finished within the allotted time, should profit by this indulgence; but that their object was, that it should be granted to vessels which had cleared out two, three, four and five mouths previous to the term fixed for the expiration of the Trade viz. the 20th May, 1820, and had therefore a fair prospect of being enabled to complete their voyages within the additional period allowed by Treaty, viz. five months subsequent to the 20th of May.

I could not refuse to comply with his entreaties, that I would submit to your Lordship this explanation of the wishes of the Spanish Government: and he added, that nothing would be more gratifying to His Catholic Majesty, and to this Government, than that some further period should be allowed to these vessels; or at least that instructions should be given to the British vessels of war to let them pass, if it should appear by their papers that they had cleared out at a period, when they might reasonably hope to complete their voyages within the allotted time.

I did not, however, hold out to M. Jabat any expectation that this application would be complied with.

I have the honour to be, &c.

To Viscount Castlereagh, K. G.

(Signed)

H. WELLESLEY,

&c. &c. &c.

No. 110. b.

Viscount Castlereagh to M. Santiago Usoz, &c. &c.

*Foreign Office, June 11, 1820.*

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note of M. Santiago Usoz, dated the 29th ultimo, stating the earnest wish of his Government for the extension of the period for the final Abolition of the Slave Trade, beyond the term of five months from May 1820, already conceded for that purpose; and the Undersigned has received this note with the more surprise, as it is a request for the alteration of an Article enacted at the express desire of, and in concession to the wishes of, the Spanish Government itself,—a concession, moreover, which was not the first which the British Government had made in the course of this arrangement; it is indeed unnecessary for the Undersigned to recal to the observation of M. d'Usoz, that the very term of May 1820 was in fact a whole year later than that which it had been the anxious wish of the British Government to fix for the Abolition.

When the British Negotiator had reluctantly agreed to take the 20th May 1820 instead of 1819, as the period for final Abolition, he long and forcibly contended against the propriety of allowing any additional term for the termination of voyages. It was alleged on the part of Spain, that if this indulgence were withheld, the concession of the additional year would practically be reduced to six months; and a further term of six months, to be reckoned from May 1820, was urged as the utmost favour to which the Spanish Government desired to lay claim. The six months required by Spain was, by mutual consent, reduced to five months, and with this modification, deliberately and upon full discussion agreed upon, the Treaty was executed, ratified, and promulgated. It is quite an inadmis-

sible proposition that a new negotiation should be entertained, after such Treaty had, by the British Government, been laid before Parliament as the result of their efforts in so laudable a cause, after its provisions had received the sanction of an Act of the Legislature—after Courts of Adjudication had been formed and established both by Spain and Great Britain, for carrying the enactments of the Treaty into execution—and finally, after vested rights had been created, founded upon the provisions of the Law thus passed by the British Parliament. And here the Undersigned must request M. Santiago Usoz to consider, how impossible it would be for this Government to interfere with the rights of British subjects, created by a Treaty thus interwoven with our laws by the sanction of an Act of Parliament, and which must have long since become the rule of action to the subjects of both nations to whom the Treaty has been promulgated, whether in limitation of their enterprizes in the prosecution of the Slave Trade, or as the foundation for claims arising out of captures made of vessels and their cargoes, sailing in contravention of an Article, in which consists the very essence of this transaction.

The argument used in M. d'Usoz's note, founding the present demands on the known impossibility of vessels being able to commence and complete an expedition in Slave Trading, within the period between May and October 1820, so as to insure to the merchants the safety of their cargoes, is a position not to be denied; but the Undersigned considers it as peculiarly corroborative of the spirit and intention of the Article in question, which was to discourage rather than to facilitate the commencement of such enterprizes, at so late a period as the last day of the term in which the virtual suppression was to take effect. In fact such an integral change in this part of the Treaty, can only be considered by the Undersigned as *pro tanto* defeating the very object for which it was framed, which object certainly was no other than the final Abolition of the Slave Trade by Spain, at as early a period as the interests of its subjects, upon due notice, would permit, and to which interest so large a sacrifice in money was at the time made by Great Britain, in reliance on the good faith of the Spanish Government in carrying into effect the Article which it is now proposed to defeat by the solicitation of a still longer period; and as the Treaty was made public as far back as the year 1817, the Undersigned does not see how Spanish merchants can plead ignorance of the provisions of the Treaty, or entertain any expectation of an alteration in one of its most important Articles.

If there be any speculators, whose love of enterprize and thirst for lucre shall have led them into risks thus wilfully, not to say blameably, incurred, such traders must abide by the penalties which they knew to be impending over them, nor can they in justice claim the protection of their Government after the timely notice given to them.

M. Santiago Usoz lays some stress on the length of time allotted for the completion of voyages north of the Line, and infers thence, that a still longer period is to be conceded for the southern traffic, but M. d'Usoz must be aware, that this extension for the Slave Trade north of the Line, was granted principally on account of the shortness of the time to elapse between the signature of the Treaty and the taking effect of that part of the Abolition; whereas no extension of time was requisite for the ultimate Abolition south of the Line, as the remote period at which this part of the arrangement was to take place, was sufficient warning to all parties interested.

As M. Santiago Usoz refers in his note to a communication on this subject, which has been recently made by His Catholic Majesty's Minister to the British Ambassador at Madrid, the Undersigned deems it necessary

to inform M. Usov, that although Sir Henry Wellesley yielded to the Spanish Minister's earnest request in forwarding that communication to his Government, His Excellency not only refused to enter into any discussions on the subject, but stated it to be his unqualified opinion, that the proposition which it contained was totally inadmissible.

The undersigned, &c.

*M. Santiago d'Usov,*  
&c. &c. &c.

(Signed) CASTLEREAGH.

No. 111. b.

*Count Palmella to Viscount Castlereagh, K. G. &c. &c.*

EXTRAIT.

*Londres, ce 12 Juin 1820.*

QUANT à ce qui regarde l'importante question de la Traite des Nègres, le Soussigné ne se trouve pas autorisé présentement à la discuter, et il se dispenserait même de faire aucune observation sur ce point de la note de Milord Castlereagh, si Son Excellence s'étoit borné à en faire mention sans altérer l'interprétation des Négociations qui ont eu lieu à ce sujet à Vienne, et sans vouloir en déduire une conséquence contre laquelle le Soussigné se croit obligé de réclamer, afin que l'on ne puisse aucunement supposer qu'il y donne un acquiescement tacite. Les Plénipotentiaires de Sa Majesté Très Fidèle au Congrès de Vienne offrirent aux Plénipotentiaires de Sa Majesté Britannique d'abolir la traite au bout d'huit ans, pourvu que le Gouvernement Britannique consentît à annuler immédiatement le Traité de Commerce de 1810. Ce n'étoit donc point une déclaration, comme Milord Castlereagh l'appelle, mais une offre conditionnelle que les Plénipotentiaires Portugais firent au commencement de 1815. Depuis lors, cinq ans se sont passés sans que le Traité ait été abandonné par l'Angleterre, et pendant ces cinq ans il a opéré en grande partie la ruine du commerce Portugais; ruine que Sa Majesté Très Fidèle avoit eu l'espoir d'empêcher en se soumettant à un autre sacrifice, moyennant la proposition que ses Plénipotentiaires avoient reçu l'ordre de faire au Congrès de Vienne. A présent au bout de cinq ans le Ministère Britannique se montre disposé, non pas encore à annuler le Traité dont il s'agit, mais à le modifier sur quelques Articles en déclarant toutefois la résolution d'en maintenir un grand nombre d'autres qui continueront à être regardés comme très défavorables par les sujets de Sa Majesté Très Fidèle; et Son Excellence Milord Castlereagh propose, qui plus est, de prolonger pour dix ans ce Traité ainsi modifié au-delà de l'époque où le Traité de 1810 doit expirer; de manière qu'au lieu de raccourcir la durée du Traité de Commerce, cette proposition tend à la prolonger. Il faudroit donc faire une bien grande torture au sens de la proposition conditionnelle que les Plénipotentiaires Portugais ont faite à Vienne, pour supposer que Sa Majesté Très Fidèle se trouve actuellement engagée à la maintenir. Le Soussigné peut en appeler sur ce qu'il vient d'avoir l'honneur d'exposer à l'opinion et au témoignage de toute l'Europe, vu la publicité que le Gouvernement Britannique lui même a jugé convenable de donner à ces Négociations.

Le Soussigné n'ira pas plus loin dans l'examen de la question de la Traite en général; il peut assurer Son Excellence Milord Castlereagh, que Sa Majesté Très Fidèle adhèrera toujours loyalement aux engagements qu'elle a pris, comme aux principes qu'elle a énoncés à cet égard, mais la question dont il

s'agit est d'une nature tellement grave, on pourroit même dire vitale, pour le Brésil, que le Gouvernement Portugais se trouve placé au milieu d'obstacles qui demandent pour être surmontés beaucoup de précaution et de temps. Le Gouvernement Britannique n'oubliera sans doute pas, de son côté, combien de temps il lui a fallu pour se déterminer il y encore peu d'années à une semblable mesure.

Le Soussigné terminera cette note, comme il l'a commencée, en assurant Son Excellence Milord Castlereagh qu'il la portera immédiatement à la connaissance de Son Auguste Souverain. Et il profite de cette occasion pour renouveler à Son Excellence l'assurance de sa très haute considération.

(Signé) LE COMTE DE PALMELLA.

No. 111. b.

(Translation.)

EXTRACT.

London, June 12, 1820.

AS to what regards the important question of the Slave Trade, the Undersigned is not at present authorised to discuss it, and he would even forbear making any observation on this part of Lord Castlereagh's note, if His Excellency had confined himself to the mentioning of it, without altering the interpretation to be given to the negotiations which took place on this subject at Vienna, and without attempting to deduce from them a consequence against which the Undersigned thinks himself obliged to protest, in order that it may in no manner be imagined that he tacitly acquiesces in it. The plenipotentiaries of His Most Faithful Majesty at the Congress of Vienna offered to the Plenipotentiaries of His Britannic Majesty to abolish the Slave Trade at the end of eight years, provided that the British Government would consent to annul immediately the Treaty of Commerce of 1810. This was not, then, a declaration, as Lord Castlereagh calls it, but a conditional offer which the Portuguese Plenipotentiaries made at the beginning of 1815. Since that time five years have elapsed without the treaty having been given up by England, and during those five years it has in a great measure produced the ruin of the Portuguese commerce, a ruin which His Most Faithful Majesty had hoped to prevent by submitting to another sacrifice, by means of the proposition which his Plenipotentiaries had received orders to make at the Congress of Vienna. Now, at the end of five years, the British Ministry shews a disposition, not yet to annul the Treaty in question, but to modify it in some articles, declaring, however, its resolution to maintain a great number of others which will continue to be regarded as very unfavourable by the subjects of His Most Faithful Majesty; nay more, His Excellency Lord Castlereagh proposes to prolong this Treaty, thus modified, for ten years beyond the period at which the Treaty of 1810 is to expire; so that instead of abridging the duration of the Treaty of Commerce, this proposition tends to prolong it. Very great violence must then be done to the sense of the conditional proposition which the Portuguese Plenipotentiaries made at Vienna, to suppose that His Most Faithful Majesty is now engaged to adhere to it. The Undersigned can on this subject appeal, for what he has had the honour to state, to the opinion and the testimony of all Europe, considering the publicity which the British Government itself has thought proper to give to these negotiations.

The Undersigned will proceed no further in the examination of the question of the Slave Trade in general: he can assure His Excellency Lord Castlereagh, that His Most Faithful Majesty will always adhere faithfully to the

engagements which he has contracted, as well as to the principles which he has professed on this head, but the question under discussion is of a nature so important, it might even be said so vital, to Brasil, that the Portuguese Government finds itself placed in the midst of obstacles which demand much precaution and much time to surmount them. The British Government without doubt will not forget, on its part, how much time it required to form a decision a few years ago, on a similar measure.

The Undersigned will end this note as he began it, by assuring His Excellency Lord Castlereagh, that he will immediately convey it to the knowledge of his august Sovereign: and he profits by this opportunity to renew to His Excellency the assurance of his most distinguished consideration.

(Signed) THE COUNT DE PALMELLA.

No. 112, b.

*His Majesty's Commissioners at the Havannah to Viscount Castlereagh, K. G. &c. &c., dated Havannah, May 13, 1820.—Received July 5, 1820.*

MY LORD,

WE have the honour to inform your Lordship, that no vessel detained under the stipulations of the Treaty between Great Britain and Spain of the 23d of September 1817, has as yet arrived at this port for adjudication.

We have the honour to be, &c. &c. &c.

(Signed)

H. THEO. KILBEE.  
R. F. JAMESON.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 113, b.

*Viscount Castlereagh to His Excellency the Earl of Clancarty, K. B. &c.*

MY LORD,

*Foreign Office, July 14, 1820,*

I TRANSMIT herewith, to your Excellency, copies of three dispatches, dated severally the 23d of November 1819, and the 1st and the 6th of April 1820, from His Majesty's Commissioners resident at Surinam, under the Convention with the Netherlands for preventing illegal traffic in Slaves, upon the subject of the existence of a Slave Trade between the French West India Islands and Surinam, and the refusal of the Netherland Naval Officers, in which they are supported by the opinion of their Commissioners, to interfere with ships trading in Slaves under the French flag.

This conduct is attempted to be grounded upon a decree of the King of the Netherlands of the 17th of September 1818,\* a copy and translation of which is herewith sent to your Excellency. You will however be aware, that

\* This Decree will be found as an Inclosure in No. 86 of this correspondence.

such conduct is manifestly in contravention of the first Article of the Convention, whereby the King of the Netherlands "engages, within the time specified, to prohibit all his subjects, in the most effectual manner, from taking any part whatever in the trade in Slaves." It is also in contravention of the first Article of the decree of the King of the Netherlands, above cited; and it does not appear, that the fifth Article of that decree purports, in its terms, to authorise the importation of such Slaves, since that Article contains only an exception of Slaves found at that moment in the colonies, or their children; and there is no other description of persons introduced in the subsequent part of that Article which refers to foreign colonies: both Great Britain and Holland are in fact pledged to prohibit a continuance or extension of the trade from Africa, directly or indirectly.

I have, therefore, received the King's commands to desire, that your Excellency will make an immediate representation to the Government of the Netherlands, upon the subject of the facts and circumstances stated in the dispatches from His Majesty's Commissioners; and that you will endeavour to obtain from them, that such instructions and explanations shall be given to the several departments and Officers concerned, as may be necessary to establish and to carry into effect the true meaning of the Convention on the point in question.

I am, &c.

*His Excellency the Earl of Clancarty,* (Signed) CASTLEREAGH.  
&c. &c. &c.

No. 114, b.

*Viscount Castlereagh to His Majesty's Commissioners at Surinam.*

GENTLEMEN,

*Foreign Office, July 16, 1820.*

I HAVE received your several dispatches, under date of the 23d of November 1819, and the 1st and 6th of April 1820, and have laid them before the King.

By the inclosed copy of a dispatch, which, by His Majesty's commands, I addressed under date of the 14th instant, to His Majesty's Ambassador to the King of the Netherlands, you will perceive that his Excellency has been directed to make a representation to the Netherland Government upon the subject of the Traffic in Slaves stated by you to exist between the French West India Islands and Surinam, and by the accompanying copy of a letter from the Secretary of the Admiralty to Mr. Planta, dated the 26th of June 1820—you will be made acquainted with the circumstances under which no report has as yet been received at the Admiralty of the names of the vessels on the Leeward Island station, to whom instructions have been sent under the Treaty with the Netherlands for preventing illegal Traffic in Slaves.

I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Surinam.*

*Mem.* Inclosure 1 in this dispatch forms No. 113 in this correspondence.



(*Inclosure 2 in No. 114, b.*)

SIR,

*Admiralty Office, June 26, 1820.*

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 22d inst., inclosing copies of two letters, addressed to Lord Castlereagh by the British Commissioners for the prevention of Slave Trade stationed at Surinam, I am commanded by my Lords, to acquaint you, for his Lordship's information, that, on the 26th July last, two sets of the Treaty with the Netherlands, and the instructions appertaining thereto, were transmitted to Rear-Admiral Campbell, then commanding on the Leeward Island station; with directions to him to forward them to the Commanders of two of the vessels of his squadron, reporting their names to this Office. In consequence, however, of the death of the Admiral, which took place about the time of the arrival of those directions from the West Indies, no report has yet been received upon the subject; but my Lords have repeated the directions to Admiral Fahie, who has recently proceeded to command on the station, and the names of the vessels furnished with the papers in question, shall be communicated to Lord Castlereagh as soon as the information is received here.

*Joseph Planta, Esq.*  
*&c. &c. &c.*

(Signed) JOHN BARROW.

No. 115, b.

*Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated  
The Hague July 25, 1820.—Received July 29.*

MY LORD,

IN obedience to His Majesty's commands, with which I was honoured by your Lordship's dispatch of the 14th instant, I lost no time in procuring an interview with M. le Baron de Nagell, and having acquainted him with the facts, and with the circumstances under which Netherland Officers at Surinam appeared to tolerate the continuance of a Slave Trade, in contravention of the Treaty existing between the two countries, I read over to him the several dispatches of His Majesty's Commissioners upon this subject, conveyed in that from your Lordship to me, above acknowledged.

M. le Baron de Nagell having assured me that nothing was more anxiously desired by the King, his Master, than to put an end to the nefarious Traffic in Slaves, it was agreed that I should throw the representation I had verbally made to him into the form of an official note, in order that the same should be laid before His Netherland Majesty, and His orders taken thereon.

In consequence of this arrangement, I immediately prepared and addressed to His Excellency the note, of which the inclosed paper is a copy.

I have the honour to be, &c.

(Signed) CLANCARTY

*Viscount Castlereagh, K. G.*  
*&c. &c. &c.*

(Inclosure in No. 115, b.)

The Hague, July 22, 1820.

THE Undersigned, &c. has the honour, though with much regret, to acquaint His Excellency M. le Baron de Nagell, that a Traffic in Slaves to a considerable extent has been carried on in the Colony of Surinam, and that, notwithstanding the Netherland Decree of the 17th of September 1818, some thousands of Slaves have been imported into that colony.

This has been done principally, but not solely, under the French flag; a large portion of the Slaves imported recently from Africa, and under ships' papers (though of strong suspicion,) as if embarked from a friendly colony.

This conduct is attempted to be grounded upon the fifth Article of the above cited Decree.

M. le Baron de Nagell, however, will be fully aware that such proceeding is manifestly in contravention of the first Article of the Treaty, whereby the King of the Netherlands engages, within the time specified, "to prohibit all his subjects, in the most effectual manner, to take any part whatever in the Trade in Slaves," &c. It is also in contravention of the first Article of the Decree of His Netherland Majesty above cited; and it does not appear that the fifth Article of that Decree (upon which this proceeding is attempted to be upheld) purports in its terms to authorize the importation of such Slaves, since that Article only contains an exception relating solely to Slaves found at that moment in the colonies, or their children, and there is no other description of persons introduced (and if there was, it would have been in direct variance with the Treaty) in the subsequent part of that Article which refers to foreign colonies. Both Great Britain and the Netherlands are in fact pledged to prohibit a continuance or extension of the trade from Africa either directly or indirectly.

The naval Officers stationed by His Netherland Majesty to prevent the further continuance of this traffic, have refused to interfere, conceiving their Commissions to be suspended and superseded by the authority of the local Government within the colony; and in this opinion they seem to be supported by the Netherland Commissioners under the Treaty, who hold that a Dutch naval Officer could not act in a colonial harbour, upon any general Commission from home, without express instructions from the local Government.

The Undersigned has received the commands of his Government to make an immediate representation of these facts and circumstances to the Government of His Majesty the King of the Netherlands, and urgently to press, that such prompt and peremptory instructions may be expedited, and such clear explanations, in conformity with the true intent of the Treaty, to the Colonial Government at Surinam, to the Commissioners of His said Majesty under the Convention, and the naval Officers there stationed, as may be necessary to put a complete end to these proceedings, to establish and to carry into full effect the true meaning of the Treaty.

The Undersigned, &c.

His Excellency the Baron de Nagell,

(Signed)

CLANCARTY.

&c. &c. &c.

## No. 116, b.

*Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated the Hague, August 11, 1820.—Received August 15.*

MY LORD,

REFERRING to your Lordship's dispatch addressed to me on the 30th of May last, to mine of the 30th of June addressed to your Lordship, and to the copy of my note to His Excellency M. le Baron de Nagell of the 29th of the latter month conveyed therein, I have now the honour to transmit the copy of a note received yesterday from M. de Nagell, in answer to that referred to, and which, upon the whole, I should hope your Lordship will find satisfactory.

Having, however, both in the note and in the conference cited in the above dispatch of the 30th of June, strongly recommended the most conciliatory and liberal conduct to be enforced by this Government on the several parties composing their Mixed Commissions, and finding nothing said upon this subject in the note received yesterday from M. de Nagell, I have thought it right again to place the same under His Excellency's view, and have therefore addressed to him the note, of which I also send a copy herewith inclosed for your Lordship's information.

I have the honour to be, &c.

*Viscount Castlereagh, K. G.*  
 &c. &c. &c.

(Signed) CLANCARTY.

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(Inclosure 1 in No. 116, b.)

EXTRACT.

*The Hague, August 9, 1820.*

SON Excellence le Comte de Clancarty, &c. ayant remis au Soussigné le 20 Juin dernier, une note touchant différents points relatifs à l'exécution du Traité du 4 Mai 1818, pour la suppression du Commerce des Esclaves, il a l'honneur de l'informer,

Que le Ministre des Colonies a été autorisé de recommander au Juge des Pays-Bas séant en la Cour Mixte à Sierra Leone, de ne pas s'opposer à ce qu'on employe des procureurs ou agents dans les procès qui s'instruisent par devant la dite Cour.

Le Soussigné se flatte que Son Excellence le Comte de Clancarty reconnaîtra dans cette disposition, que le Gouvernement des Pays-Bas n'a rien de plus à cœur que de s'entendre avec le Gouvernement Britannique, sur tout ce qui peut faciliter l'exécution du Traité du 4 Mai 1818.

Il saisit cette occasion, &c.

(Signé) A. W. C. DE NAGELL.

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(Translation of Inclosure 1 in No. 116, b.)

EXTRACT.

*The Hague, August 9, 1820.*

HIS Excellency the Earl of Clancarty, &c. having transmitted to the undersigned on the 20th of June last a note on different points connected with

the execution of the Treaty of the 4th of May 1818, for the suppression of the Slave Trade, he has the honour to inform him,

1. That the Minister for the Colonial Department has been instructed to direct the Netherlands Judge acting in the Mixed Tribunal at Sierra Leone, not to oppose himself to the employment of attornies or agents in causes to be heard before the said Court.

The Undersigned flatters himself that His Excellency the Earl of Clancarty will perceive, by these instructions, that the Government of the Netherlands has nothing more at heart than to act in concert with the British Government, and particularly whenever it may tend to facilitate the execution of the Treaty of the 4th of May 1818.

He avails himself of this opportunity, &c.

(Signed) A. W. C. DE NAGELL.

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(Inclosure 2 in No. 116, b.)

*The Hague, August 10, 1820.*

THE Undersigned, &c. has the honour to acknowledge the receipt of His Excellency M. le Baron de Nagell's note of the 9th instant, in answer to that of the Undersigned of the 29th of June last.

The Undersigned will not fail to transmit this document to his Government, and relying upon it that instructions will be sent out under the orders of this Court, to the Commissary Judges and Arbitrators appointed upon the part of the Netherlands to the Mixed Commissions at Surinam and Sierra Leone, to act in the spirit of the most perfect conciliation with their colleagues in all things, and with that liberality and confidence in the arrangement of all matters of general practice, and other extra-judicial points, by which alone the upright and humane objects of the Treaty can be carried into effectual execution, according to the intention of the High Contracting Parties.

He avails himself of this occasion, &c.

*His Excellency the Baron de Nagell,* (Signed) CLANCARTY  
&c. &c. &c.

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No. 117, b.

His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G.  
&c. &c., dated Madrid, August 3, 1820.—Received August 17.

MY LORD,

I HAVE the honour to inclose a translation of a note which I have received from M. Perez de Castro, in which he requests that instructions may be sent to the Commanders of His Majesty's ships of war, with a view to affording some relief to those merchants engaged in the Slave Trade, who had, bonâ fide, cleared out for the African coast at a period when there was a fair probability of their being enabled to complete their voyages within the time fixed by the Treaty; and I cannot but suggest

that, if there be no serious objections to granting the indulgence solicited in the inclosed note, it might be advantageous to our relations with this Court, that it should not be refused.

I have the honour to be, &c.

(Signed)

H. WELLESLEY.

Viscount Castlereagh, K. G.

&c. &c. &c.

(Inclosure in No. 117, b.)

(Translation.)

SIR,

Sacedon, July 27, 1820.

DISPATCHES have just been received from the Chargé d'Affaires of the King my Master at the Court of London, referring to an official note of Lord Castlereagh dated the 11th of June last, in answer to the propositions, which, as I had the honour of informing your Excellency on the 15th of May, were about to be made to the British Government, respecting some additional delay beyond the 30th of next October, to be allowed to Spanish Slave ships, in order to enable those vessels which cleared out before the 30th of May of this year, to return with their cargoes in safety. And His Majesty has learnt with the greatest regret that these propositions, although of so reasonable and equitable a description, have been rejected by the British Government; and that too, in so very explicit and decided a manner as leaves but little hope of their being renewed with any chance of success. But, notwithstanding the unexpected failure of this negotiation, the King my Master, not considering himself to have fulfilled as yet, to the utmost of his power, one of the most imperious duties of a Monarch, namely, to defend the interests and property of a large portion of his subjects still engaged in the Slave trade, in the full persuasion that all vessels which cleared out previously to the 30th of May last would be allowed to return unmolested, and hoping that England will not insist rigorously on keeping to the very letter of the Treaty, which is evidently in contradiction with the spirit of the original agreement, as it does not leave time to do what it allows to be done; has thought it right to make a last effort on this subject, by suggesting to the British Government through the medium of your Excellency, a plan, which, if as His Majesty hopes, it is accepted with that generosity and candour which ought to characterize the conduct of a Power, distinguished as England always has been by its loyalty and friendship for Spain, would be of the greatest advantage to the Spaniards principally interested in this question, without being liable to any of the objections alleged against a formal grant of any further delay.

This conciliatory measure or plan is, that the British Government should send private instructions to the Captains of the cruisers on the different stations, not to detain or seize those Spanish Slave ships which can prove by their papers that they cleared out for the voyage in proper time;—the words "proper time," implying, not the 30th of May, or any particular day, but such time as, according to ordinary calculations, would have enabled them to complete their voyage before the 30th of October, had they not been detained by some of those accidents which all vessels are so frequently exposed to: for example, supposing that with tolerable winds, seven months are sufficient to go and return in, including all necessary delays in port, Slave ships which sailed before the 30th of March ought not to be seized, although they may have been unable to return before the 30th of October.

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His Majesty flatters himself that the British Government will have no objection to agree to a measure of this description, which neither changes in any way the tenor of the Treaty for the abolition of the Slave Trade, nor indeed at all goes beyond that sort of friendly wish to oblige, which it is in the power of every Government to shew towards its allies; and His Majesty hopes likewise that in case his August Ally should accede to this proposition, a term will be fixed in the instructions given to the English cruizers, ample enough to insure all property now embarked in the Spanish Slave Trade, provided it be proved that this property has been risked under a reasonable calculation that the voyage would be concluded previously to the final term of the 30th of October.

(Signed) **EVARISTO PEREZ DE CASTRO.**

*His Excellency Sir Henry Wellesley, K. B.*

*&c. &c. &c.*

No. 118, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G.  
&c. &c., dated the Hague, August 15, 1820.—Received August 21.*

MY LORD,

UNDER your Lordship's instructions of 1819, transmitted to Mr. Chad, he addressed an official note to M. le Baron de Nagell, a copy of which he had the honour to inclose for the information of His Majesty's Government, with his official dispatch of the 19th of April 1819.

Referring your Lordship to this document, and also to the note of M. de Nagell of the 30th of April 1819, wherein His Excellency gives assurances that an inquiry will be thereon instituted without loss of time, I have now the honour to inclose herewith the alleged result of that inquiry, contained in an official note addressed to me by M. de Nagell, and dated the 11th instant.

I am not aware that I can advantageously take any further step in this particular part of the business relating to the abolition of the Slave Trade, unless under such additional instructions as your Lordship may think fit to give: these it will be not less my duty, than it will be my anxious desire, zealously to fulfil, in order that, if possible, the known and laudable views of His Majesty's Government, for the total abolition of this horrid traffic, may be at length completely effected.

I have the honour to be, &c.

(Signed) **CLANCARTY.**

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

*(Inclosure in No. 118, b.)*

*La Haye, le 11 Août, 1820*

LE 13 Avril, 1819, M. Chad, &c. ayant porté plainte contre les facilités accordée à Elmina au Commerce des Esclaves, le Soussigné, &c. fut chargé

de le prévenir, que le Gouvernement des Pays Bas allait mettre à profit une occasion sûre pour faire approfondir la réclamation.

Les rapports requis étant arrivés de la côte de Guinée, le Roi a autorisé le Soussigné de donner connaissance de leurs résultats à Son Excellence Lord Clancarty.

Comme on avait assuré au Gouvernement Anglais, que c'était à l'aide des canots que le Trafic des Nègres se faisait sur la côte d'Or, et qu'il ne pourrait avoir lieu si l'on interdisait leur vente, ce point est celui sur lequel le Gouvernement des Pays Bas avait exigé des renseignemens positifs.

Une dépêche du Président du Gouvernement de la côte de Guinée a montré, combien l'accusation en général, et la dernière assertion, étaient dénuées de fondement. A la vérité les Portugais depuis plusieurs années, avaient l'usage d'acheter des Canots à Elmina pour s'en servir dans les endroits de la côte où les brisans empêchent d'aborder avec des chaloupes, et cet achat a eu lieu jusque 'au commencement de l'année actuelle.

Mais pour peu qu'on ait connaissance des localités, et de la nature du Commerce dans ce Pays, on reconnaîtra que s'il y a des endroits tel que Popoe, Whida, Appey, Porto Novo, et Jaddagree, où les Canots sont indispensables, il y en a plusieurs autres où l'on peut aborder sans leur secours ; que de plus ils ne servent pas uniquement au Trafic des Esclaves, mais que l'on ne saurait s'en passer en certains endroits, pour débarquer les cargaisons, ou embarquer en retour, l'or, l'huile de palmier, et les autres produits de la côte inférieure ; qu' enfin la mesure d'interdire leur vente à Elmina serait insuffisante, puisque les navires pourraient toujours s'en procurer ailleurs et nommément à Popoe.

Il conste par cette même dépêche, que pendant son Administration, le Président susdit, avant d'accorder aux navires qui ancreraient en rade la permission d'acheter des Canots, a toujours inspecté au préalable leurs papiers de fond, et pour peu qu'ils fussent suspects, l'a constamment refusée, faisant même quitter la rade à ceux qu'on soupçonnait de trafiquer en Esclaves.

Enfin, depuis qu'au mois de Janvier dernier il eût connaissance qu'un navire Portugais, qui l'année précédente avait acheté un Canot à *Elmina*, était accusé d'avoir fait ce Trafic sur la côte inférieure, quoique les Papiers annonçassent positivement que sa destination était d'échanger sa Cargaison contre des Productions du Pays, il a refusé des Canots à tous les navires qui ont abordé à *Elmina*.

Tous ces détails sont confirmés par le rapport du Commandant de la Comète, et cette conformité est d'autant plus digne de remarque, que cet Officier, suivant ses Instructions, a procédé à ces investigations sans le concours, et même à l'insçu du Gouvernement de la côte de Guinée.

D'après son rapport, dans les années 1816, 1817, et une partie de 1818, il y a eu des Négriers sur la cote, et leur station a été d'ordinaire au dessus du Fort Anglais Apollonia, et au dessous d'Acra ; trois navires Espagnols ont, à ce qu'on prétend, trafiqué à Christiansberg. Il y a eu aussi quelques Négriers Espagnols entre Cape Coast et Cormantyn, mais depuis ce tems il n'y a point eu de navires Espagnols aux environs d'Elmina ni des Forts Anglais.

Quelques Navires Français, Portugais, et Espagnols, et nommément les premiers, ont trafiqué sur la côte supérieure à la hauteur du Cap la Noir, les autres au dessous de Popoe et d'Acra. Mais sous aucun fort occupé par les sujets du Roi ou de Sa Majesté Britannique, ni à Elmina, ni à Cape Coast, le Commerce des Nègres ne s'est fait, soit ouvertement, soit clandestinement, et un Fonctionnaire qui était soupçonné de s'être permis quelques tentatives infructueuses, a été obligé de se répatrier.

Les renseignemens du Commandant de la Comète, sur la nécessité de l'emploi des Canots, sont d'accord avec ceux du Président.

Les Espagnols qui ont trafiqué en Esclaves tant à Acra, qu'entre Cape Coast et Cormantyn, n'en ont acheté nulle part, et il a fait connaître le pré-

judice notable de même que l'extrême mécontentement causés par l'interdiction provisoire de leur vente, à laquelle, pour enlever jusqu'à l'apparence de favoriser le Trafic des Esclaves, dont Elmina avait été accusée par quelques jaloux, le Président avait cru devoir se résoudre.

Le Roi a donc acquis la certitude qu' il n'y a eu à Elmina, ni prévarication, ni connivance; et qu' ainsi toutes les dispositions à prendre pour répondre au vœu de la note précitée de M. Chad, étaient de renouveler l'injonction de continuer à veiller au maintien des Conventions, et, en cas éventuel d'abus d'autoriser les Autorités d'Elmina à restreindre, suspendre, ou s'il le falloit, à interdire la vente des Canots.

Le Soussigné a l'honneur, &c.

(Signé) A. W. C. DE NAGELL.

*A Son Excellence le Comte de Clancarty,*

*&c. &c. &c.*

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*(Translation of Inclosure in No. 118, b.)*

*The Hague, August 11, 1820.*

MR. CHAD, &c. having made a complaint on the 13th April 1819, respecting the facilities afforded at Elmina to the Traffic in Slaves, the Undersigned, &c. was directed to acquaint him, that the Government of the Netherlands were about to avail themselves of an opportunity which offered itself, on which they could depend, for having this complaint thoroughly examined into.

The requisite reports having now been received from the Coast of Guinea, the King has authorized the Undersigned to acquaint His Excellency Lord Clancarty with the result.

As the British Government was assured, that it was by the assistance of canoes that the Slave trade was carried on on the Gold Coast, and that it could not take place if their sale were prohibited, the Government of the Netherlands have demanded the most positive explanations on this particular point.

A dispatch from the President of the Government of the Coast of Guinea has shewn, how entirely the accusation in general, and the latter statement in particular, are void of foundation.

Portuguese subjects have indeed, for many years past, been in the habit of purchasing canoes at Elmina, to use them on those points of the Coast where breakers prevent the landing in cutters and this practice of purchasing canoes has continued up to the commencement of the present year.

But with the least knowledge of the nature of the traffic in this country, and of the places where it is carried on, it will be admitted that if there are such places as Popoe, Whida, Appey, Porto Novo and Jaddagree, where canoes are indispensable, there are many others where a landing may be effected without their aid, and moreover that they are used, not for the Slave Trade alone, but that they are absolutely necessary in particular places for landing cargoes, or shipping in return gold, palm oil, and other productions of the lower coast; in fine, that the measure of prohibiting their sale at Elmina would be ineffectual, as vessels might always procure them elsewhere, viz. at Popoe.

It appears by the same dispatch, that during his administration, the President above-mentioned, previously to granting to vessels which anchored in the roads permission to buy canoes, has always, in the first instance,



thoroughly inspected their papers, and when they were suspicious, has constantly refused such permission, making such vessels even quit the roads as were suspected of trading in Slaves.

In fine, having received information in the month of January last, that a Portuguese vessel which had bought a canoe at Elmina the preceding year, was accused of having carried on this traffic on the Lower Coast, although her papers declared positively that she was destined to exchange her cargo for the produce of the country, he has since refused canoes to all vessels which have touched at Elmina.

All these particulars are confirmed by the report of the Commander of the Comet, and this confirmation is the more worthy of remark, as that officer, agreeably to his instructions, carried on these investigations without the concurrence, or even the knowledge, of the Government of the Coast of Guinea.

According to his report there were Slave vessels on the coast in the years 1816, 1817, and a part of 1818, and their stations ordinarily were above the English fort Apollonia, and below Acra. Three Spanish vessels, it is reported, traded at Christiansberg. There have been also some Spanish Slave ships between Cape Coast and Cormantyn, but since this period there have been no Spanish ships in the neighbourhood of Elmina or of the British forts.

Some French, Portuguese and Spanish ships, and particularly the first-mentioned, have traded on the upper coast, as high as Cape la Noir, the rest below Popoe and Acra, but no Traffic in Slaves has been carried on under any fort belonging to the subjects of the King or of His Britannic Majesty, neither at Elmina nor at Cape Coast, openly or clandestinely; and a Public Agent, who was suspected of having connived at some fruitless attempts, has been obliged to return home.

The information received from the Commander of the Comet of the necessity of employing canoes; is in unison with that received from the President.

The Spaniards who have traded in Slaves as well at Acra, as between Cape Coast and Cormantyn, have made no purchases any where,—and the President has stated the known prejudice, as well as the extreme discontent, occasioned by the provisional prohibition of their sale, to which measure he thought it his duty to have recourse, in order to remove the appearance of favouring the Traffic in Slaves, of which Elmina was accused by some jealous individuals.

The King is now therefore convinced that there has been neither prevarication nor connivance at Elmina; and all that is requisite, in complying with the wish expressed in M. Chad's note, is to renew the instructions to watch over the execution of the Convention, and in the event of a departure from them, to authorize the Authorities at Elmina to restrain, suspend, or if necessary, forbid, the sale of canoes.

The Undersigned has the honour, &c.

(Signed)

A. W. C. DE NAGELL.

*His Excellency the Earl of Clancarty,*  
&c. &c. &c

No. 119, b.

*Henry Theo Kilbee, Esq. to William Hamilton, Esq., dated Havannah,  
June 29, 1820.—Received Sept 4.*

DEAR SIR,

I WAS very sorry that, in consequence of a severe illness from which I am now slowly recovering, I was unable to write to you by His Majesty's

brig Wasp, which sailed from hence about a fortnight ago. On the 30th ultimo the period expired which is allowed by Treaty for the clearing out of Slave ships for the coast of Africa; and, contrary to my expectations, on that and the few days previous, nearly twenty vessels sailed from hence for the purposes of the traffic. The proprietors, I understand, do not expect that these vessels will be enabled to return within the five months allowed by Treaty; but they have been led to believe, that there is no danger of vessels, which have cleared out before the 30th of May, being condemned, even although they should not complete their voyages within the five months. Indeed, both the Spanish Commissioners here have declared to me, that, according to the instructions they have received, they shall feel themselves bound to give their opinion for the release of such vessels, in the event of their being detained by our cruizers.

I have the honour to be, &c.

*W. Hamilton, Esq.*  
&c. &c. &c.

(Signed) H. T. KILBEE.

No. 120, b.

*Viscount Castlereagh to His Excellency the Earl of Clancarty, K. B. &c.*

MY LORD,

*Foreign Office, September 22, 1820.*

IN reference to my correspondence with your Excellency on the subject of the existence of a Slave-trade between the French West Indian Islands and Surinam, I must again press upon your Excellency the very great importance, that the Dutch Government should, without delay, send out such explanations and instructions to the several departments and officers concerned, as may be necessary to put a stop to that illegal traffic, and to establish and carry into effect the true meaning of the Treaty on the point in question;—and also that no further unnecessary delay should take place in expediting such legislative measures, as you have stated to be requisite, to give the necessary powers for organizing the Mixed Court at Surinam, and for putting it into full activity.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency the Earl of Clancarty, K. B.*  
&c. &c. &c.

No. 121, b.

*Viscount Castlereagh to His Majesty's Ambassadors at Madrid and in the Netherlands, and to His Majesty's Envoy at Rio de Janeiro.*

MY LORD,  
SIR,

*Foreign Office, September 22, 1820.*

A CASE has recently occurred at Sierra Leone, in the adjudication of which a difference of opinion arose, as to the construction to be put upon that part of the Convention between Great Britain and the Netherlands, Spain and Portugal, for preventing illegal traffic in Slaves, which enacts that ships of war may detain and bring in vessels suspected of illegal traffic, in the event only of their actually finding Slaves on board.

The case I allude to was that of a vessel, which was actually concerned in the traffic, and had already received one Slave on board at the time she was discovered by the ship of war pursuing her: She, however, in this extremity, contrived to get the Slave into a boat alongside, before the ship of war boarded her. At this moment, and before the boat with the Slave could reach the shore, the vessel, the boat and Slave were detained, and brought in to Sierra Leone. The circumstances abovementioned being proved, a difference of opinion took place between the members of the Commission, whether the capture was legal or not, according to the terms of the Treaty above recited. The matter was then referred as usual, by lot, to one of the Arbitrators appointed in such cases; and the Arbitrator on whom the lot fell, adjudged that the vessel was illegally detained, and ordered her liberation, and subjected the capturing party to the expence of indemnifying her owners for her detention. No imputation is meant to be thrown upon the Arbitrator for this decision, nor is it, of course, wished to invalidate it in the instance alluded to; but, at the same time, it is evident, that the decision was in opposition to the design of the Treaty, and to its general tenour and spirit. The continuance of such a narrow and imperfect construction, as that on which the Arbitrator decided, if allowed to be drawn into a precedent for the guidance of the Courts under the Treaty, would open, manifestly, a door to the grossest fraud, and would prevent, in most instances on the African coast, the objects contemplated by the Contracting Parties. The vessels there concerned in the trade, keep close along shore, and would, when the capturing ship hove in sight, land at a short notice, or at any rate lower and stow into boats, and sometimes even force to swim on shore, the men whom they had unjustifiably confined on board; and if, one minute before the cruizer boarded, the Slaves were outside the ship, (which would infallibly, by one or other means, be contrived), the illegal trafficker would be safe, and the object of the Treaty effectually defeated.

I need not dwell more upon the subject, to shew the necessity, that some declaration should be made by the Contracting Parties, and some instructions jointly given by them to their cruizers and to their Commissioners, which shall, in the explanatory construction of the Treaty, prevent so palpable an evasion of its intent.

I have, therefore, received The King's Commands to desire, that you will bring these points under the consideration of the Court to which you are accredited; and, in His Majesty's name, urge them, on every principle of justice and expediency, to concur in a declaration, and in corresponding instructions to the Cruizers and Commissioners under the Treaty, to the effect, that, if there shall be clear and undeniable proof, that a Slave or Slaves have been, for the purpose of illegal traffic, put on board a vessel in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel is to be detained by the cruizers, and finally condemned by the Commissioners.

You will lose no time in executing this instruction; and the King confidently trusts that the Government of the Netherlands, (Spain, and Portugal) will feel no hesitation in adopting a measure by which, without rendering a legal commerce liable to unjust condemnation, the due execution of the Treaty may be assured in its fair and liberal construction, and according to the principle on which it was framed, of putting down by effectual means the illegal Traffic in Slaves.

I am, &c.

(Signed)

CASTLEREAGH.

*His Majesty's Ambassadors at Madrid and in the Netherlands,  
and His Majesty's Envoy at Rio de Janeiro.*

No. 122, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, October 10, 1820.—Received October 12.*

## EXTRACT.

I HAD on the 7th instant the honour to receive your Lordship's dispatch of the 22d September.

In obedience to the instructions conveyed by this dispatch, I have addressed a note, of which the accompanying paper is a copy, to His Excellency M. le Baron de Nagell, upon the subject of it, and which I hope will meet the views of His Majesty's Government.

(Signed) CLANCARTY.

*(Inclosure in No. 122, b.)*

THE Undersigned, His Britannic Majesty's Ambassador, &c. has received the commands of the King his Master, to press upon the serious and immediate consideration of this Government, the very great importance of the issue of orders without delay by this Court, accompanied by such explanations and instructions to the several departments and officers concerned, as may be requisite to put an immediate and final stop to the illegal Traffic in Slaves in the colony of Surinam, to which the official note of the undersigned, addressed to His Excellency on the 22d of July last, generally refers.

This trade is understood to be in full existence, more especially between the French West India Islands and Surinam, and it can scarcely be necessary for the Undersigned to use any argument except the bare statement of the facts, to induce His Majesty the King of the Netherlands to adopt the most prompt, vigorous, and efficient measures, fully to execute the Treaty upon this subject between the two Crowns, and to carry into effect its stipulations, according to the spirit and true meaning thereof.

Abstracted from the immediate consideration of these, His Netherland Majesty will no doubt feel, that to permit the longer continuance of so vile a traffic, so hostile to the humane doctrines of the Christian religion, would be not less at variance with the high notions and laudable principles by which His Majesty is at all times guided, than it would be essentially derogatory to his honour and kingly dignity.

It becomes the more important to press this subject upon the serious consideration of this Government at the present moment, because if, for the purpose of empowering this Crown to give life and efficacy to the Mixed Court at Surinam, by organizing and putting the same into full activity without further delay, any legislative measures should be requisite, the approaching session of the States General furnishes an opportunity adequate to the end in view, and which the undersigned is confident will be eagerly and promptly embraced by the Netherland Government.

In the full assurance of the active and zealous efforts of this Court to cooperate in all things with that of the King his Master, in putting a final end to the nefarious Trade in Slaves, according to the true spirit of the Treaty of the 4th of May 1818, the Undersigned requests His Excellency will accept the assurance, &c.

(Signed) CLANCARTY.

*His Excellency the Baron de Nagell,  
&c. &c. &c.*

No. 123, b.

*His Majesty's Commissioners at Rio de Janeiro to Viscount Castlereagh, K. G. &c. &c., dated Rio de Janeiro, July 31, 1820.—Received October 14.*

MY LORD,

SINCE we had the honour of addressing your Lordship, on the 7th March, we have sworn in the Interpreter appointed by His Most Faithful Majesty; and the regulations for the guidance of the Mixed Commission having been translated, we submitted them to the consideration of the Portuguese Commissioners for adoption, and though they are still under discussion, we have great reason to believe, my Lord, that they will be adopted with very few exceptions.

We are not yet, my Lord, furnished with a house, but His Majesty's Minister has at length succeeded in obtaining a promise that we shall have any house that we may fix on, that may be considered appropriate and within bounds. We have made such slow progress, my Lord, in consequence of not having had a place to assemble in, except when the Chamber of Commerce was unoccupied.

We have the honour, &amp;c.

(Signed)

HENRY HAYNE.

ALEX. CUNNINGHAM.

*Viscount Castlereagh, K. G.**&c. &c. &c.*

No. 124, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, October 13, 1820.—Received October 16.*

MY LORD,

ALTHOUGH your Lordship's dispatch of the 22d ultimo, relative to the issue of a declaration, explanatory of the fifth Article of the Treaty with this Government of the 4th of May 1818, was received by me here on the 1st instant: and although I was thereby directed to lose no time in executing the instruction therein contained, yet on account of the absence of the Minister for Foreign Affairs, I was necessarily obliged to wait for his arrival at Brussels.

M. le Baron de Nagell reached this residence only the evening before the last, and I had yesterday morning the honour of a conference with him upon this subject, wherein I acquainted him with the fact stated in your Lordship's dispatch, urging the pressing necessity of issuing an explanatory Declaration, and the issue of instructions thereon, in order that the letter might not hereafter be set up in direct opposition to the spirit of the Treaty, in its most essential stipulation, and a door thus opened to the perpetration of a gross fraud, by which, in nine cases out of ten, the Treaty would be rendered absolutely abortive.

M. le Baron de Nagell expressed himself as being fully impressed with the necessity of adopting some immediate measure, either by declaration or otherwise, for the purpose of counteracting the effects (in future cases) of the late decision, and of supporting the real intentions of the High Contracting Parties against a construction, which would, as he stated himself to feel, in the great majority of cases, nullify the main object and spirit of the Treaty. He said that he would immediately lay the facts, as well as the proposal, before the King, his Master, who, he had little doubt, would see the thing in the same light that he did.

I have this morning had another interview with M. de Nagell, at which he acquainted me, that he had transmitted the communication made to him by me yesterday, and also the substance of our conversation to His Majesty.

Your Lordship may be well assured that I shall not sleep over this, or any other matter necessary for carrying into complete effect, the humane and beneficent views of His Majesty upon this important subject.

I have the honour to be, &c.

(Signed)

CLANCARTY.

Viscount Castlereagh, K. G.

&c. &c. &c.

No. 125, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G.  
&c. &c., dated Brussels, October 20, 1820.—Received October 23.*

MY LORD,

I HAVE had several conferences lately with the Ministers of this Court, and latterly (this morning) with the Minister for the Colonies, on the subject of your Lordship's dispatch of the 29th ultimo, relating to the conduct of M. Van Sirtema, and on all other points connected with the due execution of the Slave Trade Treaty with this country.

Upon the particular subject of M. Van Sirtema, I am authorized to assure your Lordship that his conduct has been felt here as strongly as it has been by His Majesty's Government. It appears that M. Van Sirtema has left his station at Sierra Leone.

M. de Falck has stated to me, that in selecting a person to supply the place of M. Van Sirtema, however difficult he may find it to discover one properly qualified for the situation, and willing to undertake it, I may rest satisfied that no effort of his will be wanting to fulfil the wishes, not less of our's than of his own Government.

Upon the other points of our conference he has acquainted me that I shall very shortly be supplied with an official answer from M. le Baron de Nagell, and which he has little doubt will prove satisfactory.

I have the honour to be, &c.

(Signed)

CLANCARTY.

Viscount Castlereagh, K. G.

&c. &c. &c.

## No. 126, b.

H. T. Kilbee, Esq. to William Hamilton, Esq., dated Havannah, August 31, 1820.—Received November 6.

## EXTRACT.

NO vessel detained in virtue of our Slave Trade Treaty with Spain has yet reached this port for adjudication.

I stated, upon a former occasion, that many of the Slave Ships that arrive here obtain their cargoes on the coast of Africa north of the Line. For some time after this Mixed Commission was declared to be opened, these vessels were in the habit of landing their Negroes at Batabano, or some other of the smaller ports in the Island, fearing that if they came direct to the Havannah, where one of the British Commissioners was resident, their papers could be examined, and that they would be liable to the penalties stipulated by Treaty. Finding, however, that such as did reach this port were not subjected to any special examination in consequence of the Treaty, either on the part of the Mixed Commission, or on that of the authorities of His Catholic Majesty, they have latterly come direct to the Havannah, and make no mystery of having proceeded from the coast of Africa north of the Line. Conversing upon this subject lately with the Intendant, who is the Spanish Commissary Judge, I stated to him, that if this infraction of the Treaty continued to be committed in such an open manner, I should consider it to be my duty to mention the matter confidentially to the Captain-General, in order that the penalties denounced in His Catholic Majesty's decree of November 1817 should be inflicted upon the persons guilty of such infraction. I added, that after the expiration of the five months allowed by Treaty for the completion of the voyages of such vessels as should have sailed previously to the 30th May 1820, I should feel myself bound to make a representation to the Captain-General, in the event of any vessel, foreign or Spanish, reaching any of the ports of this Island with a cargo of Negroes from any part whatever of the coast of Africa. The Intendant replied, that he had not been aware that the traffic to the north of the Line was carried on to the extent I stated:—that, with respect to the other point, namely, the arrival of Slave ships subsequently to the 30th October next, he had received a dispatch from his Government, dated in May last, informing him that a fresh representation had been made to the British Government, for the purpose of inducing the latter to consent to the extension of the term of five months allowed by Treaty for the completion of voyages; that ten months from the 30th May was the term now proposed, and little doubt was entertained of obtaining the consent of Great Britain; that the authorities of His Catholic Majesty were, for the present, bound to consider that as the term allowed, and therefore, that no vessel arriving previous to the 30th March 1821 could be condemned by a Spanish tribunal, unless proved to have proceeded from the north of the Line.

I informed the Intendant of the view of this subject, and the determination upon it, taken by His Majesty's Government, as communicated to me in Lord Clanwilliam's letter of the 17th April last; and I observed how unlikely it was that, that determination should be altered by any fresh representation on the part of the Spanish Government. I likewise said, that in the event of any Spanish Slave ship being carried into the port for adjudication, by a British cruiser, I hoped he would consider himself to be bound to act up to the letter of the Treaty. He answered, that he could not, either in his character of Intendant, or in that of Commissary Judge of this Mixed Commission,

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give his voice for the condemnation of any Spanish Slave ship, except for trafficking to the north of the Line, previous to the expiration of the term of ten months from the 30th May last, unless he should receive fresh instructions from his Government. He added, that he had no doubt, from the nature of the application made to the British Government, that I should receive shortly similar instructions to those under which he acted.

(Signed) H. T. KILBEE.

No. 127, b.

H. T. Kilbee, Esq. to the Earl of Clanwilliam, &c. &c., dated Havannah, August 31, 1820.—Received November 6.

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 25th instant, of your Lordship's private letter of the 17th April: and I am most happy to find that in the discussions between the Intendant and myself respecting the first Article of the Slave Trade Abolition Treaty, I have acted in strict conformity with Lord Castlereagh's view of the subject.

I have the honour to be, &c.

Earl of Clanwilliam,  
&c. &c. &c.

(Signed) H. THEO. KILBEE.

No. 128, b.

*Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, November 10, 1820.—Received November 13.*

MY LORD,

IN my dispatch of the 26th July last, and in that of the 10th of October following, I had the honour of transmitting to your Lordship the copies of two notes addressed by me to M. le Baron de Nagell on the 22d of July and 9th of October, strongly representing against the continuance of the Slave Trade in the colony of Surinam.

To these notes I take the liberty of referring your Lordship.

Late yesterday evening an answer to them reached me from His Excellency, a copy of which I have the honour herewith to transmit, for the information of His Majesty's Government.

Your Lordship's very serious attention will no doubt be attached to this paper.

Therein this Government asserts, as quite of course, the right to carry on the trade in Slaves, by their introduction into Surinam from foreign colonies, provided such Slaves had already been recognized as such in any European possession in the West Indies, as for example, at Cayenne, Martinique, &c. And this is said not to be contrary to the dispositions of the Treaty; it being alleged that the Government of the Netherlands has always been of opinion



that the object of the Convention with England was merely to prevent the subjects of the two countries from trading in men upon the Coast of Africa, and that it is to this traffic to which principally, not to say solely, the first Article of the Treaty is applicable.

This interpretation is no doubt given to the Treaty of 1818, in consequence of its first Article referring to the eighth Article of the Convention of 1814, which possibly may be taken to refer principally, if not solely, to the trade upon the Coast of Africa, though even here the engagement is "à défendre à tous ses sujets, de la manière la plus efficace, et par les loix les plus formelles de prendre aucune part quelconque à ce trafic inhumain;" while, according to the subsequent part of the note itself, this could scarcely be done with any prospect of probable success, in opposition to the efforts of fraud by simulated papers, and other obvious means, as long as any traffic should be allowed in Slaves with foreign colonies.

The vast importance of coming, at the earliest moment, to a proper understanding upon the construction of the first Article of the Treaty, appears to me so much to supersede every question of detail, that I shall not at present trouble your Lordship upon the further parts of this note.

As early this morning as it was proper I waited upon M. de Nagell, to represent to him my impression of the mistaken view in which the subject had, in its principal point, been regarded by his Government; and, as the subject appears to belong more particularly to the department of the colonies, I propose waiting upon M. Falcq to-morrow, to communicate to him my opinions; namely, that under the first Article of the Convention of 1818, all the subjects of both of the High Contracting Parties, are absolutely and entirely to be prevented from taking any part whatever in the trade in Slaves; and consequently are equally to be restrained from trading therein with other foreign colonies, as directly with the coast of Africa.

I have the honour to be, &c.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed) CLANCARTY.

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(Inclosure in No. 128, b.)

Bruxelles, le 9 Novembre 1820.

LES réclamations aussi pressantes que réitérées du Gouvernement Anglais, contre l'introduction illicite des Esclaves à Surinam, ont provoqué un examen approfondi de cet objet, qui interesse l'observation du Traité, par lequel l'humanité de Sa Majesté le Roi des Pays-Bas s'est empressée de seconder les vœux bienfaisants de Sa Majesté Britannique.—C'est à cela que doit être attribué le délai de la réponse aux notes que Son Excellence Lord Clancarty, &c. a fait l'honneur d'adresser au Soussigné le 22 Juillet et le 9 Octobre dernier.

C'est à regret que le Gouvernement des Pays-Bas a eû lieu de reconnaître que le fait même ne saurait être entièrement contredit. Mais l'équité oblige également de prévenir qu'aucun soupçon défavorable ne pèse sur le Gouverneur de Surinam.—C'est lui qui le premier, dès le printems passé, a dénoncé l'arrivée suspecte des Esclaves dans la colonie qu'il administre.—Ses rapports fournissent les preuves du soin avec lequel il s'est attaché à examiner les papiers des navires à bord desquels on les transportait; gardant même copie de

ces documens, du moins des plus essentiels, et ne tolérant l'introduction, qu'autant qu'il apparaissait par ces papiers, que les Esclaves introduits avaient déjà été reconnus pour tels dans une des possessions Européennes des Indes Occidentales, par exemple à la Cayenne, la Martinique, St. Eustace, St. Thomas, &c.

Cette tolérance ne peut fournir à son egard aucun sujet de reproche. Elle n'est pas contraire aux dispositions du Traité, ni aux réglemens de l'arrêté du Roi du 17 Septembre 1818, ni à la loi pénale du 20 Octobre. Le Gouvernement des Pays-Bas a toujours été d'opinion, que le bût de la Convention avec l'Angleterre, se bornait à interdire aux sujets des deux Parties Contractantes, le trafic d'hommes sur la Côte d'Afrique; et que c'est à ce trafic qu'est principalement, pour ne pas dire uniquement, applicable l'Article 1 de cette Convention, cité dans les notes de Lord Clancarty.

D'autre part, la loyauté du Gouvernement des Pays-Bas ne lui permet pas de nier, que le bût salutaire du Traité s'éluiderait, si tous les Nègres qui auraient une fois mis le pied sur le sol des Indes Occidentales, pouvaient, de ce fait seul, être librement importés à Surinam.—Alors les Colonies Françaises et Portugaises, où jusqu'ici la Traite des Nègres est permise, deviendraient un entrepôt, où se pourvoiraient les colonies, et il en résulterait que les planteurs, et les Négocians qui les habitent, sans exercer directement un Trafic défendu, le provoqueraient, et l'exciteraient d'une manière indirecte. L'intention de l'Article 5 de la loi et de l'arrêt précités, en désignant les Esclaves qui se trouveraient en ce moment dans les Colonies, est évidemment de prévenir un pareil abus. Le Gouvernement des Pays-Bas regarde dès lors comme aussi obligatoire qu'expédient, de surveiller sévèrement l'accomplissement de cette condition, quoique, d'après les informations transmises par le Gouverneur de Surinam, il ne soit pas possible de se faire illusion sur les innombrables difficultés qui en sont inséparables.

Si les institutions coloniales du Gouvernement des Pays-Bas étaient conformes à celles du Gouvernement Anglais, l'étonnement de ce dernier cesserait par rapport au refus des Officiers de la Marine Royale de rétenir et de visiter sur la Rivière de Surinam, et par conséquent dans la Colonie même, les navires ayant des Esclaves à bord. Les Commandans Anglais paraissent investis de cette faculté. Un pareil conflit de pouvoirs ne saurait avoir lieu dans les Colonies des Pays-Bas.—Du moment que les vaisseaux de guerre du Roi y abordent, ils passent sous la direction, et la juridiction du Gouvernement local; ce dernier est seul responsable de la mise à exécution des ordres de Sa Majesté. Lord Clancarty propose d'altérer cet arrangement, et d'étendre les attributions des commandans maritimes, aussi loin qu'il paraît que cela a lieu en Angleterre.

Mais après avoir pesé le pour et le contre, trop d'obstacles et d'inconvéniens ne permettent d'y accéder pour le moment; cependant il n'en résultera aucune conséquence désavantageuse pour l'accomplissement ponctuel, non pas simplement de la lettre, mais de l'esprit de la Convention invoquée.

Le Roi s'est assuré que les intentions du Gouvernement Anglais, qui ne sont pas moins les siennes, pourroient être suffisamment remplies par les ordres que Sa Majesté a résolu de renouveler au Gouverneur de Surinam (la seule de nos Colonies qui puisse venir ici en considération); il va lui être enjoint, qu'à chaque introduction de Nègres par quelque navire, le Gouverneur sera tenu de s'assurer par une enquête formelle, non seulement si ces Nègres ont séjourné, ou sont originaires de quelque autre possession Américaine, mais spécialement s'ils ont été Esclaves, et s'ils ont été présents dans cette possession dès le mois de Septembre 1818, avec injonction de n'admettre, sous aucune prétexte quelconque, que les Nègres par rapport auxquels on justifiera, d'une manière satisfaisante, l'une et l'autre de ces deux conditions.

Par l'observation de ces ordres, le Gouvernement des Pays-Bas aura déferé

à ce qu'il y a de fondé dans les plaintes du Gouvernement Anglais, sans avoir eu besoin de recourir à une mesure aussi délicate que le serait celle de changer la Convention et la loi existante, ou d'étendre la compétence des officiers de haut bord quant à l'arrestation et à la visite des navires, au delà de ce qui est en usage, ou enfin d'investir la Cour Mixte d'une juridiction ou d'une surveillance sur les Administrations de la Colonie où la cour siège, dont l'exercice multiplierait infailliblement des collisions ou des inconvéniens de plus d'un genre.

Le Soussigné a l'honneur, &c.

Le Comte de Clancarty,  
&c. &c. &c.

(Signé)

A. W. C. DE NAGELL.

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(Translation of Inclosure in No. 128, b.)

Brussels, November 9, 1820.

THE pressing and reiterated remonstrances of the British Government against the illicit introduction of Slaves at Surinam, have given rise to a thorough inquiry into this subject, affecting as it does the observance of the Treaty, by which the King of the Netherlands has humanely shewn his anxiety to promote the beneficent views of His Britannic Majesty.

It is to this inquiry that the delay is to be attributed which has taken place in replying to the several notes which His Excellency Lord Clancarty, &c. did the Undersigned the honour to address to him on the 22d of July and on the 9th of October last.

It is with regret that the Government of the Netherlands finds reason to acknowledge that the fact itself cannot be entirely contradicted:—but it is equally in justice called upon to declare that no unfavourable suspicion attaches to the Governor of Surinam. It is he who first, as long ago as last spring, reported upon the suspicious arrival of Slaves in the colony over which he presides. His reports prove the attention with which he applied himself to the examination of the papers of the vessels on board of which Slaves were shipped;—even keeping copies of these documents, at least of the most important of them, and permitting the introduction of the Slaves only when it appeared from these papers that they had been already acknowledged as such in some one of the European possessions in the West Indies, viz. at Cayenne, Martinique, St. Eustatia, St. Thomas, &c.

As far as concerns the Governor, the permission so granted cannot furnish any cause for blame. It is contrary neither to the stipulations of the Treaty nor to the regulations of the King's Decree of the 17th of September 1818, nor to the penal law of the 20th of October. The Government of the Netherlands has ever considered the object of the Convention with England to be confined to prohibiting the subjects of the two Contracting Parties from trading in Slaves on the Coast of Africa; and that it is to this traffic principally, if not solely, that the first article of that Convention, referred to in the notes of Lord Clancarty, is applicable.

On the other hand the upright feeling of the Netherland Government will not allow them to deny that the salutary objects of this Treaty might be evaded, if all those Negroes who had once set foot ashore in the West Indies, might on that ground alone be freely imported into Surinam. In that case the French and Portuguese colonies, where the Slave Trade is still permitted, would become a depôt to furnish the colonies of Hol-

land, and the result would be, that the planters and merchants residing there, without directly carrying on an illicit traffic, would promote and encourage it in an indirect manner. The intention of the fifth article of the Law and of the Decree before mentioned, in specifying those Slaves who are at this moment in the colonies, is evidently to put down such an abuse.

The Government of the Netherlands has considered it thenceforth incumbent upon them, and expedient, rigidly to enforce the execution of this condition, although from the information received from the Governor of Surinam, they have felt it impossible to conceal the innumerable difficulties which are inseparable from it.

If the colonial institutions of the Netherland Government were similar to those of the British Government, the surprise of the latter would cease in respect to the refusal of officers of the royal navy to detain and visit on the Surinam river, and consequently in the colony itself, ships having Slaves on board. The British Commanders appear to be furnished with this authority, but such conflicting powers could not be exercised in the colonies of the Netherlands. From the moment the King's ships of war anchor there, they pass under the orders and jurisdiction of the local Government, which alone is responsible for the execution of the King's orders. Lord Clancarty proposes that this arrangement should be altered, and that the powers of the Dutch naval Commanders should be increased to the same extent as those of the British navy. But, after having well weighed both sides of this question, it appears that there are too many obstacles and inconveniences attending it, to allow of such an arrangement being acceded to at present. Nevertheless, no disadvantageous consequences are likely thence to result to the punctual fulfilment, not only of the letter, but even of the spirit, of the Convention in question.

The King is persuaded that the intentions of the British Government, which are not less his own, would be sufficiently carried into effect by the orders which His Majesty has determined to renew to the Governor of Surinam, the only one of our colonies which can come under consideration in this place. Instructions are about to be issued to him, that, upon every importation of Negroes by any vessel, the Governor shall be bound to satisfy himself by a formal inquiry, not only whether these Negroes have resided in, or are natives of, any other American possession, but particularly, whether they have been Slaves, and whether they have been residing in such possession since the month of September 1818; and prohibit the admission, under any pretext whatever, of any Negroes, but such with respect to whom both these conditions shall be proved, in a satisfactory manner, to have been fulfilled.

By the observance of these orders the Netherland Government will have conceded to such of the complaints of the British Government as are well founded, without being under the necessity of having recourse to so delicate a measure as that of altering the Convention and the existing law, or of extending the powers of their naval officers with regard to the detention and visit of vessels beyond what is now customary; or lastly, of giving the Mixed Court a jurisdiction or a control over the administrations of the Colony where it is established, the exercise of which would inevitably multiply disagreements and inconveniences of every kind.

The undersigned has the honour, &c.

*The Earl of Clancarty,*  
&c. &c. &c.

(Signed) A. W. C. DE NAGELL.

No. 129, b.

Viscount Castlereagh to His Excellency the Earl of Clancarty, K. B., &amp;c.

MY LORD,

Foreign Office, November 16, 1820.

YOUR Excellency's dispatch of the 3d of November 1820 on the subject of the Dutch Commissioners at Sierra Leone, has been received and laid before The King.

You will have the goodness to express to the Government of the Netherlands, the sense which His Majesty's Government entertain of the readiness which has been shewn by M. de Nagell and the Netherland Ministers, to pay attention to the representations which, in the full spirit of confidence and union between the two Courts, you were instructed to make to them upon the conduct of M. Van Sirtema, so opposite to the feeling in which the engagements on the Slave Trade were entered into between Great Britain and the Netherlands.

I have to request, that you will at the same time point out to the Netherlands Government, the very serious inconvenience which may result, from M. Bonouvrié's being authorized, as he now appears to be, to act both as Commissary Judge and as Commissioner of Arbitration. It is merely necessary for this purpose, that I should call your attention, and that of the Netherland Government, to the possibility of his having to act in the same cause, first as a Judge and then as an Arbitrator, to decide between his own judgment and that of the British Commissary Judge.

The arbitration in such case, without impeaching M. Bonouvrié's integrity, for he is bound both to judge and to arbitrate according to the best of his judgment, must of necessity be concurrent with his previous decision. His Majesty's Government feel confident that this circumstance alone, when brought to the attention of the Netherland Government, will induce them to take the earliest measures in their power to relieve their Commissioner from such an anomalous situation.

If it should become necessary, your Excellency may fairly state, that I should conceive the same person could not, without an entire breach of the Treaty, exercise the double authority,

I am, &amp;c.

(Signed)

CASTLEREAGH,

His Excellency the Earl of Clancarty, K. B.

&amp;c. &amp;c. &amp;c.

No. 130, b.

*His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c., dated Brussels, November 24, 1820.—Received November 27.*

MY LORD,

YOUR Lordship's dispatch \* of the 16th instant reached me on Monday last, and I lost no time in communicating to M. le Baron de Nagell, together

\* This dispatch forms No. 42, Class A. of this correspondence.

with the note of which the accompanying paper is a copy, the papers relative to the several Treaties with Foreign Powers for preventing the illegal Traffic in Slaves, which I was instructed to present to this Government.

The inclosed copy of His Excellency's answer will show your Lordship that these papers have been duly received by him.

I remain, &c.,

(Signed)

CLANCARTY.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

*(Inclosure 1 in No. 130, b.)*

*Brussels, November 20, 1820.*

THE Undersigned, &c. has received the commands of The King his Master, to convey to His Excellency M. le Baron de Nagell, for the information of his Government, the inclosed copy of a communication, dated the 11th October last, from the British Admiralty, containing a list of such of His Britannic Majesty's ships as are now cruising, supplied with the Instructions referred to in the several Treaties with Foreign Powers, for preventing the illegal Traffic in Slaves, and specifying the several stations to which they severally belong. Of this list the undersigned has also the honour herewith to inclose a copy for the information of this Government.

(Signed)

CLANCARTY.

*Baron de Nagell,*

*&c. &c. &c.*

*(Inclosure 2 in No. 130, b.)*

*Baron de Nagell to the Earl of Clancarty, &c. &c., dated Brussels, November 21, 1820.*

LE Soussigné à l'honneur d'accuser à Son Excellence Lord Clancarty, la réception de sa note d'hier et de la liste qui s'y trouvait jointe des vaisseaux, qui ont été pourvus par le Gouvernement Anglais des Instructions mentionnées dans les différens Traités de la Grande Bretagne, ayant pour bût l'abolition du commerce en esclaves.

(Signé)

A. W. C. DE NAGELL.

*(Translation of Inclosure 2 in No. 130, b.)*

THE undersigned has the honour to acknowledge the receipt of His Excellency Lord Clancarty's note of yesterday's date, and of the list therein inclosed of such vessels as have been supplied by the English Government, with the Instructions referred to in the several Treaties on the part of Great Britain respecting the abolition of the Slave Trade.

(Signed)

A. W. C. DE NAGELL.

No. 131, b.

*Viscount Castlereagh to His Majesty's Commissioners at Rio de Janeiro,  
Surinam, and the Havannah.*

GENTLEMEN,

Foreign Office, November 28, 1820.

I FURNISH you herewith with a copy of the Act of the 51st Geo. III. cap. 33. enacting "that any British subject or person residing in a British territory, and employed on board any Slave vessel as Master or Captain, Mate, Supercargo, or Surgeon, are guilty of felony," "and petty officers and seamen are guilty of misdemeanor," and I have to desire you will give immediate information to this Office and to the Envoy at Brazil, Brussels, and Madrid, of any cases that may occur within your knowledge in violation of the statute in question, in order that effectual means may be adopted for bringing the offenders to justice.

I am, &amp;c.

(Signed)

CASTLEREAGH.

*His Majesty's Commissioners at Rio de Janeiro,  
Surinam and the Havannah.*

No. 132, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K.G.  
&c. &c., dated Surinam, August 14, 1820.—Received December 8.*

EXTRACT.

WHEN we had before the honour of addressing your Lordship, we communicated the circumstance of the French and Dutch flags being made covers to the importation of Slaves into this colony, evidently new-comers from Africa, though perhaps alledged to have been procured immediately from neighbouring colonies; since then we have seen the Portugueze colours also employed in a similar service, and in the course of the last week three vessels under the flag of France, apparently direct from the African coast, have discharged their cargoes of Slaves in this port.

(Signed)

CHR. E. LEFROY.  
T. S. WALE.

No. 133, b.

*H. T. Kilbee, Esq. to William Hamilton, Esq. &c., dated Havannah, Sep-  
tember 25, 1820.—Received December 12.*

DEAR SIR,

A FEW days ago, the Swedish schooner, *Maria, Benoot*, Master, arrived at this port, from the coast of Africa, with a cargo of one hundred and sixty Negroes.

With reference to my letter to you of the 81st ult, I have now the honour to inclose a list of the Spanish Slave ships which have cleared out from the Havannah, from the 1st of January 1819 to the 30th of May 1820, and which have not yet returned. The number of vessels, according to this list, amounts to thirty-one. I shall endeavour to obtain, likewise, a list of such vessels as have sailed from the other ports of the Island, for the purposes of the traffic.

No vessel has yet reached this port for adjudication.

I have the honour to be, &c.

(Signed)

HENRY T. KILBEE.

William Hamilton, Esq.  
&c. &c. &c.

(Inclosure in No. 133.)

List of Spanish Vessels which have cleared out for the Coast of Africa, from the Port of the Havannah, between the 1st of January 1819, and the 30th of May 1820, inclusive, and which have not yet returned :

Schooner	Necesidad.
_____	Nuestra Senora de Regla.
_____	Fabiana.
_____	Santa Rosa a la Tonina.
Brig	Presidente.
Schooner	Juanita, alias la Feliz.
_____	Rosalia.
_____	Industria, alias la Voladora.
Ship	Atalanta.
Schooner	Perla.
_____	Equivalente, alias Clareta.
_____	Montserrat.
Schooner Brig	Vengador.
Schooner	Vegua.
Schooner Brig	Santa Rita, alias Mataronica.
Schooner	Mosca Africana.
Ship	Prudencia de Cadiz.
Schooner	Buena Esperanza.
Ship	Juno.
Schooner	Rosa.
Ship	Hermosa Paulita.
_____	Atalanta (2).
Brig	Atreirda.
Schooner Brig	Antonia, alias La Africana.
Schooner	Dos Hermanas.
_____	Bella Dolores.
Brig	Recuperador, alias Le Reserva.
Schooner	Isabel.
_____	Catalina.
_____	Catalina (2).
Brig	San José, alias El Aguila.

September 24, 1820.



No. 134, b.

*Viscount Castlereagh to His Excellency the Earl of Clancarty, K. B., &c.*

MY LORD,

*Foreign Office, December 18, 1820.*

YOUR Lordship's dispatch respecting the construction to be put upon the first Article of the Treaty of May 1818, has been received and laid before The King.

The view which your Lordship has taken of this Article is felt by this Government to be perfectly correct, and is, as you well know, consonant to the spirit under which the Negotiation was entered into, and the Treaty concluded, for putting an end to the Trade in Slaves.

The words of the Treaty appear to His Majesty's Government so simple and so clear, as to be scarcely capable of any misunderstanding, expressly prohibiting as they do the subjects of the two countries from taking any part whatever in this traffic; and I will not conceal from your Excellency the surprise, with which the King's Government, from the Baron de Nagell's note to you of the 9th of November last, have learnt the very narrow construction to which the Government of the Netherlands seem desirous of confining the broad and unqualified stipulations contained in the first Article of that Treaty.

Your Excellency will observe that the Baron de Nagell's note, in limiting the claim of introduction to the Slaves settled in the foreign colony previous to September 1818, affords a decisive argument against the construction he contends for, "that the Treaty was intended to restrain only the Traffic in Slaves of subjects of the King of the Netherlands on the coast of Africa."

I therefore must beg your Excellency instantly to make to the Baron de Nagell an earnest appeal upon this subject, urging the issue of Instructions to the Netherland Colonies in the West Indies and elsewhere, in conformity with the letter and spirit of the Treaty; and I persuade myself that he will, with that frankness and truth which belong to his character perceive, that, in the construction he contends for, he has taken a hasty view of the subject, and that he will agree with your Excellency, that the prevention of the trade in one place, with the permission of it by a circuitous process in another, cannot be a fulfilment of the stipulations for a general prohibition entered into by the two Sovereigns.

I have the honour to be, &amp;c.

(Signed)

CASTLEREAGH.

*His Excellency the Earl of Clancarty, K. B.**&c. &c. &c.*

No. 135, b.

*Viscount Castlereagh to His Majesty's Ambassadors at Brussels and Madrid, and His Majesty's Envoy at Rio de Janeiro.*

MY LORD,

SIR,

*Foreign Office, December 18, 1820.*

I HAVE the honour to furnish you with a copy of the Act of the 51. George III. cap. 23, "enacting that any British subject or person residing in

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a British territory and employed on board *any* Slave vessel, as Master or Captain, Mate, Supercargo or Surgeon, are guilty of felony, and petty officers and seamen are guilty of a misdemeanor."

It is sincerely to be hoped that cases will not occur in violation of this statute, but as it will be a matter of serious importance to ensure that if the cases should occur the persons concerned may be brought to trial; I have to desire that you will make a representation upon the subject to the Netherland (Spanish) (Portuguese) Government expressing the King's confidence that His Netherland (Catholic) (Most Faithful) Majesty will cause orders to be issued to the Authorities at Surinam (Havannah) (Rio Janeiro,) that British subjects (if such should be found) employed in the Slave Trade, in vessels brought before the Commissioners at those places, may be given up upon application being made to them to that effect.

I have, &c.,

(Signed) CASTLEREAGH.

*His Majesty's Ambassadors at Brussels, and at Madrid,  
and His Majesty's Envoy at Rio de Janeiro.*

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No. 136, b.

*Viscount Castlereagh to His Majesty's Commissioners at Surinam.*

GENTLEMEN,

*Foreign Office, December 27, 1820.*

I HAVE received your several dispatches mentioning that the Dutch, the French, and the Portuguese flags are made covers to the importation of Slaves (new-comers), from Africa into the colony of Surinam; and I have to desire that in all such cases which may come under your observation or knowledge, you will furnish me with the names of the vessels and of their Commanders, the place from whence they come, and where they land their Slaves, the length of the voyage, the number of Slaves on board and the names of the person they were consigned to, and of the other persons connected in that instance with the illegal traffic; and also with any other circumstances at the knowledge of which you may arrive, so as to enable His Majesty's Government to form a judgment, and to make such representations as may be deemed necessary upon the subject in question.

I am, &c.

(Signed) CASTLEREAGH.

*His Majesty's Commissioners at Surinam.*

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No. 137, b

*Earl of Clancarty to Viscount Castlereagh, K. G., &c. &c., dated Brussels,  
December 26, 1820.—Received December 29.*

MY LORD,

YOUR Lordship's dispatch of the 18th instant reached me on the 22d instant.

On a subject so important as the misconstruction by this Government of

he principal stipulation of the Treaty, in which is in fact involved all that could render it available to the object in view, I lost no time in addressing the note of which the accompanying paper is a copy, to His Excellency M. le Baron de Nagell, which I should hope will have the effect of inducing a change in the limited construction given to the Treaty at this Court, in direct opposition to the clear and explicit words in which the first and second Articles are expressed.

I shall lose no occasion which may present itself to press the matter to an early and favourable decision by this Government.

I have the honour, &c.

Viscount Castlereagh, K. G.

(Signed)

CLANCARTY.

&c. &c. &c.

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(Inclosure in No. 137, b.)

*Earl of Clancarty to Baron de Nagell, dated Brussels, December 23, 1818.*

HIS Excellency M. le Baron de Nagell will have no difficulty in recollecting that at the earliest possible hour after the receipt by the Undersigned of His Excellency's official note of the 9th November last, the Undersigned, &c. did himself the honour of waiting upon M. le Baron de Nagell, in order to represent to His Excellency his impression of the mistaken construction of the true, plain, and essential meaning of the stipulations between the two Governments, upon which the reasoning of that note appeared to be grounded, and to express his surprise that so restricted a sense, so hostile to the enlarged views of the Contracting Parties, to the very principle upon which the Conventions were founded, and to the clear expressions with which their object was sought to be carried into execution, should have been for a moment adopted by any of the authorities of this Government.

His Excellency having expressed his desire at that time that he should confer with the Minister of the Colonial Department of this Government, the Undersigned immediately proceeded to the residence of that Minister, but having been prevented from seeing His Excellency, from the circumstance of his being then labouring under a painful indisposition, the Undersigned conceived it to be his duty to transmit the document in question to his Court; accompanied by such remarks upon what appeared to be its obvious variation from the principles of subsisting Conventions, as seemed necessary to be brought under the immediate and most serious consideration of his Government.

The note of the 9th November asserts a right to carry on the trade in Slaves, by the introduction into the colonies of the Netherlands of Slaves, provided such Slaves had been already recognized as such in any European possession in the West Indies, as, for example, at Cayenne, Martinique, St. Eustatia, St. Thomas's, &c.—nay, it absolutely and in terms avows that the Government of the Netherlands has always been of opinion that the object of the Convention with England, was limited to the interdiction of the subjects of the two High Contracting Parties from trading in men upon the Coast of Africa, and that it is to this traffic principally, if not solely, that the first Article of the Convention of May 1818 is applicable.

By what course of reasoning it is, that such an opinion has been formed by this Government, the Undersigned confesses himself entirely at a loss to understand. Most certainly no such idea was entertained by the British Government, and most confidently answering for himself he firmly believes that no opinion of this nature was ever formed by the Honourable Plenipotentiary

ries at this Court, with whom the undersigned had the satisfaction of negotiating the principal Treaty.

Without stopping at present further to insist upon the necessary consequence of such a construction to be that of reducing the principal stipulations between the two Courts on the subject of the Slave Trade, nearly to a nullity, it will be sufficient upon this part of the subject merely to remark, that the reasoning of the note itself, and the innumerable difficulties which his Excellency, with his usual candour, admits to exist in the way of any adequate securities against fraud under such a construction, appear to afford ample ground for its rejection. But to take the matter on a still higher ground, can any words be stronger, more clear, or more explicit than those employed by the Convention to exclude the possibility of the asserted construction?

His Netherland Majesty stipulates, (see first Article of Treaty of 4th May 1818,) "to prohibit all his subjects in the most effectual manner, and especially by penal Laws the most formal, to take any part whatever in the Trade in Slaves," and again, (same Article,) both parties solemnly contract to "prevent all their respective subjects from taking any share whatever in this nefarious traffic."

In the second Article also, the very object of the High Contracting Parties is declared to be the entire and absolute exclusion of the possibility of such a construction as that now advanced.

The words are these:—"For the more complete attainment of that object (of what object?), of preventing ALL Traffic in Slaves"—

Is it necessary to do more by way of observation upon these words as applicable to the argument, than to ask, if the colonists of the Netherlands shall be permitted to import and purchase Slaves from foreign colonies, will they not be permitted (instead of being prohibited), to take an effective part and share in the Trade in Slaves?

Would not such a permission be in direct violation of the professed, and clearly expressed object of the Treaty, viz. that of preventing ALL traffic in Slaves?

But if the words of the Treaty were as doubtful as they are clear and explicit, as weak as they are in effect strong and conclusive,—still the limited construction advanced by the note would be entirely inadmissible,—because not only inadequate even to the confined object alleged to be in view, but at variance with it.

The note under consideration has fully admitted the innumerable difficulties inseparable from an endeavour to execute the Treaty under such a construction: indeed, who is there at all acquainted with the modern practice of commerce, who can shut his eyes to the frequent recourse had to false and simulated papers, which no doubt form one of those innumerable difficulties alluded to in the note.

The former of these have unfortunately in some States been too often issued under authority, while the latter, ingeniously fabricated by the parties immediately engaged, are, even with the best disposition to try their validity, of difficult detection, and would run little risk before investigators whose interests in this respect were at variance with their duty. Thus, instead of abolition, encouragement would be directly afforded to a circuitous Trade in Slaves immediately with the Coast of Africa:—and in lieu of the humane object so religiously sought by both the High Contracting Parties, another source of demoralization and turpitude would be opened to debase their subjects, and those in the employment of one of them.

Such would be the inevitable effect of acting upon such a misconception of the true intentions of the Treaty.

But to go a step further, and to put aside the question of *simulated papers*, what would be the obvious result, under this view, even if the authorities in

the foreign exporting colony acted with good faith, and that in fact no other Slaves should actually be sent to Surinam, &c. but such as were so at a particular date, or their descendants? Is it not obvious that in this (the strongest case which can be put in favour of the alleged construction) the necessary effect must be to reduce the Treaty, for every humane purpose, nearly, if not entirely, to a dead letter?

If the demands at Surinam were therefore thus supplied (and supplied they would be) can it be controverted, that to the same extent those of the foreign exporting colony would be furnished by fresh purchases from the Coast of Africa? and thus the whole object of the Treaty, even if it could be made capable of the confined construction put upon it by the note, would be rendered utterly null and abortive.

Such construction, then, hostile to the well-known rule of argument, "*ut res magis valeat quam pereat*," if even a doubt could be raised in the case, would be altogether of impossible admission.

The Undersigned cannot conceive it requisite to argue this matter further; confiding in the true spirit of humanity in which the Conventions were negotiated and ratified—confiding fully in the good faith and honourable regard to Treaty, which form so splendid an attribute of the Netherland Government, he cannot doubt that this point, thus seriously brought under the consideration of the King, will be at once and finally decided in the sense herein contended for, that obviously expressed in the Treaties, and which can alone give force and efficacy to the clearly expressed and well-known object of the two High Contracting Parties.

The Undersigned will not conceal from His Excellency, that his note of the 9th October occasioned both surprise and regret to the British Government. He has in consequence received the commands of the King, his Master, to lose no time in laying this matter before the Netherland Government, to solicit their most prompt and immediate attention to it, and further to urge the issue of Instructions, at the earliest period, to the colonies belonging to this Crown in the West Indies and elsewhere, in full conformity with the clearly expressed letter, and in the true spirit of the principal Treaty.

Perfectly relying upon that frankness, truth and liberality, which belong to the character of this Government, the Undersigned avails himself. &c.

*Baron de Nagell,*  
 &c. &c. &c.

(Signed) CLANCARTY.

No. 138, b.

*Henry Theo. Kilbee, Esq. to William Hamilton, Esq. dated Havannah,  
 November 8, 1820.—Received January 16, 1821.*

DEAR SIR,

ON the 30th ultimo the term of five months allowed by Treaty for completing the voyage of Spanish Slave ships expired; and on the 6th instant the brig Tellus, Don Juan Botel Master, consigned to Messrs. Pelegrin, Marquez and Co., entered this port with one hundred and seventy-eight Negroes from the Coast of Africa, and was admitted, and allowed to land her cargo.

I took an early opportunity of calling the attention of the Governor to this subject, and in the course of the conversation which took place, and at

which the Intendant was present, I stated that although it was not any part of my prescribed duty as His Britannic Majesty's Commissary Judge, to interfere upon the present occasion, yet that I conceived it was incumbent upon me, under all the circumstances of the case, to call His Excellency's attention to the arrival of the *Tellus* at this port, subsequent to the 30th of October; and to remind him that there was a decree of His Catholic Majesty issued in conformity with the stipulations of the Treaty of the 23d of September 1817, between Great Britain and Spain, imposing certain penalties upon the proprietors and commanders of Spanish Slave ships sailing for the Coast of Africa after the 30th of May last, five months being allowed for completing the voyage of such ships as sailed previous to that date, which term expired on the 30th ultimo. I distinctly stated that I made this communication, in order that I might be free from the imputation of tacitly conniving at this and similar transactions, passing before my eyes; and I added, that if there was difficulty in affording me an explanation I begged it might be refused me, as I had no authority to demand it, and I conceived that I completely fulfilled my duty by mentioning the subject.

The Governor and the Intendant willingly entered into a very full and friendly discussion as to the merits of the case. They alleged the shortness of the period of five months, in which it was next to impossible to complete a voyage from hence to the Coast of Africa, south of the Line, without taking into consideration the time necessary for obtaining a cargo: and said, that as the Government had allowed vessels to sail up to the 30th of May, it was expected, in good faith, that if they shewed that no unnecessary delay had taken place, they would be admitted after the expiration of the five months. They mentioned the great amount of property embarked under this impression, nearly thirty vessels being sent out from this port alone: they quoted the words of the Article (the third) of the King's Royal Cedula applicable to this case, and which are as follows: "From and after the 30th of May 1820, I likewise prohibit all my subjects from going to purchase Negroes on the Coast of Africa south of the Equator, under the same penalties imposed in the first Article of this Royal Cedula, granting also the term of five months from the said date for the completion of the voyage of such vessels as shall have cleared out previous to the said date of the 30th of May 1820, when the Traffic in Negroes is to cease throughout my dominions both in Spain and in America." And they stated that in their opinion, from the construction of this Article, the penalties were to be inflicted only on such as sailed after the 30th of May, but by no means on those that sailed prior to that date, although they should not complete their voyage within the term of five months. They concluded by saying that these considerations, together with the dispatch dated in May last from the Minister of State, Jabat, to the Intendant, (mentioned in a former letter), stating that a fresh application had been made to the British Government for prolonging the term for the return of vessels, to ten months, had determined them to admit all Slave ships which have cleared out previous to the 30th of May, at least until further orders from their Government.

I then stated the view of the subject taken by His Majesty's Government, and the little probability of their changing it; but I added, that it was not my intention to argue the matter, but to inform myself of the determination of His Catholic Majesty's Authorities upon it. I said, however, that I could not avoid observing, that by their construction of the Article of the Cedula, the mention made therein of the term of five months was perfectly useless, as, although vessels should exceed that time, they would not be liable to any penalties, and I asked if they really considered the term for the return of vessels to be unlimited.

The Intendant replied, that as ten months were mentioned by the Minister of State, they should consider for the present that as the term, but he would not take upon himself to say, that even after its expiration, the penalties denounced should be inflicted upon vessels entering the port. The Governor afterwards stated, that previously to his attentive perusal of the third Article of the Cedula, he was of opinion that it would be necessary to require security from the proprietors of such vessels as should arrive after the 30th of October for the value of the cargo, until the decision of the Government should be known; but that he was now fully convinced that the penalties denounced by the Cedula included only such vessels as cleared out after the 30th of May, and that those that cleared out previous to that date were liable to no punishment or penalty, at whatsoever period they should return.

I have been a good deal at a loss how to act upon this occasion, being apprehensive on the one hand of being considered as negligent of what might appear to be obviously my duty, or perhaps even as conniving at this manifest violation, of at least, the spirit of our Treaty; and on the other, of interfering in matters which are not under my control, and of exceeding my instructions. I have therefore endeavoured to avoid both these difficulties, by mentioning the subject to the Spanish Authorities, at the same time stating, that I did so not officially, but in a confidential manner. Upon the whole I have acted up to the best of my judgment, and I anxiously hope that my conduct may not be disapproved.

I shall continue to apprise you of the names of such Slave ships as enter this and the other ports of the island.

No vessel has yet arrived here for adjudication by this Mixed Commission.

I have the honour to be, &c.

*William Hamilton, Esq.*

&c. &c. &c.

(Signed) HENRY THEO. KILBEE.

No. 139. b.

Viscount Castlereagh to His Excellency Sir Henry Wellesley, K. B. &c. &c.

SIR,

*Foreign Office, February 16, 1821.*

BY the accompanying copy of a letter, dated Havannah, the 8th of November 1820, and addressed to the Under Secretary of State by Mr. Kilbee, His Majesty's Commissary Judge at that place, your Excellency will perceive that the brig *Tellus*, laden with Slaves from the Coast of Africa, entered the port of the Havannah on the 6th of November, seven days after the expiration of the period allowed by Treaty for completing the voyages of Spanish Slave ships; and that, not only was the vessel in question admitted and allowed to land her cargo, but that the Governor and Intendant of the Havannah, with whom Mr. Kilbee had confidentially conversed upon the subject, declared that until further orders from this Government they had determined to admit all Slave ships which had cleared out previously to the 30th of May, at whatever period the ships in question should complete their voyage. The evil is thus become so great that it is necessary I should direct you to lose no time in seeking an interview with the Spanish Secretary of State; and in pressing upon him urgently the following considerations, you will refer him to the Treaty with Spain of 1817, on which the relations of the two countries with respect to the Traffic in Slaves are founded, and

which stipulates in positive terms "That the Slave Trade shall be abolished throughout the entire dominions of Spain on the 30th of May 1820, and that from and after that period it shall not be lawful for any of the subjects of the Crown of Spain to purchase Slaves or to carry on the Slave Trade on any part of the Coast of Africa, upon any pretext, or in any manner whatever, provided however, that a term of five months from the said date of the 30th of May 1820, shall be allowed for completing the voyages of vessels which shall have cleared out lawfully previous to the said 30th of May."

You will remind the Spanish Minister that by the Article I. of the Instructions to Cruizers, and the Article I. of the Regulations for the Mixed Commissions, to be established for the due execution of the Treaty, the same proceedings are authorized against illegal trading in breach of the stipulation just mentioned; as against the violation of the more immediate restrictions of that Treaty. You will impress upon him in a friendly manner, that His Majesty's Government is warranted to require an exact performance of this stipulation; and you will add, that His Majesty rests his full assurance upon the well-known honour of Spain, that the Government will give orders for acting up to the Treaty contracted between the two countries. Your Excellency will have perceived by my former communications to you of letters from Mr. Kilbee, and you will take advantage of them to press upon the Spanish Minister, that there is every reason to believe that an additional and forced trade in human beings has been founded on the prospect of its termination, both by sending more ships than could be loaded on the Coast of Africa within the ordinary time of trade, and by multiplying ship's papers, so as to allow of their being used at a future time. And it appears from the instance more immediately referred to in the communication I now send to you, that vessels take their clearances from one settlement and make their importations into another; thus making it doubly inexpedient to admit of any alteration of the Treaty, since it would probably be impossible to establish any effectual check against such evasions of the Treaty. You will moreover state to the Spanish Minister the conviction entertained by His Majesty's Government, of the great inconvenience which would ensue if further extension should be granted, since fair grounds have been given for apprehension that any departure from the precise stipulations of the Treaty would lead to further abuses, and involve this country in much uncertainty and difficulty with regard to the responsibility of cruizers. In allusion to the complaints of the Spanish trade against the short period allowed in extension of the 30th of May 1820, for the completion of all Spanish Slave Trade voyages, your Excellency will repeat the statements contained in my letter to Mr. d'Uzoz of the 11th of June last, and in the letter addressed under my direction, by the Earl of Clanwilliam to Mr. Kilbee on the 17th of April last, inclosed to your Excellency in my dispatch to you under the same date: and you will in addition bring to the recollection of the Spanish Minister, that the notice of the termination of the trade is to be dated from the publication of the Treaty of 1817; and that merchants therefore have no ground whatever to complain now of surprize or disappointment on account of too short a notice being given to them. You will therefore call upon the Spanish Government on every principle of justice and of fairness to issue immediate orders to their Authorities at the Havannah and elsewhere, and to their Commissioners at the Havannah and at Sierra Leone, to act faithfully up to the stipulations of the Treaty of May 1817, in respect to the stipulation whereby the 30th of October 1820 is fixed as the final term allowed for the completion of the voyages of Spanish vessels trading in Slaves.

I am, &c.

Sir Henry Wellesley, K. B.  
&c. &c. &c.

(Signed) CASTLEREAGH.



No. 140. b.

The Earl of Clanwilliam to H. T. Kilbee, Esq. &amp;c.

SIR,

*Foreign Office, February 16, 1821.*

I HAVE received and laid before Viscount Castlereagh your letters of the 8th of November last, respecting the arrival of the *Tellus* at the Havannah on the 6th of that month, seven days subsequent to the expiration of the term allowed by the Treaty of 1817, for the completion of Spanish Slave Trade voyages. I am directed by his Lordship to send to you, for your information and guidance, and that of Mr. Jameson, the copy of a dispatch which his Lordship has addressed to Sir Henry Wellesley under this day's date, upon the subject in question.

I am happy to add the expression of Lord Castlereagh's approbation of your conduct, as detailed in your letters.

I am, &amp;c.

H. T. Kilbee, Esq.

(Signed) CLANWILLIAM.

&amp;c. &amp;c. &amp;c.

No. 141, b.

His Excellency the Earl of Clancarty to Viscount Castlereagh, K. G. &c. &c.  
dated Brussels, February 27, 1821.—Received March 2.

MY LORD,

IN obedience to the instructions conveyed in your Lordship's dispatch of the 18th of December last, I have addressed a note to His Excellency M. le Baron de Nagell, a copy of which is herewith forwarded, for your Lordship's information.

I have the honour to be, &amp;c. &amp;c.

(Signed) CLANCARTY.

(Inclosure in No. 141, b.)

*Brussels, February 26, 1821.*

THE Undersigned, &c. has received the commands of the King his Master to represent to this Government, that by the Law of Great Britain, as enacted in 1811, all British subjects, or persons residing in a British territory, and employed on board of any Slave vessel as Master or Captain, Mate, Supercargo, or Surgeon, are guilty of felony, and all petty officers and seamen so employed are declared guilty of a misdemeanor; that though it is sincerely to be hoped that cases will not arise in violation of this law, it will be nevertheless a matter affording great satisfaction to the British Government to be ensured, that if such should unfortunately occur, the persons concerned may be brought to trial under this law.

The Undersigned has therefore been instructed by his Court to solicit the attention of this Government to this important part of a most important sub-

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ject; and at the same time that he has been commanded to press the issue of such directions from His Majesty the King of the Netherlands, to express the confidence of His Royal Master, that this Court will direct orders to be issued to the Authorities at Surinam, to cause any British subjects (if such should be found) employed in the Slave Trade in vessels brought before the Commissioners at that place, to be delivered up for the purpose of standing their trial, upon application being made to the Netherland Authorities there to the above effect.

The Undersigned has the honour, &c.

*The Baron de Nagell,*  
&c. &c. &c.

(Signed) CLANCARTY.

No. 142, b.

*Viscount Castlereagh to the Right Honourable Edward Thornton, &c. &c.*

SIR,

*Foreign Office, March 5, 1821.*

AS the Count de Palmella must have, ere this, reached the Brazils, and taken upon himself the direction of the important branch of His Most Faithful Majesty's Administration which has been confided to him, I think it right to lose no time in pressing upon your earnest attention, the object which the King's Government and the country have anxiously at heart, to witness, by a general prohibition of the Slave Trade throughout the Portuguese dominions, a prospect of a complete abolition of that inhuman traffic in every part of the world, and for ever.

The measure of a final prohibition on the part of Portugal having been, in the discussions at Vienna, connected by the Portuguese Plenipotentiaries with a revision of the Treaty of 1810, my note to the Count de Palmella of the 1st of June last, and his answer of the 12th of the same month, will have put you in possession of the direct proposition made to that Minister, under the view thus taken by his Government of the subject. Count Palmella not being furnished with the necessary powers, deferred entering into a particular negotiation upon this matter until his arrival in the Brazils.

The views of this Government are so fully explained in my note to Count Palmella, that I need not furnish you with more precise instructions at this moment upon that point. His Majesty's Government are sensible that the many serious objects which, in the present agitated state of Portugal, must engross the attention of the Court of His Most Faithful Majesty, may have induced them, as yet, to waive the opening of this negotiation.

I have, however, His Majesty's express commands to desire, that you will bear in mind that the object contemplated in this dispatch is one of the most anxious solicitude to His Majesty. You will therefore take the earliest opportunity of bringing it under the consideration of the Portuguese Government, and in pressing it upon their attention, you will remind the Portuguese Ministers that the period at which Spain agreed finally to terminate the trade has now expired, and that Portugal is the only one of the Powers who were assembled at Vienna, which still upholds and legalizes this inhuman traffic.

I am, &c.

(Signed)

CASTLEREAGH.

*The Right Hon. Edward Thornton,*  
&c. &c. &c.

No. 143, b.

*Viscount Castlereagh to the Right Honourable Edward Thornton, &c.*

SIR,

*Foreign Office, March 5, 1821.*

ON your departure for the Brazils, you were furnished with copies of all the proceedings which had taken place at Vienna, Paris, London, and Aix-la-Chapelle, on the subject of the Slave Trade. These proceedings so fully state the engagement which the Plenipotentiaries of His Most Faithful Majesty entered into at Vienna, for the total Abolition of the Slave Trade, as well as the relative position in which Great Britain and Portugal stand with respect to that engagement, that they will have been the best guide for your conduct, in any intercourse which you may have had with the Portuguese Ministers, or with the Count de Palmella, since his arrival in the Brazils, on this subject.

The reference, however, which the Count de Palmella has made in the note which he delivered to me at the moment of his departure from this country, to a supposed understanding that Great Britain was immediately to annul the Commercial Treaty concluded with Portugal in 1810, as the price of her final Abolition of the Slave Trade, induces me to call your particular attention to the language which I have uniformly held, as well to Count Palmella as in the different conferences above alluded to, on this subject.

By reference to the Protocols of Vienna, and more particularly to my letter of the 13th February 1815 to the Portuguese Plenipotentiaries, you will find, that on their Excellencies bringing forward this proposition, and requesting an acknowledgement of it from me, I distinctly stated to them, that though my Sovereign was not only willing, but desirous, to enter into the negotiation of a new Commercial Treaty with Portugal, yet that I "must preserve the course which my Court might deem it necessary to pursue, for accelerating the Abolition of the Slave Trade, wholly unfettered by any conditions;" and in the Protocol of the conference held at Aix-la-Chapelle, on the 4th November 1818, when this subject was again renewed, you will find a distinct declaration from me, that, "though the British Government renewed the assurance that they were ready to accede to reasonable modifications in the Treaties of Commerce with Portugal, yet that I could not suppose that the Portuguese Ministers intended to demand, on the part of a single Power, sacrifices which one State could not possibly expect of another, as indispensable conditions of a general measure, having for its object the good of humanity alone."

The modifications in our commercial relations which the British Government is prepared to make, for the furtherance of the measure of Abolition, were fully detailed in the communication sent to Count Palmella previous to his departure, and of which copies have been transmitted to you.

The above detail of what has passed upon this subject is so explicit and decisive, that I trust I have only to call your attention to it as above pointed out, in order to furnish you with the means of proving to the Brazilian Government, that the position taken up by the Count de Palmella in his last note cannot be supported, and that the faith of Portugal stands pledged to the Powers of Europe assembled at Vienna, for the total abolition of the Slave Trade, agreeably to the engagement taken in 1815,—even though she may not consider the modifications of the existing Commercial Treaty offered

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to her by Great Britain as sufficiently satisfactory, which modifications however, were offered by the British Government in a spirit of sincere friendship and good will, and with an earnest desire to lighten the sacrifices which His Most Faithful Majesty had agreed to make, for the complete attainment of an object so interesting to the cause of humanity and of general civilization.

I am, &c.

(Signed) CASTLEREAGH.

*The Right Honourable Edward Thornton,*  
&c. &c. &c.

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No. 144, b.

*His Majesty's Commissioners at the Havannah to Viscount Castlereagh,*  
*K. G. &c. &c. dated Havannah, January 10, 1821.—Received March 12.*

EXTRACT.

NO Slave ship has yet arrived here for adjudication by this Mixed Commission.

(Signed) H. THEO. KILBEE.  
R. F. JAMESON.

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No. 145, b.

*His Excellency Sir Henry Wellesley to Viscount Castlereagh, K. G. &c. &c.,*  
*dated Madrid, March 7, 1821.—Received March 16.*

EXTRACT.

I HAVE the honour to inclose the translation of a note which I have received from the Foreign Department, in reply to my several notes of last year, relative to the necessity of some definitive instructions being given to its Commissioners at Sierra Leone, and the Havannah, on certain points, the want of which instructions had already occasioned several disputes, and much delay and embarrassment in the first of these Commissions.

I likewise inclose the translation of a note, in reply to mine, stating the case of the capture of a Portuguese Slave ship, made by a British cruizer, in due form if the spirit only of the Treaty for the Abolition of the Slave Trade be considered, but in violation of the ninth Article if its letter be attended to, and, on this account, declared illegal by the Commissioners at Sierra Leone. I trust that these replies will be considered as satisfactory by His Majesty's Government.

(Signed) H. WELLESLEY.

(Inclosure 1 in No. 145, b.)

(Translation.)

EXTRACT.

*Palace, February 27, 1821.*

HIS Catholic Majesty, wishing to give a full and satisfactory reply to your Excellency's two notes, of the 30th of April, and 26th of October, of last year, was induced to refer them, together with such documents as were best calculated to throw light upon the subject, to His Council of State, in order that upon a due consideration of the case, His Majesty might, by its advice, be enabled to come to a decision with respect to the contents of the notes in question.

These notes related principally to the necessity of some definitive instructions being given by the Spanish Government to its Commissioners at Sierra Leone, and the Havannah, on certain points, the want of which instructions had already occasioned several disputes, and much delay and embarrassment, in the proceedings of the first of these Commissions.

The principal point respecting which Your Excellency demands these additional instructions, is, the judicial forms to be observed by the Tribunal in its proceedings; and, secondly, the way in which the distribution of the produce of the sale of the condemned vessels and cargoes is to be conducted; which vessels, according to the regulations annexed to the Treaty, are to be sold for the benefit of the two Governments.

With respect to the judicial forms which the British Government has made choice of for the guidance of its Commissioners, and which Your Excellency proposes should be adopted by the Spanish Agents likewise, His Majesty considers them so perfectly conformable to the spirit and letter of the regulations drawn up for the use of the Mixed Commission, and altogether so intimately connected with those leading principles of justice adopted by all civilized Nations, that He acquiesces in their being adopted for the use of the Spanish Commissioners, with some few trifling changes, which are rendered necessary by the Constitution of the Kingdom.

In addition to this point, Your Excellency's notes refer to some others: Your Excellency urges the Spanish Government to adopt the custom of allowing the parties principally interested in the trial, the benefit of Advocates or Agents. His Catholic Majesty's Government is of opinion, that this concession is already virtually included, in the acknowledged obligation of granting to all parties the free use of whatever means they think it right to use, in order to support their cause, whether as suitors or defendants.

(Signed)

EVARISTO PEREZ DE CASTRO.

*To the British Ambassador.*

(Inclosure 2 in No. 145, b.)

(Translation.)

SIR,

*Palace, February 27, 1821.*

IN a note of the 15th of last October, Your Excellency states the case of the capture of a Portuguese Slave ship, made by a British cruizer, in due form

if the spirit only of the Treaty for the abolition of the Slave Trade be considered, but in violation of the ninth Article thereof, if its letter be attended to; and, on this account, declared illegal by the Commissioners at Sierra Leone; and for the purpose of preventing the recurrence of such cases, in direct opposition to the upright intentions of the High Contracting Parties, your Excellency requests, on the part of your Court, that the Government of His Catholic Majesty will give the necessary directions, in order to defeat the subterfuge which private interest may suggest for eluding those intentions.

The King, having been punctually informed of the contents of that note; determined, previous to taking any resolution upon the subject, to consult the Council of State, and having heard their opinion, and being ready to concur in those efforts which the philosophy, the desire to advance the civilization of the age, and the virtues of the Cabinets of Europe have made, in order to triumph over this most infamous of traffics, His Majesty recognizes the expediency of acceding to the Declaration desired by the British Government; and consequently the necessity of giving instructions to the Spanish cruizers and Commissioners, to seize and pronounce legal the capture of any Slave vessel which, by artifices such as those of the case in question, shall in future endeavour to evade the punishment of their misconduct.

I have therefore the honour to state to Your Excellency, in reply to your note, that His Catholic Majesty will be ready to issue Instructions conformable to the Declaration which Your Excellency requests, as soon as the English Cabinet shall have given similar orders to their cruizers and Commissioners; for, without a reciprocity of such Declaration, neither can the 9th Article be invalidated, nor the Tribunals appointed to decide upon the legality of the captures made, depart from the strict and natural sense of the words in which that Article is couched. I therefore hope Your Excellency will be pleased to inform me of the precise and literal terms in which your Government may have already worded, or will word, to their Commissioners, the new Declaration with respect to that Article, and of their consequent instructions, in order that the Spanish Ministry, in concurrence with that of His Britannic Majesty, may be enabled to give to their Agents the directions which Your Excellency solicits; and in conclusion, I am commanded to assure you, that His Catholic Majesty has no doubt that the British Government will see with pleasure, in the readiness which His Majesty has shewn to accede to their proposal, a fresh proof of his upright intentions, and of his anxious desire to draw still closer, upon every occasion, the ties which so happily bind him to His Britannic Majesty.

(Signed) EVARISTO PEREZ DE CASTRO.

*To the British Ambassador.*

No. 146, b.

*His Majesty's Commissioners at Surinam to Viscount Castlereagh, K. G. &c. &c., dated Surinam, December 12, 1820.—Received March 7, 1821.*

MY LORD,

WE beg leave to inform your Lordship that the importation of Slaves to this colony, which has been the subject of our former letters to your Lordship, is still continued, and that in a recent instance, a Slave vessel with her

cargo, prize to, and brought to and brought in by a South American privateer, has been admitted by this Government to the market.

We have the honour, &c.

(Signed)

CHRISTOPHER E. LEFROY.  
THOMAS S. WALE.

*Viscount Castlereagh, K. G.*

&c. &c. &c.

No. 147, b.

*Viscount Castlereagh to the Earl of Clancarty, K. G. &c.*

MY LORD,

*Foreign Office, March 21, 1821.*

YOUR Excellency's dispatches of the 26th December 1820, and of the 27th ult. upon the subject of the representations you have made to the Netherlands Government, respecting the due execution of the Treaty for abolishing the Traffic in Slaves, have been received and laid before the King, and I am happy to have to convey to your Excellency His Majesty's most gracious approbation of the zeal which you have shewn in executing the orders transmitted to your Excellency upon this point, although it is matter of sincere regret to His Majesty that as yet the result has not been satisfactory.

The inclosed letter, under date of the 12th of December last, from His Majesty's Commissioners at Surinam, will shew your Excellency, that a vessel loaded with Slaves, and brought in by a South American privateer to that colony, has actually been permitted by the Colonial Government to dispose of her cargo by sale.

This circumstance renders it necessary for me to direct your Excellency again thus early to press the Government of the Netherlands for a satisfactory answer as to the due execution of the Treaty of the 4th of May 1818, whereby the King of the Netherlands engaged to prohibit all his subjects from taking any part whatever in a Commerce in Slaves.

Your Excellency will perceive, and you will impress upon the attention of the Netherlands Government, that the continuance of this horrible trade, or its abolition within their dominions, to which His Netherland Majesty is solemnly pledged by Treaty, depends entirely upon the tenor of the orders which they may send out to their colonial possessions.

The present system acted upon at Surinam leads manifestly to an evasion of the Treaty, which His Majesty feels quite confident the Netherland Government cannot, after due consideration, intend or wish to countenance.

His Majesty trusts that it will be sufficient for your Excellency to lay this statement before the Netherlands Government, in order to decide them immediately to give full effect to that stipulation of the Treaty whereby, "in the event of the measures already taken and to be taken by the Contracting Parties being found ineffectual or insufficient, they mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic."

I have, &c. &c.

*The Earl of Clancarty,*  
&c. &c. &c.

(Signed) CASTLEREAGH.

**Class C.**

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**CORRESPONDENCE**

WITH

**FRANCE,**

RELATIVE TO

**THE SLAVE TRADE.**

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*Presented to Parliament by Command of His Majesty. 1821.*

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HARRISON AND SON, Printers, Lancaster-court, Strand.





# Class C.

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# P A P E R S

RELATIVE TO

## ***THE SLAVE TRADE.***

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No. 1, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, January 8th, 1817.*

I have the honor to enclose herewith, for your information, the copy of a letter received from Rear Admiral Harvey, commanding at the Leeward Islands, relative to an Illegal Traffic in Slaves carried on at the French Islands on that station, by vessels under the flag of His Most Christian Majesty; which letter has been officially communicated to this office, by direction of the Lords Commissioners of the Admiralty; and I have received the Prince Regent's commands to desire, that your Excellency will represent the facts therein stated to the Duke de Richelieu, requesting at the same time, that the necessary orders be issued, with as little delay as possible, to the Governors of the French Colonies in the West Indies, to put an effectual stop to this Illicit Traffic.

I have the honor to be, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

*&c &c. &c.*



(Inclosure 1 in No. 1, c.)

(Copy.) Admiralty Office, 4th January, 1817.

Sir,

I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Castlereagh, a copy of a letter from Rear Admiral Harvey, commanding at the Leeward Islands, relative to some traffic in Slaves, carried on by vessels under the French flag.

I am, &c.

{Signed} JNO. BARROW.

*William Hamilton, Esq.*

*&c. &c. &c.*

(Inclosure 2 in No. 1, c.)

"Antelope," Carlisle Bay, Barbadoes, 5th Nov. 1816.

Sir,

I beg you will be pleased to acquaint my Lords Commissioners of the Admiralty, that I have received intelligence of the Slave Trade having still been carried on by the French Islands on this station.

I have been informed, that a large ship arrived at Martinique about a month since, under the White Flag, with a cargo of 500 Slaves, who were immediately advertized for sale, not only in the public papers of the island, but also in hand-bills stuck up at the corners of the streets, and in all conspicuous places. The sale was to have taken place on the 21st ultimo. I understand that several other vessels are expected, engaged in the same trade. The vessel before-mentioned intended to have gone to Guadaloupe, but was fearful that the English might still be in possession of the island.

I have, &c.

{Signed} JOHN HARVEY.

*John Barrow, Esq.*

*&c. &c. &c.*

No. 2, c.

*Viscount Castlereagh to Sir Charles Stuart, K. B. &c.*

Sir,

Foreign Office, January 9th, 1817.

I have received from the Colonial Department the Copy of a Letter from the Governor of Dominica, dated the 5th of October last, stating, that only a few days previous a French ship under than three hundred tons burthen, with 507 slaves, arrived in the Island of Martinique, after a passage of forty days from Bonney, on the African coast.

## 3

I hasten to make your Excellency acquainted with this circumstance, in order that you may communicate it without delay to the French Government, and represent to them the expediency of taking more effectual steps, to ensure the strict execution of His Most Christian Majesty's orders for the total abolition of the Slave Trade throughout his dominions.

I have the honor to be, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

(Inclosure 1 in No. 2, c.)

*Downing Street, 6th January, 1817.*

Sir,

I am directed by Lord Bathurst to transmit to you the copy of a letter from Governor Maxwell, dated Dominica the 5th of October last, relative to the arrival of a French ship at Martinique with a cargo of Slaves; and I am to request, that you will lay the same before Lord Castlereagh, in order that his Lordship may make such communication to the French Government, as the case may appear to him to require.

I am, &c.

(Signed) HENRY GOULBURN.

*William Hamilton, Esq.*  
 &c. &c. &c.

(Inclosure 2 in No. 2, c.)

*Government House, Dominica, 5th October, 1816.*

My Lord,

I have the honour to communicate to your Lordship the arrival at Martinico, a few days ago, of a French ship under three hundred tons burthen, with five hundred and seven slaves, from Bonny, in forty days. As I apprehend this continuance of the Slave Trade, on the part of the subjects of His Most Christian Majesty, is an infringement of the Treaties between Great Britain and France, I have deemed it my duty to make it known to your Lordship.

I have the honour to be, &c.

(Signed) CHARLES W. MAXWELL,  
 Governor.

*To the Right Hon. the Earl Bathurst,*  
 &c. &c. &c.

No. 3, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, January 9, 1817.*

In reference to the two despatches which I send to your Excellency by this Mail, respecting the continuation of the Traffic in Slaves, either under the protection of the French flag, or by disguised French capital, I am to desire, by command of the Prince Regent, that you will endeavour to obtain, without loss of time, from the French Ministry, correct copies of all Laws, Ordinances, Instructions, or other public or ostensible Acts of the Government of His Most Christian Majesty, or of the French Legislative Authorities, for the Abolition of this Trade; and that you would transmit to me the same for the information of His Royal Highness's Government, with the least practicable delay.

I have the honor to be, &amp;c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

No. 4, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, 13th January, 1817.—Received 16th January.*

My Lord,

My repeated representations to the Duke de Richelieu, respecting the abuses of the French Subordinate Authorities who are supposed to encourage the continuation of the Slave Trade from the ports of Spain, having been referred to the Minister of the Marine, His Excellency has been enabled at length to send me the explanation I have the honor to enclose, by which it appears that a commercial regulation, permitting the construction of vessels in several Ports of France for the account of Spanish Merchants, had given rise to a misconception on the part of His Majesty's Consul at Corunna, and which His Excellency hopes will not induce my Court to doubt of the sincere intentions of the French Government to fulfil the engagements they have contracted.

I have the honor to be, &amp;c.

(Signed) CHARLES STUART.

*The Viscount Castlereagh, K. G.*  
 &c. &c. &c.

*(Inclosure in No. 4, c)*

Monsieur l'Ambassadeur,

*Paris, Janvier 1817.*

J'avais référé au Ministre de la Marine la réclamation que Votre Excellence m'a fait l'honneur de m'adresser, relativement aux moyens que l'on supposait employés par quelques spéculateurs français dans les ports d'Espagne, pour continuer

ou favoriser la traite des noirs. Il résulte des renseignemens recueillis par M. le Vicomte du Bouchage, que, dans les informations qui vous ont été transmises, on a confondu deux choses bien distinctes. Nos réglemens autorisent la vente des bâtimens français pour l'Espagne. Cette faculté d'abord restreinte au seul port de Bayonne, a depuis été étendue à d'autres ports du Royaume; par suite de ces dispositions, des constructions ont été exécutées pour des négocians de la Péninsule. Mais, dans cette circonstance le commerce français n'est que le constructeur du bâtiment, et reste tout-à-fait étranger à la destination que les acquéreurs peuvent lui donner ultérieurement. J'ai lieu de croire, que cette explication que je m'empresse de vous transmettre suffira, Monsieur, pour faire cesser l'incertitude qu'à pu faire naître dans l'esprit de Monsieur le Consul de Sa Majesté Britannique à la Corogne, un genre de spéculation autorisé par les Ordonnances de Sa Majesté et dont on a pu tirer de fausses inductions, parcequ'on en ignorait le véritable objet. Au surplus, le Ministre de la Marine s'est assuré qu'aucune expédition pour la traite des noirs n'avait eu lieu dans nos ports; les ordres qu'il vient de renouveler, et les mesures qu'il vient de prescrire, donnent la certitude, qu'en aucun tems, aucun navire français ne pourra y concourir.

J'ai l'honneur, &c.

(Signé) RICHELIEU.

*A Son Excellence M. le Chevalier Stuart,*  
 &c. &c. &c.

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(Translation of Inclosure in No. 4, c.)

Sir,

Paris, January 1817.

I have referred to the Minister of Marine the particulars which your Excellency did me the honor to address to me, respecting the means supposed to be employed by certain french speculators in the ports of Spain, for carrying on or encouraging the trade in slaves. It appears from information collected by M. le Vicomte du Bouchage, that in the statements which have been transmitted to you, two things of a very distinct nature have been confounded with each other. The Laws of France permit the sale of french vessels in favor of Spain. This permission, at first restricted to the port of Bayonne, has subsequently been extended to other ports of the Kingdom; the consequence of which has been, that vessels have been constructed on account of certain merchants of the Peninsula. But the part which the subjects of France take on these occasions is confined to the building of the vessels, and is totally unconnected with the destination which may afterwards be given to such vessels by their owners.

I have reason to hope that this explanation, which I hasten to transmit to you, Sir, will be sufficient to remove the doubts which may have existed in the mind of the British Consul at Corunna on a species of speculation which is authorized by the ordinances of His Majesty, and with respect to which false conclusions may have been drawn, in consequence of its real object being unknown. The Minister of Marine is, moreover, positively assured, that no Slave Trade adventure whatever has taken place in our ports; the orders which have just been renewed, and the measures which have been recently adopted,

## 6.

render it certain that at no period can any French vessel be engaged in the Traffic.

I have the honor, &c.

(Signed) RICHELIEU.

To His Excellency Sir Charles Stuart,  
&c. &c. &c.

No. 5, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c..  
dated Paris, 20th January, 1817.—Received January 25th.*

My Lord,

In obedience to the directions conveyed to me through your Lordship's dispatches, I have taken an early opportunity of again pressing upon the Duke de Richelieu's attention the flagrant violations of His Most Christian Majesty's engagements, which appear to have taken place under the eye of the local authorities in the French Colonies of Guadaloupe and Martinique, by the continuation of the commerce in Slaves.

His Excellency assures me, that on the same day on which my Note reached Mons. de Richelieu, enquiries were set on foot, to ascertain the grounds of the statement transmitted to his Majesty's Government by the British naval and military officers in the West Indies, and orders were sent to deliver me copies of all the official papers, which your Lordship has required, connected with the enactment of the abolition.

I have the honor to be, &c.

(Signed) CHARLES STUART.

To Viscount Castlereagh, K. G.  
&c. &c. &c.

*(Inclosure in No. 5, c.)*

*Paris, 15th January, 1817.*

Sir,

I feel it necessary again to call your Excellency's attention to the illegal Traffic in Slaves, which, according to letters received by His Britannic Majesty's Government from the Governor of the Island of Dominica, and from the Admiral commanding His Britannic Majesty's ships on the Leeward Islands station, continues to be carried on by vessels under the flag of His Most Christian Majesty.

By these statements it appears, that a ship of 300 tons burthen, under the White Flag, arrived at Martinique a few days before the 5th of October last, after a passage of forty days from Bonney on the African Coast, having on board 500 Slaves, who were immediately advertised for sale on the 21st November, not only in the public places of the Island, but in hand-bills stuck up at the corners of the streets, and in all conspicuous places.

7

Several other vessels being expected, both at Martinique and Guadeloupe, I feel it necessary to repeat to your Excellency the expediency of taking effectual steps, to ensure the strict execution of the Laws enacting the total abolition of the Traffic throughout His Most Christian Majesty's dominions.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*His Excellency the Duke de Richelieu,*  
 &c. &c. &c.

---

No. 6, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, 30th January, 1817.—Received February 2d.*

My Lord,

In compliance with the instructions contained in your Lordship's letter, I have presented the accompanying note to the Duke de Richelieu, urging his Excellency to communicate to me the official publications of the French Government, which enact the final abolition of the Slave Trade.

After some delay, I have received in answer the note I have the honor to transmit, which, though it does not contain the documents I had reason to expect, is accompanied by a decree published the 8th of January of the present year, which appears perfectly to meet the objects of the stipulations between the two governments.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*To Lord Castlereagh, K. G.*  
 &c. &c. &c.

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(Inclosure 1 in No. 6, c.)

Sir,

*Paris, 15th January, 1817.*

With a view to guide the instructions, the British Government find it necessary to transmit to the Officers in the King's Service in the Colonies in the West Indies, I venture to request, that your Excellency will communicate to me such copies of laws, ordonnances, instructions, and other public or ostensible acts of His Most Christian Majesty and of the French Legislative Authorities, for the Abolition of the Slave Trade, which may appear to be necessary for that purpose.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*To His Excellency the Duke de Richelieu,*  
 &c. &c. &c.

(*Inclosure 2 in No. 6, c.*)

Paris le 27<sup>me</sup> Janvier, 1817.

Monsieur l'Ambassadeur,

J'ai l'honneur d'adresser ci-jointe à votre Excellence, une copie de l'Ordonnance du Roi, qui prononce la confiscation de tout bâtiment qui tenterait d'introduire dans une des colonies françaises des Noirs de Traite, et qui interdit de tout commandement le capitaine français qui se permettrait une pareille contravention.—Votre Gouvernement reconnaîtra dans ces dispositions de Sa Majesté la ferme résolution de maintenir l'exécution des traités dans toute leur étendue, et de punir quiconque y porterait atteinte.

J'ai l'honneur, &c.

(Signé)

RICHELIEU.

*A Son Excellence Mr. le Chevalier Stuart,*  
&c. &c. &c.

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(*Translation of Inclosure 2 in No. 6, c.*)

Sir,

Paris, 27<sup>th</sup> January, 1817.

I have the honor to send your Excellency, enclosed, copy of the ordonnance of the King, condemning to confiscation all vessels attempting to introduce Black Slaves into any of the French colonies, and prohibiting any French captain, who should be guilty of such an act, from all command.

Your Government will perceive in these dispositions of His Majesty, the firm resolution of maintaining the execution of the treaties to the fullest extent, and of punishing whoever shall in any wise infringe them.

I have the honor to be, &c.

(Signed)

RICHELIEU.

*His Excellency Sir Charles Stuart, K. B.*  
&c. &c. &c.

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(*Inclosure 3 in No. 6, c.*)

*Departement de la Marine et des Colonies.*

ORDONNANCE DU ROI.

LOUIS, par la grace de Dieu, Roi de France et de Navarre ;

Voulant pourvoir au cas où il serait contrevenu à nos ordres concernant l'Abolition de la Traite des Noirs.

Sur le rapport de notre Ministre Secrétaire d'Etat de la Marine et des Colonies, Nous avons ordonné et ordonnons ce qui suit :

**ART. 1.** Tout bâtiment qui tenterait d'introduire dans une de nos colonies des Noirs de Traite, soit français soit étranger, sera confisqué ; et le capitaine, s'il est français, interdit de tout commandement.

Sera également confisqué en pareil cas, toute la partie de la cargaison qui ne consisterait pas en Esclaves ; à l'égard des Noirs, ils seront employés dans la colonie aux travaux de l'utilité publique.

**ART. 2.** Les contraventions prévues dans l'article précédent seront jugées dans la même forme que les contraventions aux lois et réglemens concernant le commerce étranger.

Quant aux produits des confiscations prononcées en conformité au même article, ils seront acquis et appliqués de même manière que le sont les produits des confiscations prononcées en nature de contravention aux lois sur le commerce étranger.

**ART. 3.** Notre Ministre Secrétaire d'Etat de la Marine est chargé de l'exécution de la présente ordonnance.

Donné à Paris en notre Château des Thuilleries, ce 8me jour de Janvier, de l'an de Grace 1817, et de notre règne le 22eme.

(Signé) LOUIS.

Par le Roi,

(Signé) Le VICOMTE de BOUCHAGE,

Pour copie conforme,

Le Ministre Secrétaire d'Etat de la Marine et des Colonies,

(Signé) Le VICOMTE de BOUCHAGE.

Pour ampliation,

Le Ministre Secrétaire d'Etat de la Marine et des Colonies,

(Signé) Le VICOMTE de BOUCHAGE.

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( Translation of Inclosure 3 in No. 6, c. )

*Department of the Marine and Colonies.*

#### ORDONNANCE OF THE KING.

LOUIS, by the Grace of God, King of France and Navarre,

Wishing to provide, against any contravention to our orders respecting the Abolition of the Slave Trade,—

Upon the Report of our Minister, Secretary of State for the Marine and Colonies, we have ordered, and do order as follows :

**ART. 1.** Any vessel, whether French or Foreign, attempting to introduce Black Slaves into any of our Colonies, shall be confiscated ; and the captain, if he be a Frenchman, shall be suspended from all command.

Every part of the cargo which shall not consist in Slaves, shall, in such case, be likewise confiscated, and the Blacks shall be employed on the works of the Colony.

**ART. 2.** The contraventions provided against in the preceding Article shall be decided upon in the same manner as are the infractions of the laws and regulations relative to Foreign Commerce.



With regard to the proceeds of the confiscations adjudged in conformity to the said Article, they shall be taken and applied in the same manner as are the proceeds of confiscations adjudged in consequence of the infractions of the Laws of Foreign Commerce.

ART. 3. Our Minister, Secretary of State for the Marine and Colonies, is charged with the execution of the present Ordonnance.

Given at Paris, in our Palace of the Tuilleries, the 8th day of January in the year of Grace 1817, and of our reign the 22nd.

(Signed) LOUIS.

(Signed)

By the King,  
The VISCOUNT Du BOUCHAGE.

A true Copy,  
The Minister, Secretary of State for the Marine and Colonies,  
(Signed) The VISCOUNT Du BOUCHAGE.

Countersigned,  
The Minister, Secretary of State for the Marine and Colonies.  
(Signed) The VISCOUNT Du BOUCHAGE.

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No. 7, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c. dated Paris, 30th January 1817.—Received February 2.*

My Lord,

In compliance with the directions contained in your Lordship's several letters, which advert to the continuation of the Slave Trade in the colonies lately restored to His Most Christian Majesty, I have addressed the Duke de Richelieu the official representations upon the subject, of which I have the honor to enclose copies, and have verbally pressed His Excellency to take the measures which may appear the most conducive to maintain the inviolability of the existing treaties, and to ensure conformity to the regulations which ought now to constitute an integral part of the French legislation.

His Excellency observed, he sees with regret that the constant repetition of my remonstrances upon the subject implies a doubt of the sincerity of the French Government, which he does not think their conduct has warranted; and that the same vigilant attention on the part of French agents to the British colonies, and particularly to the Isle of France, might, he was sure, lead to the discovery of infractions of our laws respecting this trade, which we should find it difficult to justify, if they became the subject of official representation.

He suddenly broke off the conversation, saying, that as he was unwilling to use the language of complaint, he should say nothing further, but that he referred to his note for a full answer to the several statements I had addressed the French Government.

I accordingly received yesterday the communication I have the honor to enclose.

I have the honour to be, &c.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Signed) CHARLES STUART.

## 11

(Inclosure 1 in No. 7, c.)

Sir,

Paris, 22nd January, 1817.

I feel it my duty to transmit your Excellency the copy of a letter which I have received from His Britannic Majesty's Consul at Nantes, stating the particulars of equipments which are going on in that Port, on the French and Spanish account for the purpose of continuing the Commerce in Slaves.

I have, &c.

(Signed) CHARLES STUART.

His Excellency the Duke de Richelieu,  
&c. &c. &c.

(Inclosure 2 in No. 7, c.)

Sir,

British Consulate, Nantes, Jan. 16, 1817.

In compliance with the instructions that I have received, I think it my duty to acquaint you, for the information of Viscount Castlereagh, that there are at this Port now building three vessels to be fitted out for the Slave Trade. They will be launched here in a few days, under Spanish colours, to proceed to Corunna, where they are to take on board two thirds of their crew, Spanish subjects, as also a Spanish captain, who is to have the charge of the vessel. From the information that I have obtained, I have strong reason to believe that the remaining third of the crew is to be French, under the command of a captain of that nation, who is to superintend the interest of the commercial house at this place, in partnership with the Spanish owners.

I have, &c.

(Signed) T. W. RICHARDS.

To D. R. Morier, Esq.  
&c. &c. &c.

(Inclosure 3 in No. 7, c.)

Sir,

Paris, 26th January, 1817.

In support of the statement contained in the note I had the honor to address your Excellency on the 15th January, respecting the continuation of the Slave Trade in the Colony of Martinique, I think it necessary to place before your Excellency the accompanying extract of a letter received by His Majesty's Secretary of State, from the Isle of St. Vincent.

I have, &c.

(Signed) CHARLES STUART.

To His Excellency the Duke de Richelieu,  
&c. &c. &c.

(*Inclosure 4 in No. 7, c.*)

Monsieur l'Ambassadeur,

Paris, ce 27 Janvier, 1817.

J'ai reçu la lettre que votre Excellence m'a fait l'honneur de m'écrire le 22 de ce mois. Les informations qui lui ont été données par le Consul d'Angleterre à Nantes, rentrent dans celles qu'on avait précédemment remis et qu'Elle m'a communiquées le 2 Novembre dernier, sur ce qui se passait dans les ports de l'Espagne et sur la participation ou la connivance supposée de quelques spéculateurs à la traite des nègres. Je ne puis à cet égard, Monsieur l'Ambassadeur, que rappeler à votre Excellence les explications contenues dans ma réponse du 7 Janvier, et lui confirmer, sous le rapport des ordres donnés et des mesures prises par le Ministre de la Marine, les assurances que je lui ai transmises à la même époque.

J'ai l'honneur, &c.

(Signé) RICHELIEU.

(*Translation of Inclosure 4 in No. 7, c.*)

Sir,

Paris, 27th January, 1817.

I have received the letter which your Excellency did me the honor of writing to me on the 22d of this month. The information, with which your Excellency has been furnished by the English Consul at Nantes, forms part of that previously received, and which your Excellency communicated to me on the 2d of November last, as to what was passing in the ports of Spain, and to the participation or supposed connivance of certain speculators in the Slave Trade. I can only, Sir, on this subject, recall to your Excellency the explanations contained in my answer of the 7th of January, and confirm to your Excellency, by referring to the orders given and the measures taken by the Minister of the Marine, the assurances which I at the same time transmitted to your Excellency.

I have the honour to be, &c.

(Signed) RICHELIEU.

To His Excellency Sir Charles Stuart,

&c. &c. &c.

(*Inclosure 5 in No. 7, c.*)

Monsieur l'Ambassadeur,

Paris, 27 Janvier, 1817.

J'ai l'honneur d'adresser à Votre Excellence copie de la réponse du Ministre de la Marine aux explications que je lui avais demandées sur un versement de 500 nègres effectué à la Martinique peu de jours avant le 21 Octobre, par un bâtiment sous pavillon blanc, et qui a donné lieu à la lettre de Votre Excellence du 15 de ce mois.

Vous vous convaincrez facilement, M. l'Ambassadeur, par l'exposé des faits, que l'expédition dont il s'agit faite sous l'empire du Traité du 30 Mai, 1814, ne peut sous aucun rapport être regardée comme une contravention aux conventions postérieures du 20 Novembre 1816; au surplus quelle que fût à cet égard la conviction du Gouvernement, cette considération n'a point été pour lui un motif de se prêter aux demandes faites

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dans le tems par les négocians qui s'y trouvaient interessés, il s'est constamment opposé à ce que le bâtiment destiné à l'entreprise fût admis dans un port du Royaume, et y completât ses vivres et son équipage. Ces dispositions et plus encore celles récemment ordonnées par le Roi, et que rapelle le Ministre de la Marine, vous confirmeront, M. l'Ambassadeur, les intentions de Sa Majesté pour le maintiendes stipulations auxquelles elle a consenties et qu'elle saura faire exécuter.

J'ai l'honneur, &c.

(Signé) RICHELIEU.

A son Excellence Mons. le Chevalier Stuart,  
&c. &c. &c

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(Translation of Inclosure 5 in No. 7 c.)

Paris, 27th January, 1817.

Sir,

I have the honour to address to your Excellency copy of the answer of the Minister of Marine to the explanations which I demanded of him, relative to the disembarkation of five hundred Negroes at Martinique, a few days prior to the 21st of October, by a vessel bearing a white flag, and which gave rise to your Excellency's letter of the 15th of this month.

Your Excellency will easily convince yourself by this exposition of facts that the voyage in question, made under the authority of the Treaty of the 30th of May, 1814, can in no respect be considered as contravening the posterior conventions of the 20th November, 1816. Moreover, whatever the conviction of the Government might be in that respect, this consideration was by no means the motive that induced it to listen to the demands made from time to time by the merchants interested in that transaction. The Government constantly opposed itself to the entry of the vessel destined for that enterprise, into any of the ports of the kingdom, and to the completing its victualling and its crew therein.

These dispositions, and still more those recently adopted by the King, to which the Minister of the Marine refers, will confirm to your excellency the intentions of His Majesty to maintain the stipulations to which he has consented, and which he will cause to be carried into effect.

I have the honour to be, &c.

(Signed) RICHELIEU.

To His Excellency Sir C. Stuart,  
&c. &c. &c.

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(Inclosure 6 in No. 7 c.)

Paris le 28 Janvier, 1817.

Monsieur l'Ambassadeur,

J'ai reçu la lettre que votre Excellence m'a fait l'honneur de m'écrire le 26 de ce mois, et qui fait suite aux informations qu'elle a bien voulu me communiquer sur un versement de nègres à la Martinique et sur les inductions qu'on parait en tirer relativement à la traite ; ma lettre d'hier à ce sujet, et les explications du Ministre de la Marine que j'y ai jointes, suffiront, je l'espère, pour faire cesser presomptions qui paraissent

avoir fait naître des circonstances, qui, pour être justement appréciées ne doivent pas être détachées de l'époque à la quelle elles appartiennent.

Je ne puis Monsieur l'Ambassadeur que m'y référer entièrement.

J'ai l'honneur, &c.

(Signé)

RICHELIEU.

A son Excellence M. le Chevalier Stuart,  
&c. &c. &c.

(Translation of Inclosure 6 in No. 7, c.)

Paris, 28th January 1817.

Sir,

I have received the letter, which your Excellency did me the honor of writing on the 26th instant, in continuation of the information which you had the goodness to furnish me, respecting a disembarkation of Negroes at Martinico, and of the disposition manifested to draw certain inferences therefrom, relative to the Slave Trade. My letter of yesterday on this subject and the explanations of the Minister of Marine, thereunto annexed, will, I hope, have sufficed to put a stop to suppositions that appear to have given rise to circumstances which, in order to be duly appreciated, ought not to be detached from the period to which they belong. I can only refer your Excellency to those Papers.

I have the honor to be, &c

(Signed)

RICHELIEU.

His Excellency Sir Charles Stuart,  
&c. &c. &c.

(In Inclosure 6 in No. 7, c.)

Paris, le 25 Janvier, 1817.

M. le Duc,

Par la lettre que vous m'avez fait l'honneur de m'écrire le 17 de ce mois, vous m'avez donné connaissance d'une réclamation de M. le Chevalier Stuart relative au commerce des noirs, dans nos colonies des Antilles.

M. l'Ambassadeur cite un bâtiment de 300 tonneaux arrivé à la Martinique, sous pavillon blanc, ayant à son bord 500 esclaves, et dont la vente avait été annoncée avec une grande publicité.

Ce navire est le *Cultivateur* de Nantes, qui armé à Nantes par MM. Bosset et Boudet, et sorti de ce port au mois de Février 1815, pour aller faire la traite de nègres, fut arrêté par une goëlette Anglaise, en vue de la rivière de Bony, de 20 Mai suivant, conduit en Angleterre, et relâché ensuite avec indemnité par arrêt du Prince Regent en date du 26 Avril (1816).

Je vous ai entretenu de cette affaire par deux lettres du 24 Octobre and 2d Décembre 1814, aux quelles votre Excellence a répondu le 17 Novembre et 6 Décembre.

Les armateurs en m'informant de l'arrêt dont il s'agit demandèrent, que vous en futes également instruit, l'autorisation de faire venir le *Cultivateur*, dans un des ports de France pour y compléter ses vivres et remplacer quelques hommes de son équipage, mais vous reconnutes, comme moi, que cette demande ne pouvait être accueillie, et j'y répondis en conséquence négativement.

Leur navire reprit la mer le 24 Janvier avec des expéditions de la Douane Anglaise, pour terminer son voyage à la côte d'Afrique; son départ avait été annoncé dans Gazettes de Plymouth.

Par tous ces motifs, et en considération de ce que leur opération, entreprise sous la foi du traité du 30 Mai, 1814, n'avait été qu'interrompue et l'avait été même injuste-

ment, ils demandaient que des ordres fussent donnés pour l'admission du *Cultivateur* dans celles des Colonies Françaises où il se présenterait, mais je refusai d'accéder à cette demande.

Je n'avais plus entendu parler de cette affaire, lorsqu'il y a quelques jours il me fut rendu compte que la Gazette de Martinique du 5 Novembre, annonçait la vente de 507 nègres provenant du navire le *Cultivateur* de Nantes arrivé de la côte d'Angole.

Les ordres qui ont été donnés aux administrateurs des colonies relativement à la prohibition du commerce des esclaves sont très positifs ; au surplus, la tolérance de M. M. le Gouverneur et Intendant de la Martinique dans cette occasion paraît s'expliquer par les circonstances particulières de l'expédition du *Cultivateur* : j'en écris au surplus à M. M. de Vangirain et Dubier.

D'après les informations que le Gouvernement Anglais paraît avoir reçues que d'autres bâtimens négriers auraient été attendus dans la même époque, j'ai tout lieu de croire que ces avis n'ont aucune espèce de fondement.

Rien n'a été négligé par le département de la Marine pour assurer l'exécution des engagements qui ont été pris par le Roi au sujet de la traite des noirs.

Aussitôt que M. le Prince de Talleyrand eût donné connaissance à M. le Comte de Jaucourt des intentions de Sa Majesté à cet égard, il fut écrit aux administrateurs de la Marine dans les ports (le 23 Aout, 1815), pour leur recommander de tenir la main à ce qu'il ne sortit des ports de France aucun navire Français destiné pour la traite des noirs, et il leur fut demandé un état des bâtimens qui auraient été expédiés depuis le 30 Mai, 1814, afin d'empêcher par tous les moyens qu'on n'écludât l'interdiction prononcée.

Par une dépêche du 24 Octobre, 1815, j'ai prescrit aux administrateurs de la Martinique et à ceux de Bourbon, d'y faire cesser immédiatement le trafic des esclaves qui y seraient amenés du dehors par tout autre bâtiment que des navires Français, parties de France pour la traite avant le 1er Septembre, 1815. Ces colonies étoient les seules qui fussent alors restées sous l'autorité du Roi, mais les mêmes ordres ont été donnés aux administrateurs de la Guadeloupe, de l'Inde, et de St. Pierre et Miguelon, lors de leur départ de France aux mois d'Avril, Mai, et Juin 1816, pour la reprise de possession.

Enfin, lorsque le Traité du 20 Novembre a été connu, je l'ai transmis dans toutes nos possessions d'outremer, par les plus prochaines occasions, en prescrivant de la manière la plus formelle, aux administrateurs respectifs d'en faire exécuter strictement les dispositions.

Sa Majesté vient elle même de donner récemment à l'égard du Maréchal de camp de Bouret, Commandant de sa colonie de Bourbon, une nouvelle preuve de la firme intention où elle est que ses engagements soient remplis.

Informé que l'administrateur de l'Isle de Bourbon, après avoir reçu (le 1 Mai, 1816,) les ordres ministériels relatifs à l'interdiction de toute vente dans la colonie de nègres provenant du dehors, a souffert dans le mois de Juin suivant, qu'il fût vendu dans l'Isle 108 esclaves achetés à Madagascar, j'en rendis compte à Sa Majesté qui a prononcé le 13 Octobre, 1816, le rappel de M. de Bouvet.

Lorsque j'ai proposé au Roi un acte de rigueur, je n'ignorai pas cependant que l'Isle Maurice eût offert à Bourbon, sous le rapport de la traite, des exemples de tolérance, mais je n'ai pas cru, que malgré de tels exemples nous puissions par quelque considération que ce fût, nous montrer indulgens sur une matière aussi délicate.

Au surplus, s'il étoit nécessaire d'offrir de nouvelles garanties des soins que prend le Gouvernement pour proscrire dans les possessions du Roi le commerce des esclaves, on les trouverait dans l'ordonnance du 8 Janvier, dont votre Excellence a eu connaissance, et qui prononce des peines contre les personnes qui se livreraient encore à ce trafic. Cet acte de l'autorité Royale doit désormais prévenir toute réclamation.

Recevez, &c. &c.

Le Ministre et Secrétaire d'Etat

de la Marine et des Colonies,

Signé)

Le VICOMTE DU BOUCHAGE.

M. le Duc de Richelieu,

&c. &c. &c.

*(Translation of Inclosure 6 in No. 7, c.)**Paris, 25th January, 1817.*

My Lord,

By the letter which you did me the honour of writing to me on the 17th instant, you inform me of a representation made by Sir Charles Stuart, relative to the Slave Trade in our Colonies in the Antilles (Leeward Islands.)

The Ambassador states that a vessel of 300 tons arrived at Martinique, under a white flag, having 500 Slaves on board, the sale of whom was announced with great publicity.

This vessel is the *Cultivator* of Nantes, which was fitted out there by Messrs. Bosset and Boudet, and sailed from that port in the month of February 1815, as a Slave Trader, was detained by an English Galliot within sight of the River Bony on the 20th May following, carried to England, and afterwards released with indemnification by an order of the Prince Regent, dated 26th April, 1816.

I mentioned this affair to your Excellency in two letters, dated 24th October, and 2d December, 1815, which you answered on the 17th November and 6th December.

When the owners informed me of the order in question, they also requested permission (with which application you were also made acquainted), to take the *Cultivator* into a French port, there to complete her provisions, and to replace some men of her crew; but you concurred with me in opinion, that this demand could not be complied with, and I therefore refused.

Their ship put again to sea on the 24th January, with clearances from the English Custom-House, to complete her voyage to the Coast of Africa. Her departure had been notified in the Plymouth Papers.

From all these motives, and considering that the operation undertaken by them in faith of the Treaty of the 30th May, 1814, had only been interrupted, and that even unjustly, they applied for an order to permit the *Cultivator* to enter any French colony where she might touch; but I refused to agree to this.

I heard no more mention of this affair till a few days ago, when I was informed that the Martinique Gazette of the 6th November, contained an account of the sale of 507 Negroes brought from the Coast of Angola, in the ship *Cultivator* of Nantes.

The orders which have been given to the administrators of the colonies respecting the prohibition of the commerce of Slaves, are very positive, moreover the toleration of the Governor and Intendant of Martinique, on this occasion, seems to be explained by the particular circumstances of the fitting out of the *Cultivator*. I also write on the subject to Messrs. Vaugirain and Dubier.

According to the information which the English Government appears to have received, other Slave ships are expected in that colony, and at Guadaloupe at the same period. I have every reason to believe that this account is without the smallest foundation.

Nothing has been neglected by the Department of the Marine to secure the execution of the engagements entered into by the King on the subject of the Slave Trade.

As soon as Prince Talleyrand had made the Count Jaucourt acquainted with the intentions of His Majesty on this point, the administrators of the Marine at the ports were written to (on the 23d August, 1815), recommending them to take strict care that no French ship, destined for the Slave Trade, should sail from a French port, and they were required to furnish a statement of the vessels which had sailed subsequent to the 30th of May, 1814, in order to prevent, by every possible means, the evasion of the stipulated interdiction.

By a despatch of the 24th of October, 1815, I directed the administrators of Martinique and of the Isle Bourbon, to put an immediate stop to the traffic in Slaves, who should be brought to those places from foreign parts by any other vessel than French ships, which should have sailed from France for that trade before the 1st Sept. 1815. These colonies were the only ones which at that time remained under the authority of the King; but the same orders have been given to the administrators of Guadaloupe, of the East-Indies, and of St. Pierre, and Miguelon, on their departure from France in the months of April, May, and June, 1816, in order to resume the possession of those colonies. In short, when the Treaty of the 20th of November was made known, I transmitted it to all our possessions beyond sea, by the earliest opportunities; and directed, in the most formal manner, the several administrators to carry the

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conditions thereof into strict execution. His Majesty has himself recently given a fresh proof in the instance of the Marshal de Camp de Bouret, Commandant of the Colony of Bourbon, of his firm determination to carry his engagements into full effect. Having been informed that the administrator of the Island of Bourbon, after having received (on the 1st of May, 1816,) Government orders respecting the interdiction of any sale of Slaves in the Colony brought from foreign parts, had permitted, in the month of June following, a sale in the island, of 108 Slaves purchased at Madagascar; I reported the same to his Majesty, who issued, on the 13th of December, 1816, an order for the recall of M. de Bouvet.

When I proposed to the King an act of rigour, I was not, however, ignorant that the Isle of Mauritius offered to the Isle of Bourbon, with respect to this traffic, examples of toleration; but I did not think, that notwithstanding such examples, we could, on any consideration whatever, shew any indulgence upon so delicate a matter.

Besides, were it necessary to exhibit any new proof of the care which the Government take, to proscribe in his Majesty's dominions the commerce in Slaves, it would be found in the ordonnance of the 8th of January, of which your Excellency has been apprized, which adjudges penalties against all persons who should in future be concerned in that traffic. This act of royal authority should prevent all remonstrance in future. Receive, &c.

The Minister and Secretary of State for the  
Marine and Colonies,

(Signed) The VISCOUNT Du BOUCHAGE.

*The Duke de Richelieu,*  
&c. &c. &c.

No. 8, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, March 8th. 1817.*

His Majesty's Government have lately received advices from the West Indies, that between the 25th of June 1815, and the 17th of October 1816, no less than five French ships have entered the Ports of Martinique with Negro Slaves, from the Coast of Africa. It is probable that most of these ships, perhaps all of them, had left France, and were embarked in the Trade before its Abolition by His Most Christian Majesty; and they may therefore not have violated the laws of their country: but, as it is possible, that some of them have left France since the Ordonnance by which this Trade was prohibited to the French Nation, I have thought it right to enable you to inform the Duke de Richelieu of the circumstance, as it has come to our knowledge, in order that His Excellency may adopt such measures as he may judge expedient, to prevent, if necessary, the further infraction of His Christian Majesty's Decrees in favor of the cause of justice and humanity.

Information has also been received, that within the same period, the Portuguese Brig "Eleanora," of Lisbon, Captain Victor Debrito, has imported into the Island of Martinique, two hundred and sixty-five Negro Slaves, from Gabon: I think it right, likewise, to add, that it is confidently stated, that two vessels have been lately fitted out at St. Pierre for this Trade, and that they are now on their voyage to or from the Coast of Africa; and also, that a fast-



sailing schooner is, at the present time, in a very forward state of preparation for the same purpose, at St. Pierre.

I have the honor to be, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

*&c. &c. &c.*

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No. 9, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
dated Paris, March 31, 1817.—Received April 3.

My Lord,

The accompanying letter from His Majesty's Consul-General having made known to me the particulars of an equipment in the Port of Nantes, by the subjects of His Most Christian Majesty, for the purpose of carrying on the Slave Trade under Spanish colours, I have thought it my duty to advert to the subject in my communications with the Duke de Richelieu.

As his Excellency has merely referred to his former answers, I think it necessary, in reporting the circumstance to your Lordship, to repeat, that I do not allow any instance of the violation of His Most Christian Majesty's Ordinance respecting this Traffic to pass over, without calling the attention of the French Government to the subject.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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(Inclosure in No. 9, c.)

Sir.

*Paris, March 21, 1817.*

I have the honor to inform your Excellency, upon the authority of a letter from His Majesty's Consul at Nantes, dated the 14th inst. that the largest of the vessels lately fitted out at that Port for the Slave Trade sailed for Corunna the preceding week, mounting eighteen 18-pound Carronades, with a crew all French, and under Spanish colours.

I have the honor to be, &c.

(Signed) D. R. MORIER.

*Consul General.*

*His Excellency Sir Charles Stuart, K. B.*

*&c. &c. &c.*

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No. 10, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, April 21, 1817.—Received April 24th*

My Lord,

Having received representations on the part of His Majesty's Consul-General, making known to me the preparations which had taken place in the Port of Nantes, for the equipment of certain vessels to be employed in the Traffic of Slaves on the Coast of Guinea, I have thought it my duty to point out to the French Government the probable infraction of His Most Christian Majesty's Ordonnance, and to request an early adoption of the measures, which might be deemed necessary to correct the evil.

The correspondence I have the honor to enclose has therefore taken place; but the reference to the former communication, which details the nature of the engagements existing with Spain, respecting the construction of vessels which may be appropriated to this purpose by the subjects of the latter power, is the only answer I have been able to obtain from the Duke de Richelieu.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

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(Inclosure 1 in No. 10, c.)

Sir,

*Paris, 31st March, 1817.*

Though I have already apprized your Excellency of the proceedings which have taken place at the Port of Nantes, in violation of His Most Christian Majesty's Ordonnance, it is my duty to transmit to your Excellency the enclosed letter from His Majesty's Consul-General, announcing the departure of one of the vessels, which has been some time since in that Port, for the purpose of carrying on a Commerce in Slaves.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*His Excellency the Duke de Richelieu,  
&c. &c. &c.*

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(Inclosure 2 in No. 10, c.)

Monsieur l'Ambassadeur,

J'ai reçu, avec la lettre que votre Excellence m'a fait l'honneur de m'écrire, les nouvelles informations qui lui ont été transmises par le Consul de sa Majesté

Britannique à Nantes, relativement aux constructions de navires qui y sont exécutées, et que cet agent suppose destinées au commerce des noirs. Je prie votre Excellence de vouloir bien rappeler les explications que je lui adressai le 7 Janvier dernier, sur les constructions dont il s'agit. Je ne puis que m'y référer entièrement.

Le commerce Français, qui borne ses spéculations au matériel du bâtiment, reste tout à fait étranger à sa destination : vous penserez sûrement, Monsieur l'Ambassadeur, que sous aucun rapport, le constructeur ne peut être responsable des vûes ultérieurs de l'acheteur, puis qu'il ne peut à cet égard en exiger de lui la déclaration. Le Gouvernement Français veille, à ce que des expéditions prohibées n'aient pas lieu de ses ports, et c'est là l'objet des ordres et des instructions qu'il a souvent réitérés, que j'ai eu l'honneur de faire connaître à votre Excellence, et qui ont été confirmées par l'ordonnance du Roi du 8 Janvier. Ses dispositions sont une preuve incontestable des intentions de sa Majesté. En aucun cas, le Gouvernement ne permettra qu'elles soient éludées.

J'ai l'honneur, &c.

Paris, 15 Avril, 1817.

(Signé)

RICHELIEU.

(Translation of Inclosure 2 in No. 10, c.)

Sir,

I have received, together with the letter which your Excellency has done me the honour to address to me, the communications which have been recently transmitted to you by His Britannic Majesty's Consul at Nantes, respecting the building of certain vessels at that place, which he supposed to be intended for the Slave Trade. I beg to recall to your Excellency the explanations which I addressed to you on the 7th of January last, on the subject in question, to which I have only to refer you in toto.

The French trade, which confines its speculations to the building of the vessel, is entirely ignorant of the purpose to which it may afterwards be applied ; your Excellency will therefore surely agree, that the builder cannot in any case be considered responsible for the ultimate views of the purchaser, because he cannot require him to make a declaration of them. The French Government takes care, that no illegal voyages shall be undertaken from their ports ; and this has been the object of the orders and instructions which they have so frequently issued, which I have had the honor of communicating to your Excellency, and which were confirmed by the King's ordinance of the 8th January. Its enactments are an incontestible proof of His Majesty's intentions ; and in no case will this Government permit them to be evaded.

I have the honour to be, &c.

Paris, April 15, 1817.

(Signed)

RICHELIEU.

21

No. 11, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, July 1st, 1817.*

I have recently received official advices, stating the continuance of the Slave Trade in the colonies of Senegal and Goree, in the face of the Proclamation, which it appears had been issued by the French Governor, prohibiting the trade; and I am to desire, that your Excellency will make a suitable communication on the subject to the Duke de Richelieu, requesting him to move the French Government to take the necessary steps, to the end that the order issued by His Most Christian Majesty in those colonies to discontinue this traffic, be duly respected.

I have the honor to be, &amp;c.

(Signed) CASTLEREAGH.

*To His Excellency Sir Charles Stuart, K. B.**&c. &c. &c.*

No. 12. c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, 8th November, 1817.*

I have the honor to transmit to your Excellency, for the information of the French Government, copy of a communication received from the Colonial Department, stating the seizure of several Slave ships by His Majesty's cruizers in the Indian seas.

You will acquaint the Duke de Richelieu that this Government do not doubt, that the new Governor appointed to the Isle de Bourbon, will adopt the most effectual measures to put a stop to this illicit traffic, wherever the influence of his Government may extend.

I have the honour to be, &amp;c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.**&c. &c. &c.**(Inclosure 1 in No. 12, c.)*

Sir,

*Downing Street, 4th Nov. 1817.*

I am directed by Lord Bathurst to transmit to you, for the information of Lord Viscount Castlereagh, the accompanying copy of a despatch, which

has been received from the Governor of the Mauritius, stating, that his Majesty's ships on that station have seized several Slave vessels.

I have the honour to be, &c.

(Signed)

HENRY GOULBURN.

*William Hamilton, Esq.*  
&c. &c. &c.

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(Inclosure 2 in No. 12, c.)

My Lord,

*Port Louis, Mauritius, 4th July, 1817.*

I have the honor to state to your Lordship, that the vessels named in the margin have been seized, at the dates mentioned, by His Majesty's vessels on this station.

I have also to inform your Lordship, that the L'Espoir schooner, under Arab colours, with eighty-five negroes on board, bound to Bourbon, has also been seized at Foul Point in Madagascar, by the acting agent resident there, Lieutenant Page, deputed by me under the abolition Act of May 1811.

These vessels and negroes are at present under trial in the Instance Court of Vice-Admiralty; and the British subjects, who may have been concerned in these illicit practices, have been secured and handed over for punishment to the Special Court of Vice-Admiralty, for trial of offences committed at sea.

I have the honor to be, &c.

R. F. FARQUHAR.

*To the Right Hon. the Earl Bathurst,*  
&c. &c. &c.

Marie Louise, English Colours, 11 Negroes, seized 11th March, 1817.

Heloise, Schooner, French Colours, 85 Negroes, seized 20th June, 1817.

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No. 13, c.

*Viscount Castlereagh to His Excellency the Marquis d'Osmond, &c. &c. &c.*

*Foreign Office, January 24, 1818.*

Lord Castlereagh, in pursuance of his assurance to that effect, has the honor to enclose to the Marquis d'Osmond, such information as he has hitherto been enabled to procure, relative to the unfortunate renewal of the Slave Trade on the coast of Africa, North of the Line, and especially in the vicinity of Senegal and Goree, since those possessions have been restored to France.

The solicitude which his Excellency has evinced on the part of his Government to obtain every possible information on this subject, satisfies Lord Castlereagh, that His Most Christian Majesty's Government, will lose no time in applying an effectual remedy to this evil. Lord Castlereagh forbears for the present to refer to the Conventional regulations which he conceives to be necessary on the part of the several powers for the effectual suppression of the illicit traffick in slaves. He will, in this instance, confine himself to calling His Excellency's attention to the doubt which exists, in the judgment of the highest law authorities, whether the trading in slaves on the part of French subjects is illegal, as the law now stands in France: Lord Castlereagh is persuaded that in abolishing the Slave Trade, the King's intention was not merely to prohibit the import of slaves into His Majesty's colonies or possessions, but to render

Slave Trading on the part of his subjects, not only an illegal act, but an offence, to be suitably punished; an omission, if such it shall prove to be, which Lord Castlereagh is satisfied will be no sooner known than remedied by His Most Christian Majesty's Government.

To His Excellency the Marquis d'Ormond,  
 &c. &c. &c.

(Signed) CASTLEREAGH.

(Inclosure in No. 13, e.)

*Memorandum on the Contraband Slave Trade, since the restoration of Senegal and Goree to France.*

The colonies of Senegal and Goree were restored to France in January, 1817; on the 18th of March General Mac Carthy, the Governor of Sierra Leone, writes to Lord Bathurst as follows:—

“I have the honour of inclosing herewith for your information, a letter I have received this instant from Mr. Boocock; I am much concerned to state, that his statement is strongly corroborated by the reports I have received from several persons upon whom I can place great reliance.

“The Slave Trade had not only been entirely abandoned by the whole of the native merchants at Senegal and Goree, but they had turned their industry to more honourable means of earning their living, and I have no doubt but one or two years of a similar conduct to that followed by Colonel Maxwell, myself and my successor, would have been sufficient to form the opinion of the respectable inhabitants, and render in their eyes such a traffick despicable and hateful.

*Copy of a Letter from Mr. Boocock to His Excellency Governor Mac Carthy, inclosed in the preceeding.*

Sierra Leone, 18th March 1817.

Sir,

Being so well aware of your Excellency's earnest desire entirely to root out the Slave Trade on the Windward coast of Africa, I feel it a duty to communicate some circumstances relative to its recommencement, which came to my knowledge during my late mission to Senegal and Goree; and which appear to me to be important, inasmuch as they prove that the traffick which the Government of His Britannic Majesty is so anxious to abolish, will be carried on to a very considerable extent from the settlements lately ceded to France, unless, by being brought to the notice of His Majesty's Ministers through your Excellency, measures are taken to prevent the inhabitants of these islands from carrying on a trade which was so effectually abolished during the time the British had possession of them.

During my stay at Senegal, I heard it very publicly spoken of that a brig, commanded by a Monsieur Dupin, was waiting there to receive a cargo of slaves to be furnished to an inhabitant by a Frayar prince (Omar) who only remained until we quitted the colony, to conclude the bargain with Mons. Laborie. This the Moor made no scruple in openly avowing.

But the point of the trade being carried on to a considerable extent at Goree came more particularly within my own knowledge, as I was an eye-witness to some of the transactions; I happened to be on the mainland on the 25th February, when I saw a schooner under Spanish colours anchor in the roads of Goree; she pretended to have touched there to procure wood and water; her wants were supplied; she weighed the next evening, stood round the north point of the island, after dark bore up again and anchored below Ruick, just out of sight of Goree. On the night of the 27th February, a small schooner came from Goree with several of the inhabitants, took in a number of very young boys and girls at Battail (near Bao), and proceeded immediately to the Spanish schooner, and such expedition was used that the vessel with 150 slaves was dispatched on the 3d of March. A second schooner, also under Spanish colours, was observed to be there at the same time by a master of a vessel coming from the Gambia, and no doubt had a similar object in view; to particularise the names of the native inhabitants engaged would be superfluous; in fact I am clearly of opinion that every one has either a greater or a lesser share. Nothing can be more conclusive upon this point than almost every mulatto man living at Goree being on the mainland during the time the vessels were

below Rufick, and the few who remained only blamed the others for proceeding too openly in an affair, which, if conducted with caution, would soon enrich the whole; indeed so anxious were they to commence that a vessel with 20 slaves was dispatched from the Coast a short time before the French flag was hoisted, and the persons engaged in sending them off only escaped being brought to justice, by remaining on the mainland where they could not be arrested; yet these men returned to Goree two days after our troops had withdrawn.

A Spanish brig from Teneriffe, commanded by a Senhor Joyé Domingos (who, I understand, had been twice captured in slave vessels) had been in Goree for a considerable time; he had a small cargo of wine which he was so anxious to sell, that he offered me the whole at twenty pounds sterling per pipe. The fact is, he came merely on a voyage of discovery, as it may be termed, to ascertain the possibility of obtaining slaves, but when he found his ultimate object might be fulfilled at once, he would have made any sacrifice to have procured cash or merchandize which could have been exchanged for them, as the dealers could not land their wine at Goree, and it would have been useless among the Jaloffs.

I need not for a moment call to your Excellency's notice, the sensation and extraordinary activity this success in a traffic where the profits are so enormous will call forth, not only in Teneriffe, where many slave vessels are fitted out, but particularly in the ports of the Havannah, the present grand emporium of this illicit and hateful commerce; neither need I allude in the most remote manner to the injury, nay, I might almost say, the total annihilation of the good effects which have been produced in the countries adjacent to Senegal and Goree, by the Slave Trade abolition. These points will immediately obtrude themselves most forcibly upon your Excellency's imagination, who, during your residence in the colonies lately ceded to France, had so much at heart and so successfully exerted yourself to forward in that part of Africa the generous views of the British Government, in civilizing and ameliorating the condition of the inhabitants of this vast continent; and I am sure your Excellency will enter into the feelings with which I observed the black population of Goree diminished, at least one third, within the short period of my late absence.

I would beg leave to impress upon the mind of your Excellency, that these transactions did not take place as if were in secret, but were the public topic of conversation in both the settlements; and after the Proclamation of the French Governor, prohibiting the trade, I cannot but express infinite surprise at the boldness and impunity with which it has been carried on.

I have the honor, &c.

(Signed) H. BOOCOCK, Assist. Com.-Gen.

To His Excellency Governor Mac Carthy,  
&c. &c. &c.

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On the 11th of June, 1817, General Mac Carthy again writes to Lord Bathurst, as follows:

I feel it a most painful part of my duty to state to your Lordship, that from correct information I have obtained from different quarters, there appears to be at present a greater number of vessels employed in the traffic in slaves, to the north of the line, than at any period prior to the abolition by America, Great Britain, Holland, France, and Portugal. This traffic is chiefly carried on under Spanish flags; but I am thoroughly convinced, from reports upon which I can place reliance, that the greater number of vessels so employed, are the property of Americans, Portuguese, and French.

The renewal of such a trade is of course attended with the total loss of the benefits expected to be derived from the abolition. It not only turns the minds of the natives from peaceful habits of industry, to rapine and plunder, and has actually created a famine a short distance to leeward of us, and raised the price of provisions here; but, unless some steps can be adopted to put a stop to such a scourge, the fair merchants in the African trade must inevitably be ruined, as they cannot bear competition with the Slave Dealers.

It is a most lamentable fact, that although to the north of this place (except Bissagos) the Inhabitants had for some years past been gradually turning their attention to other pursuits, they now appear as anxious as ever they may have been, to return to the Slave Trade. I have made many enquiries, and I have found from the unanimous report of the masters of merchant vessels employed on this coast, that they have made bad voyages, a circumstance they all attribute to the coast being infested with Slave Purchasers; for the natives will not be at the trouble of procuring any articles of exchange for European produce, when they can do it more easily with men.

On the 50th of June, 1817, Gen. Mac Carthy again addresses Lord Bathurst, as follows:

Referring to my letter of the 18th March, transmitting a letter of Assistant-Deputy Commissary-General Boocock, on the subject of the traffic in slaves, carried on by the inhabitants of Senegal and Goree, immediately after the restitution of those settlements to the Crown of France; I have the honor of forwarding herewith inclosed copies of the letters I conceived it my duty to write to Colonel Schmaltz, commanding His Most Christian Majesty's forces, and Administrator of Senegal, and of his answer which I received this day. It will appear to your Lordship, that, although the Colonel positively contradicts the correctness of my information, as far as relates to Senegal, yet he seems to admit its veracity as to the inhabitants of Goree. I sincerely hope the steps he mentions as having adopted, will have the desired effect.

*General Mac Carthy to Colonel Schmaltz, inclosed in the preceding, 12th April, 1817.*

Sir,

I should consider myself as betraying the cause in which our respective Governments have taken so honorable a part, and departing from that friendly and confidential intercourse which it is my wish to cultivate with your Excellency, were I not to inform you, that it has been reported to me, from various quarters, that, in defiance of your proclamation, the traffic in Slaves was intended, and actually has been carried on to a considerable amount, at or near Senegal, and more particularly at Rufick, by inhabitants of Goree.

The instances particularly mentioned to me, are those of a vessel commanded by a M. Dupin, who was to be provided with Slaves by a M. Laborie, and these to be obtained by the means of Omar, a Moorish chief.

The following were given as facts:—That on the 25th of February last, a schooner, under Spanish colours, anchored in the roads of Goree; that she weighed the next evening, anchored below Rufick; that on the 17th a small schooner, from Goree, with several inhabitants, took a number of young boys and girls to Battail, (near Bao) and proceeded to the Spanish schooner, and that such expedition was used, that the vessel, with 150 Slaves, was despatched on the 3d of March. That a Spanish schooner was observed to be there at the same time, and no doubt for a similar object.

It is stated that nearly the whole of the inhabitants have been sharers in these speculations.

I have merely to add, that from the high respect I entertain for your Excellency's character, I am most fully convinced that you will adopt effectual means to prevent such nefarious conduct in future.

Please to accept the assurances, &c.

(Signed) C. MAC CARTHY.

*His Excellency Colonel Schmaltz,*  
 &c. &c. &c.

*Colonel Schmaltz to General Mac Carthy, inclosed in the preceding.*

Monsieur,

*St. Louis, le 16 Juin, 1817.*

Je remercie Votre Excellence de l'avis qu'elle a bien voulu me transmettre par la lettre qu'elle m'a fait l'honneur de m'adresser le 12 Avril dernier; je la prie de croire que je tendrai toujours à l'honneur de prendre toutes les mesures qui seront à ma disposition pour empêcher qu'il soit fait aux traités aucune infraction de la nature de celle qu'elle me dénonce.

Les indications qui lui ont été données relativement au bâtiment commandé par M. Dupin sont entièrement fausses, ce navire est sorti du Sénégal avec un plein chargement de Gomme, et très certainement à fuit voile directement pour France.

Quant à l'affaire de Gorée je ne puis en parler avec autant de certitude; il serait fort possible que dans les premiers momens de la reprise de possession, et avant qu'on ait pu établir les moyens de surveillance & de repression nécessaires, les habitans, aient concouru à la speculation dont vous me parlez.

Ce qui m'a paru le plus propre à couper court à de semblables opérations, a été d'envoyer la corvette du Roi *La Bayadère* mouiller sur la rade de Gorée; autant qu'il me sera possible j'y entretiendrai un stationnaire.

Agrécz, je vous prie, mes sentimens, &c.

(Signé)

J. SCHMALTZ.

*Son Excellence le Col. Mac Carthy,*  
 &c. &c. &c.



(Translation.)

St. Louis, June 16, 1817.

Sir,

I thank your Excellency for the intelligence which you have been so good as to convey to me in the letter you did me the honor of addressing to me on the 12th April last. Be assured that I shall consider myself always as in honour bound to take every measure in my power for preventing the Treaties to be infringed upon in the manner you allude to.

The information which you have received concerning the vessel commanded by Mr. Dupin, is totally ungrounded; for she left Senegal with a full cargo of gum, was examined previous to her departure, and sailed, without the least doubt, for France direct.

Of the occurrence at Goree, I am unable to speak with the same certainty. Upon the settlement being recovered, it is very possible; that during the first moments, and before it was practicable to take the necessary steps for establishing a system calculated to watch over, and keep in check the practices of the inhabitants, who are known to have always been determined smugglers, they may have had a hand in the speculation which you mention, and of which you assure me, Mr. Martin Tournangeau was most likely the *primum mobile*.

Nothing has appeared to me more proper for putting a stop to any future attempts of that description, than to station the King's Schooner, *La Bayadère* in the Goree Road; and I shall use every endeavour to keep a vessel there constantly.

Accept, &amp;c.

(Signed) J. SCHMALTZ.

On the 30th September, 1817, Mr. M. Forster, of Bishopsgate-street, states to Lord Bathurst that his brother, Mr. W. Forster, is just arrived from the coast of Africa, and communicates the following intelligence. He left Goree and Senegal about the latter end of July:

“At Goree and Senegal the Slave Trade is reviving under the French in a surprising and serious manner; I saw many slaves confined in the yards of the merchants' premises at Goree, and while lying off Senegal, a vessel came out with two hundred and forty slaves on board, and passed close by a French vessel of war unmolested.

“In short, I think that unless something is done to check the Trade in Slaves, and particularly to induce the French not to give encouragement to it, there will shortly be a serious outcry on the subject, from the manner in which it will gain strength: indeed the Moors, finding the French favour it, have already gone to war for slaves, to procure what under the English Government, they used to purchase with gum, &c.”

In November 1817, a Memorial of the principal Merchants and Traders on the coast of Africa between Cape Blanco and Sierra Leone to Lord Bathurst, represents as follows:

“Your Memorialists beg to assure your Lordship, from their own personal observation (having just arrived from Senegal and Goree), that the Slave Trade has again visited the coast in the neighbourhood of these settlements in its worst and most odious shape; of this they can give your Lordship incontestible proof, as they have witnessed the sailing of the slave vessels: Already the native Chiefs have turned their attention to the collection of slaves, and abandoned that of produce, and the consequences to the civilization and trade of the coast must prove fatal, nay, in a great measure may the failure of the expedition to the interior be ascribed to the revival of this execrable traffick: With pain have your Memorialists witnessed all the labours of philanthropy, the work of ten years, undone in as many weeks.”

In a further Memorial dated 7th December, the same Gentlemen stated to Lord Bathurst as follows:

“We have further to call your Lordship's most serious attention to the unreserved and melancholy encouragement which the French are now giving to the Slave Trade since their return to the coast, and more particularly at, and in the neighbourhood of Goree, a settlement which they well know, since our occupation of St. Mary's, is chiefly useful to them for the purposes of this execrable traffic, for which its vicinity to the mainland, to Zoal, to the rivers Salum and Gambia, renders it particularly convenient.

“Already has the conduct of the French unhooked the minds and changed the habits of the natives, by turning their attention from the collection of produce to the less laborious task of Slave Trading, from which they had been entirely weaned by the efforts of English philanthropy, and an intercourse with the English traders, and thus while the civilization of the natives has received a fatal check, an impulse has been given to the Slave Trade on this part of the coast, which threatens a return of the whole train of evils attendant on that horrid traffic.

We beg again to assure your Lordship that these statements are by no means exaggerated, and to refer your Lordship to any disinterested individual, recently from that part of the coast, for a confirmation of them.

On the 7th of January 1818, Mr. Harrison, Secretary to the African Institution in this country, writes to Lord Bathurst as follows:

“ I have the honor of enclosing to your Lordship some information recently received by one of the Directors of this Institution respecting the French Slave Trade, and beg leave to represent the extreme importance of some steps being taken to repress such enormous evils.

I have the honor, &c. (Signed) THOMAS HARRISON, Sec. A. I.

*A Letter from a Gentleman at St. Louis, Senegal, to one of the Directors of the African Institution, enclosed in the preceding, and dated 8th November, 1817.*

Sir,

In the absence of my partner, who left this for England in August last, I had the honor to receive your letter to him of the 20th June, and I shall avail myself of the present occasion to forward it to him.

I presume he has done himself the honor of waiting on you ere this, and given you every information in his power respecting this part of the Coast, which I lament to state has been thrown into the most deplorable condition by the renewal of the Slave Trade, since the cession of the settlement to France: to give you an idea of the extent to which this traffic has been carried on, I need only mention that four French vessels have been loaded here, their cargoes averaging, by the best information I can obtain, about 160 slaves each; and there are two schooners now in the river waiting for their cargoes which they have contracted for. As a simple statement of this kind may not be satisfactory, I subjoin a list of the vessels, and the ports to which they belong. The consequence of this renewed traffic, after the quietude which the country has enjoyed for several years past, may be easily supposed; personal liberty is again at an end; the natives are armed against one another, and the great demand for Slaves has renewed wars in the interior, and even in the vicinity of this place, in order to obtain them; and I regret to say there is too good reason to presume, that the Slave Traders in the settlement provide them with arms and ammunition, for this purpose; besides which, the Moorish tribes, who occupy the northern banks of the river, have been actively employed ravaging the black villages; and it is to be attributed to the great number of natives captured by them, that so many vessels have obtained their cargoes with such dispatch; for I am well informed, that so great a number were never exported from this settlement in so short a time in any former period. It must no doubt surprise you, as it does me and the few English who remain in the settlement, that after the solemn manner the French Government engaged to abolish the trade, it should be carried on here so openly without the interruption from the authorities, who cannot be ignorant of it, but evidently shut their eyes: indeed, I may safely say, it is winked at by those in power; and the misery of the poor victims is increased by the shallow precaution which is used, of not embarking them in the river, (where the vessels remain several weeks publicly fitting out, and taking on board water and provisions) but they are sent in canoes over a most dangerous surf, by which I understand several have lost their lives before reaching the vessel.

I trust that the desire for information expressed in your letter to my friend, and your known zeal for the welfare of the distressed Africans, will apologize to you for the liberty I have taken of replying to you in this manner; and I cannot conclude without expressing to you my fears, that it will require all the exertions of the friends of Africa, for many years to come, to regain for it that tranquillity which it has lost within these few months, by the scenes of horror that have been acted here.

Assuring you that I shall be at all times happy to afford you every information in my power,

I am, &c.

List of vessels loaded with slaves at Senegal between the 25th January, when the settlement was delivered to France, and the 8th November, 1817.

Schooner—“ La Reine and Caroline,” of Nantz.

Brig—“ Elisee” or Eliza, of Bourdeaux.

Schooner—“ Astrée,” of Nantz.

Ditto—“ Sylph,” ditto.

Vessels remaining in the river Senegal for slaves, 8th November, 1817,

Schooner—“ Elisée,” of Bourdeaux.

Ditto—“ Zephyr,” of Martinique.

No. 14, c.

*Joseph Planta, Jun. Esq. to his Excellency the Marquis  
d'Osmond, &c.*

*Foreign Office, January 24th, 1818.*

Monsieur Le Marquis,

I am directed by Lord Castlereagh to communicate thus privately to your Excellency, a printed copy of the late decision of the High Court of Admiralty here, in the case of the French ship *Louis*, in allusion to the paragraph in his official note to your Excellency of this day, where he notices the doubts existing as to the French Law respecting the Trade in Slaves as it now stands.

I have, &c.

(Signed)

J. PLANTA, Jun.

*His Excellency the Marquis d'Osmond,  
&c. &c. &c.*

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(Inclosure in No. 14, c.)

*Copy of the Judgment delivered by the Judge of the High Court of Admiralty, in the case of the French ship Le Louis, December 15, 1817; as it appeared in one of the Morning Papers of December, 1817.*

This ship was taken off Cape Mesurada, on the coast of Africa, on the 11th March, 1816, by an English colonial armed vessel, after a severe engagement, which followed an attempt to escape. The Court has found occasion to lament, that the particulars of this melancholy transaction are not more circumstantially brought to its notice. For in the mass of matter with which these proceedings are clogged (matter which can have no application whatever to any question that could possibly be expected to arise in the case,) no information is distinctly conveyed to the Court, what preliminaries led to this unfortunate conflict; in which no fewer than twelve lives were lost on the British side, and three on the other, and in which several persons on both sides were wounded. The Court is left to infer from the general course of the transaction, that it originated in a demand to visit and search the vessel, on a suspicion of her being a slave-trader, and in a resistance to that demand, the demand and the resistance being maintained to the length of producing the calamitous event which I have described.

The ship seized was in appearance and in fact a French ship, admitted both in the plea and argument to be so, unquestionably owned and navigated by Frenchmen, originally, indeed, built in America, and having been for a short time in British possession, which had ceased. She is immediately proceeded against in the Vice Admiralty Court, at Sierra Leone (whither she had been carried,) as a French ship violating French law, by the intention of purchasing slaves for the purpose of carrying them to her port in Martinique. There are

some words in the libel which certainly can have no consistent meaning in the sentence in which they stand, but which, if they have any meaning at all, seem to intimate vaguely and unintelligibly an ownership somewhere else than in French subjects. Nothing, however, appears that at all excites a suspicion, that she is not, what she is treated as being by the parties and by the Court, a French ship. For the mere circumstance of her having had English as well as other colours on board, cannot, in the known practice of merchant vessels, excite any such suspicion. After the admission which has been made, that she had a contingent intention at least of trading in slaves, as well as other commodities, if a convenient opportunity should offer, I feel it not requisite to enter into the detail of the many circumstances which compel that admission. The number of iron manacles on board, the construction of the platforms, the magnitude of the coppers, the quantity and quality of the provisions in store, the negotiations with the natives at Mesurada, the mysterious passages which occur in the correspondence between the owners, all tend one way to shew a contingent, or rather a predominant intention so to trade; and this being admitted, the Court will not deem itself guilty of any injustice in holding, that the legal question is the same as if the intention were single and absolute; for I have little doubt but that the contingency would have happened, and the opportunity would have offered, and would have been used.

At Sierra proceedings were commenced, which led to the first condemnation of the ship and cargo. Much argument has been employed to controvert the jurisdiction of the Court upon the point of locality, which I do not think it necessary to examine for the determination of the present cause. I will suppose the jurisdiction to be duly founded, as far as the matter of locality is concerned, and consider only whether the sentence can be sustained, giving the authority which pronounced it the benefit of a supposed indisputable jurisdiction.

At the outset of the proceedings the seizor describes himself as commissioned to make captures. It certainly appeared to be a singular commission, that authorized him to make captures in time of peace; and it was, therefore, not an unnatural curiosity on the part of the Court to desire to see it. The Commission, after repeated requisitions, has been at last brought in, at a time extremely inconvenient for the purpose of any careful examination by the Court, if that were necessary. It may, however, be sufficient to state, that this Commission professes to be issued by the Governor of Sierra Leone, on the 25th of January, 1816; to be founded on the Slave Trade Act, 51 Geo. III, and to authorize the Commander to seize all ships and vessels offending against that Act, or any other Act abolishing the Slave Trade; and after stating these facts to observe, that neither this British Act of Parliament nor any Commission founded on it can affect any right or interest of foreigners, unless they are founded upon principles and impose regulations that are consistent with the law of nations. That is the only law which Great Britain can apply to them; and the generality of any terms employed in an Act of Parliament must be narrowed in construction by a religious adherence thereto.

Upon the course of the proceeding in the Court of Sierra Leone, after the manner in which they have been adverted to in argument, I should desert my duty if I did not make some remark, without meaning at all to depart from that tenderness which is usually shewn to mere formalities in the practice of Vice-Admiralty Courts. I have no doubt but that the Gentleman under whose cognizance these proceedings passed, carried out with him, among many other laudable qualities, a proper zeal for the laudable purposes of the establishment of Sierra Leone; and I have as little doubt that he possessed a still higher zeal for his own immediate and paramount duty, the correct and equal administration of justice to all parties who might come before him. But it is impossible to deny that there occur in these proceedings incongruities, arising (as if it should seem), from inattention somewhere, not only to the common forms of law, but to the rational principles on which they are founded. What was the natural as well as the legal course? Surely simple and obvious enough: for the Proctor, after lodging in the registry all the papers found on board, and citing by monition the party to appear, to give a libel (answering to the bill of indictment in criminal cases), stating the facts imputed, and the law that is charged to be violated, and praying the examination of his witnesses thereon, and the judgment of the Court upon the effect of the documents and testimony so produced. The party charged has a right to give his claim, stating the facts by which he undertakes to discharge himself from all legal censure, and to produce his witnesses thereon. Upon the result of the whole evidence so furnished, and of proper special interrogatories administered under the immediate authority of the Judge, the Court should pronounce its judgment. What is done here? In the first place the Prize Interrogatories calculated for the transactions of war are, instantly on bringing in, applied to this transaction, which, however, denominated a capture, and with whatever fatal violence accompanied, is in truth a transaction of peace. Then special interrogatories are administered, *non constat* by what authority, some of them certainly not very fairly addressed to the persons from whom the answers are to be extracted. It is in this late stage of the proceeding that the prosecutor brings forth his libel or charge, in which he tells the Judge (whose exclusive province it is to decide on the sufficiency of the proofs), that "the case is incontestably proved, both in law and in fact:" the law alleged being, that the Slave Trade is prohibited, both by treaty and by the internal law of France; and facts charged being, that the party was trading in Slaves, and resisted search. In the same benevolent view of saving the Judge the entire trouble of performing his duty, the prosecutor informs him, that "there is no doubt of the ship's being fitted out for the Slave Trade," and that the evidence of the Master is all evasive; and prays a commission of inspection, to ascertain the fact of which he had just before told him that no doubt whatever existed, and then, without a single witness examined upon the libel, without the smallest evidence produced of the foreign law the Judge, having properly reduced the six counts of the libel to two, pronounces the ship to be a French ship, employed illegally (that

is, against the French law), in the Slave Trade; secondly, that she resisted by force the legal search of the King's cruizers; and that on both accounts herself and cargo are to be confiscated. There is, I think, considerable difficulty in vindicating the correctness of these proceedings, except upon the supposition, that persons charged with a concern in so odious a traffic, are instantly to have a *caput lupinum* placed upon their shoulders, and are not entitled to the ordinary forms and measures of justice. However, without pressing further observations upon the proceedings which have led to judgment, I hasten to the more important task of considering the propriety of the judgment itself; having just stated that the grounds are two—one, this was a French ship, intentionally employed in the African Slave Trade; the other, that she resisted by force the King of England's commissioned cruiser.

Assuming the fact which is indistinctly proved, that there was a demand, and a resistance producing the deplorable result here manifest, I think that the natural order of things compels me to inquire, first, whether the party, who demanded, had a right to search; for if not, then not only was the resistance to it lawful, but likewise the very fact on which the other ground of condemnation rests is totally removed. For if no right to visit and search, then no ulterior right of seizing, and bringing in, and proceeding to adjudication: and it is in the course of those proceedings alone, that the facts are produced, that she is a French ship trading in slaves: and if these facts are made known to the seizer by his own unwarranted acts, he cannot avail himself of discoveries thus unlawfully produced, nor take advantage of the consequences of his own wrong. Supposing, however, that it should appear that he had a right to visit and search, and therefore to avail himself of all the information he so acquired, the question would then be, whether that information has established all the necessary facts? The first is, that this was a French ship intentionally employed in the Slave Trade, which I have already intimated appears to be sufficiently shewn. The second is, that such a trading is a contravention of the French law; for it has been repeatedly admitted that the Court, in order to support this sentence of condemnation, must have the foundation of the trade being prohibited by the law of the country to which the party belongs.

Upon the first question, whether the right of search exists in time of peace, I have to observe, that two principles of public law are generally recognised as fundamental. One is the perfect equality and entire independence of all distinct States. Relative magnitude creates no distinction of right; relative imbecility, whether permanent or casual, gives no additional right to the more powerful neighbour; and any advantage, seized upon that ground, is mere usurpation. This is the great foundation of public law, which it mainly concerns the peace of mankind, both in their political and private capacities, to preserve inviolate. The second is, that all nations being equal, all have an equal right to an uninterrupted use of the unappropriated parts of the ocean for their own convenience. In places where no local authority exists, where the subjects of all States meet upon an equal

footing of entire equality and independence, no one State, or any of its subjects has a right to assume or exercise authority over the subjects of another. I can find no authority that gives the right of interruption to the navigation of States in amity upon the high seas, excepting that which the rights of war give to both belligerents against neutrals. This right, incommodious as its exercise most undoubtedly is to those who are subjected to it, has been fully established, though not without controversy, frequently renewed, in the legal practice of nations—having for its foundation the necessities of self-defence, in preventing the enemy from being supplied with the instruments of war, or from having his means of annoyance augmented by the advantages of maritime commerce. Against the property of his enemy each belligerent has the extreme rights of war. Against that of neutrals, the friends of both, each has the right of visitation and search, and of pursuing an inquiry, whether they are employed in the service of his enemy, the right being subject, in almost all cases of an inquiry wrongfully pursued, to a compensation in costs and damages. With professed *pirates* there is no state of peace. They are the enemies of every country, and at all times; and therefore are universally subject to the extreme rights of war. An ancient authority, the Laws of Oleron, composed at the time of the Crusades, and as some supposed by an eminent leader in those expeditions, our own Richard I. represents *infidels* as equally subject to those rights; but this rests upon the ground of notions long ago exploded, that such persons could have no fellowship, no peaceful communion with the faithful; and upon the ground of fact that they were for many centuries engaged in real hostilities with the Christian States. Another long since exploded practice was, that of Princes granting private letters of marque against the subjects of Powers in amity, by whom they had been injured, without being able to obtain redress from the Sovereign or Tribunals of that country. But at present, under the law, as now generally understood and practised, no nation can exercise a right of visitation and search upon the common and unappropriated parts of the sea, save only in a belligerent claim. If it be asked, why the right of search does not exist in the time of peace, as well as in war? the answer is prompt: that it has not the same foundation on which alone it is tolerated in war—the necessities of self-defence. They introduced it in war; and practice has established it. No such necessities have introduced it in time of peace, and no practice has established it. It is true, that wild claims (alluded to in the argument) have been occasionally set up by nations, particularly those of Spain and Portugal, in the East and West Indian seas: but these are claims of a nature quite foreign to the present question, being claims not of a general right of visitation and search upon the high seas, unappropriated, but extravagant claims to the appropriation of particular seas, founded upon some grants of a pretended authority, or upon some ancient exclusive usurpation. Upon a principle much more just in itself and more temperately applied, Maritime States have claimed a right of visitation and inquiry within those parts of the ocean adjoining to their shores, which the common courtesy of nations has, for their mutual

convenience, allowed to be considered as parts of their dominions for various domestic purposes, and particularly for fiscal or defensive regulations, more immediately affecting their safety and welfare. Such are our *hovering laws*, which, within certain limited distances, more or less moderately assigned, subject foreign vessels to such examination. This has nothing in common with a right of visitation and search upon the unappropriated parts of the ocean. A recent Swedish claim of examination on the high seas, though confined to foreign ships bound to Swedish ports, and accompanied, in a manner not very consistent or intelligible, with a disclaimer of all right of visitation, was resisted by our Government, as unlawful, and was finally withdrawn.

The right of visitation being, in this present case, exercised in time of peace, the question arises, how is it legalized? And looking to what I have described as the known existing law of nations, evidenced by all authority and all practice, it must be upon the ground that the captured vessel is to be taken *legally* as a pirate, or else some new ground is to be assumed, on which the Court may conceive itself to be authorised to carry this right beyond the limits within which it has hitherto been legally exercised.

It is perfectly clear, that this vessel cannot be deemed a pirate, from any want of national character legally obtained. She is the property not of sea rovers, but of French, acknowledged domiciled subjects. She has a French pass, French register, and all proper documents, and is an acknowledged portion of the mercantile marine of that country. If, therefore, the character of a pirate can be impressed upon her, it must be only on the ground of her occupation, as a slave trader, no other act of piracy being imputed. The question then comes to this:—Can the occupation of this French vessel be legally deemed a piracy? inferring, as it must do, if it be so, all the pains and penalties of piracy. I must remember, that in discussing this question, I must consider it, not according to any private moral apprehensions of my own (if I entertained them ever so sincerely), but as the law considers it: and, looking at the question in that direction, I think it requires no labour of proof to shew, that such an occupation cannot be deemed a legal piracy. The very Statute lately passed, which makes it a transportable offence in any British subject to be concerned in this trade, affords a decisive proof that it was not liable to be considered as a piracy, and a capital offence, as it would be in foreigners as well as British subjects, if it was a piracy at all. In truth it wants some of the distinguishing features of that offence. It is not the act of freebooters, enemies of the human race, renouncing every country, and ravaging every country in its coasts and vessels indiscriminately, and thereby creating an universal terror and alarm; but of persons confining their transactions (reprehensible as they may be) to particular countries, without exciting the slightest apprehension in others. It is not the act of persons insulting and assaulting coasts and vessels, against the will of their Governments and the course of their laws, but of persons resorting thither to carry on a traffic (as it is there most unfortunately deemed), not only recognised but invited by the Institutions and Administrations of those barbarous communities.



But it is unnecessary to pursue this topic further. It has not been contended in argument, that the common case of dealing in slaves could be deemed a piracy in law. In all the fervor of opinion which the agitation of all questions relating to this practice has excited in the minds of many intelligent persons in this country, no attempt has ever been thought of, at least with any visible effect, to submit any such question to the judgment of the law, by such a prosecution of any form instituted in any Court: and no Lawyer, I presume, could be found hardy enough to maintain, that an indictment for piracy could be supported by the mere evidence of a trading in slaves. Be the malignity of the practice what it may, it is not that of piracy, in legal consideration.

Piracy being excluded, the Court has to look for some new and peculiar ground: and in the first place, a very extensive ground is offered to it by the suggestion, which has been strongly pressed, that this trade, if not the crime of piracy, is nevertheless *crime*, and that every nation, and indeed every individual has not only a right, but a duty, to prevent in every place the commission of crime. It is a sphere of duty sufficiently large that is thus opened out to communities and to their members. But to establish the consequence required, it is first necessary to establish that the right to interpose by force to prevent the commission of crime, commences not upon the commencement of the overt act, nor upon the evident approach toward it; but on the bare surmise, grounded on the mere possibility; for unless it goes that length, it will not support the right of forcible inquiry and search. What are the proximate circumstances which confer on you the right of intruding yourself into a foreign ship, over which you have no authority whatever, or of demanding the submission of its crew to your inquiry, whether they mean to deal in the traffic of slaves, not in your country, but in one with which you have no connexion? Where is the law that has defined those circumstances, and created that right under their existence? Secondly, it must be shewn that the act imputed to the parties is unquestionably and legally criminal, by the universal law of nations; for the right of search claimed makes no distinctions, and in truth can make none; for till the ship is searched, it cannot be known whether she belongs to a nation which admits the act to be criminal, or to one which maintains it to be merely commercial—and I say *legally* criminal, because neither this Court nor any other can carry its private apprehensions, independent of law, into its public judgments on the quality of actions. It must conform to the judgment of the law upon that subject; and acting as a Court, it cannot attribute criminality to an act where the law imputes none. It must look to the legal standard of morality; and upon a question of this nature, that standard must be found in the Law of Nations, as fixed and evidenced by general and ancient, and admitted practice, by treaties, and by the general tenour of the laws and ordinances and the formal transactions of civilized States; and looking to those authorities, I find a difficulty in maintaining that the traffic is legally criminal. Let me not be misunderstood, or misrepresented, as a professed apologist for this practice, when I state facts which no man can

deny—that personal slavery, arising out of forcible captivity, is coeval with the earliest periods of the history of mankind—that it is found existing (and, as far as appears, without reproach) in the earliest and most authentic records of the human race—that it is recommended by the codes of the most polished nations of antiquity—that under the light of Christianity itself, the possession of persons so acquired has been in every civilized country invested with the character of property, and secured, as such, by all the protections of law—that solemn treaties have been framed, and national monopolies eagerly sought, to facilitate and extend the commerce in this asserted property—and all this with all the sanctions of law, public and municipal, and without any opposition, except the protests of a few private moralists, little heard, and less attended to, in every country, till within these very few years, in this particular country. If the matter rested here, I fear it would have been deemed a most extravagant assumption in any Court of the Law of Nations, to pronounce that this practice was prohibited by that law, and was legally criminal. But the matter does not rest here. Within these few years a considerable change has taken place, particularly in this country. Formal declarations have been made, and laws enacted in reprobation of this practice; and pains, ably and zealously conducted, have been taken to induce other countries to follow the example; but at present with insufficient effect; for there are nations which adhere to the practice, under all the encouragement which their own laws can give it. What is the doctrine of Courts of the Law of Nations relatively to them? Why, that their practice is to be respected; that their slaves, if taken, are to be restored to them; and if not taken under innocent mistake, to be restored with costs and damages. All this, surely, upon the ground that such conduct is no departure from the Law of Nations; because, if it were, no such respect could be allowed to it, upon an exemption of its own making; for no nation can privilege itself to commit a crime against the Law of Nations, by a municipal regulation of its own. And if our understanding and administration of the Law of Nations, be, that every nation, independently of treaties, has a legal right to carry on this traffic, and that the trade carried on under that authority is to be respected by all tribunals, it is not easy to find any consistent grounds on which to maintain, that the traffic, according to our views of the law, is criminal.

Against the subjects of countries which have issued declarations hostile to the trade, the Courts have not unfairly applied the *argumentum ad hominem*. At the same time, it is impossible not to feel (and with concern), that if the real understanding of the law, both in this country and others, is to be collected from public acts, as well as from public declarations, it will be rather difficult to determine with certainty and precision what that understanding really is; some parts of their systems looking one way, and some another. The notorious fact is, that in the dominions of this country and others, many thousands of persons are held as legal property, they and their posterity, upon no other original title than that which I am now called upon to pronounce a crime—every one of these instances attended with all the

aggravation that appertains to a long continuation of crime, if crime it be; and yet protected by law, with all the securities that can be given to property in its most respected forms. Recent Treaties with foreign Powers stipulate for a permitted continuance of this traffic to them for a course of years, and in extensive districts, and without any limitation of the numbers they may export—that is, according to the argument that has been held, contracts for the commission of crime, without stint, throughout those districts, and during those periods of time! In such a state of law and fact, at home and abroad, it is difficult enough to arrive at the conclusion, and for this court, representing this country, to notify such conclusion to foreign parties, that in its clear and consistent judgment of the law of Nations, upon this traffic, it is a gross violation of that law.

It is next said, that every country has a right to enforce its own navigation laws: and so it certainly has, so far as it does not interfere with the rights of others. It has a right to see that its own vessels are duly navigated, but it has no right in consequence to visit and search all the apparent vessels of other countries on the high seas, in order to institute an inquiry whether they are not in truth British vessels violating British laws. No such right has ever been claimed, nor can it be exercised without the oppression of interrupting and harrassing the real and lawful navigation of other countries; for the right of search, when it exists at all, is universal to vessels of all countries, whether they tolerate the Slave Trade or not. It is no objection to say, that British ships may by disguise elude the obligations of British law. The answer of the foreigner is plain, that you have no right to provide against that inconvenience, by imposing a burthen upon his navigation. If even the question were reduced to this, that either all British ships might fraudently escape, or all foreign ships be injuriously harrassed, Great Britain could not claim the option to embrace the latter branch of the alternative. When you complain that the regulation cannot be enforced without the exercise of such a right, the answer again is, that you ought not to make regulations which you cannot enforce without trespassing on the rights of others. If it were a matter by which your own safety was affected, the necessities of self-defence might fully justify you; but in a matter in which your own safety is in no degree concerned, you have no right to prevent the suspected injustice of another, committing an actual injustice of your own.

The next argument is, that the Legislature must have contemplated the exercise of this right in time of peace; otherwise they have left the remedy incomplete, and peace in Europe will be war in Africa. The Legislature must be understood to have contemplated all that was within its power, and no more. It provided for the existing occasion, and left to future wisdom to provide for future times. Nothing can be more clear than that it was so understood by the British Government; for the project of the Treaty proposed by Great Britain to France, in 1815, is, “*that permission should be reciprocally given by each nation to search and bring in the ships of each other,*” and when the permission of neutrals to have their ships searched is asked at the commencement of a war, it may then be time enough to admit that the right stands on exactly the same footing in time of war and in time of peace. The fact turns out to be, that such permission was actually refused by France, upon the express ground, that she would not tolerate any maritime police to be exercised on her subjects but by herself.

It is pressed as a difficulty, what is to be done, if a French ship laden with slaves for a French port, is brought in? In answer, without hesitation, restore the possession which has been unlawfully divested—rescind the illegal act done by your own subject, and leave the foreigner to the justice of his own country. What evil fellows? If the laws of France do not prohibit, you admit that condemnation cannot take place in a British Court. But if the law of France be what you contend, what would have followed upon

its arrival at Martinique, the port whither it was bound? That all the penalties of the French law would have been immediately thundered upon it. If your case be true, there will be no failure of justice. Why is the British Judge to intrude himself *in subsidium juris*, when every thing requisite will be performed in the French Court, in a legal and effectual manner? Why is the British Judge, professing, as he does, to apply the French law, to assume a jurisdiction and direct that the penalties shall go to the British Crown and its subjects, which that law has appropriated to the French Crown and its subjects?

It is said, and with just concern, that if not permitted in time of peace, it will be extremely difficult to suppress the traffic. It will be so; and no one can deny, that the suppression, however disagreeable, and however sought, is attended with great difficulties—difficulties which have baffled the most zealous endeavours for many years. To every man it must have been evident that without a general and sincere concurrence of all the maritime States, in the principle, and in the proper modes of pursuing it, comparatively but little of positive good could be acquired; so far at least, as the interests of the victims of this commerce were concerned in it: and to every man who looks to the rival claims of these States, to their established habits of trade, to their real or pretended wants, to their different modes of thinking, and to their real mode of acting upon this particular subject, it must be equally evident that such a concurrence was matter of very difficult attainment. But the difficulty of the attainment will not legalize measures that are otherwise illegal. To press forward to a great principle by breaking through every other great principle that stands in the way of its establishment, to force the way to the liberation of Africa by trampling on the independence of other States in Europe; in short, to procure an eminent good by means that are unlawful, is as little consonant to private morality as to public justice. Obtain the concurrence of other nations, if you can, by application, by remonstrance, by example, by every peaceable instrument which man can employ to attract the consent of man. But a nation is not justified in assuming rights that do not belong to her, merely because she means to apply them to a laudable purpose; nor should she set out upon a crusade of converting other nations to humanity by acts of unlawful force. Nor is it to be argued, that because other nations prove the ultimate purpose, they must therefore submit to every measure which any one State or its subjects may inconsiderately adopt for its attainment. In this very case nothing can be clearer than that the only French law produced is in direct contradiction to such a notion; because approving as it does (though to a very limited extent) the abolition, it nevertheless reserves to its own authorities the cognizance of each cause and the appropriation of the penalties.

If I felt it necessary to press the consideration farther, it would be by stating the gigantic mischiefs which such a claim is likely to produce. It is no secret, particularly in this place, that the right of search in time of war, though unquestionable, is not submitted to without complaints loud and bitter, in spite of all the modifications that can be applied to it. If this right of war is imported into peace by convention, it will be for the prudence of States to regulate by that convention the exercise of the right, with all the softenings of which it is capable. But treaties, it must be remembered, are perishable things, and their obligations are dissipated by the first hostility. The covenants, however solemn, for the abolition of the trade, or for the exercise of modes of prevention, co-exist only with the relations of amity. At the same time it may be hoped, that so long as the treaties exist, and their obligations are sincerely and reciprocally respected, the exercise of a right, which *pro tanto* converts a state of peace into a state of war, may be so conducted as not to excite just irritation. But if it be assumed by

force, and left at large to operate reciprocally upon the ships of every State (for it must be a right of all against all,) without any other limits as to time, place, or mode of enquiry than such as the prudence of particular States may impose, I leave the tragedy contained in this case to illustrate the effects that are likely to arise in the very first stages of the process, without adding to the account what must be considered an awful part of it, the perpetual irritation and the universal hostility which are likely to ensue.

Let it however be taken for the present, that the whole of these premises, tending to shew that no right of search upon the high seas exists in time of peace, are either unsound in themselves, or are strained to produce a conclusion that it is so. I proceed to inquire how far the French law had actually abolished the Slave Trade at the time this adventure occurred; having already observed that if it were not, the sentence of condemnation was admitted to be unmain-  
tainable, and that no proof whatever of any French law was produced in the Court below, either by the exhibition of the law itself or by the information received from foreign professors and practisers of that law, or by any thing else than the mere assertion of the prosecutor in the libel. What proof is offered is brought in upon appeal, and the question depends on its sufficiency. The actual state of the matter, as I collect it from these documents, is this. On the 27th of July, 1815, the British Minister at Paris writes a note to Prince Talleyrand, then Minister to the King of France, enclosing a Protocol of the 15th conference, and expressing a desire on the part of his Court, to be informed, whether, under the law of France, as it then stood, it was prohibited to French subjects to carry on the Slave Trade. The French Minister informs him in answer, on the 30th of July, that the law of the Usurper on that subject was null and void (as were all his decrees); but that his Most Christian Majesty had issued *directions*, that on the part of France "the traffic should cease from the present time every where and for ever." In what form these directions were issued, or to whom addressed, does not appear; but upon such authority it must be presumed that they were actually issued. It is, however, no violation of the respect due to that authority to inquire what was the result or effect of those directions so given? What followed in obedience to them in any public and binding form? And I fear I am compelled to say, that nothing of the kind followed, and that the directions must have slept in the portfolio of the Minister to whom they were addressed; for it is, I think, impossible that if any public and authoritative ordinance had followed, it could have escaped the sleepless attention of many persons in our own country to all public foreign proceedings upon this interesting subject. Still less would it have escaped the notice of the British resident Minister, who, at the distance of a year and a half, is compelled on the part of his own Court to express a curiosity to know what laws, ordinances, instructions, and other public and ostensible acts had passed for the abolition of the Slave Trade. On the 30th of Nov. 1815, the British and French Ministers declare, in the Additional Article to the Treaty of that date, that their Governments had each in their respective dominions prohibited, without restriction, their colonies and subjects from taking any part whatever in this traffic: That Great Britain has acted with the *optima fides* upon this matter, no one can doubt who has observed the progress either of its domestic laws, or of its foreign negotiations, and I am far from intimating that the Government of this country did not act with perfect propriety in accepting such an assurance on the part of France, as complete proof of the fact. But that fact being now denied, by a person who has a right to deny it, (for though a subject, he is not bound to acknowledge any law but what has publicly appeared); and it now being put into course of legal inquiry, this Court is compelled to demand the common evidence of the fact, the production of the law. In the same instrument the French and English Govern-

ment declare, that *without loss of time*, they will take the most effectual measures for the complete and universal abolition of the trade: and here again it must be admitted, that Great Britain has run this race without loss of time, and with a zealous fidelity to her engagements.

The learned Judge here recapitulated the circumstances which we have before stated, relative to the application of the British Ambassador on the 15th of January 1817, and his receiving the Ordinance, dated only one week prior thereto. That Ordinance is not even yet known to exist in a printed form. It does not by any means satisfy the promises of 1815. It is in substance a mere prospective colonial regulation, forbidding the importation of slaves into the French colonies, but consistently with it, the French may become common carriers in the Slave Trade for all other nations. However, if ever so pointed and full, it could not affect the present expedition, which was undertaken a twelvemonth before. As to the Master's concealment, that cannot prove a law which does not exist: and here the old rule forcibly applies—*de non apparentibus et non existentibus eadem est ratio*. An edict that does not appear, cannot bind the honest ignorance of the subject. The Usurper's Edict of Abolition was dead-born; and if any law existed at the time of this transaction, it seems to have been that which permitted the trade for five years. At any rate, the seizor has undertaken to prove the existence of a law, in which he has wholly failed.

Upon the whole, therefore, the Court declared, that on both the grounds alleged in the sentence, the condemnation was untenable, and must therefore be reversed; and it consequently restored the ship and cargo: but considering the question as one that was *primæ impressionis*, it did not condemn the seizor in costs and damages.

No. 15, c.

*His Excellency the Marquis d'Osmond to Viscount Castlereagh, K. G. &c. &c.*

*Londres ce Janvier 29th, 1818.*

Le Marquis d'Osmond a l'honneur d'accuser reception à Lord Castlereagh, de la note qu'il lui a adressée le 24 de ce mois, au sujet de quelques exemples de renouvellement de la Traite qui auroient eu lieu sur les côtes d'Afrique au nord de la ligne dans le voisinage du Sénégal, et de l'isle de Gorée.

Le Marquis d'Osmond s'empressera de porter ces plaintes à la connoissance de son Gouvernement, et il a l'honneur d'offrir ici à Son Excellence Lord Castlereagh l'assurance de sa haute consideration.

*A son Excellence Lord Castlereagh.*

*(Translation of No. 15, c.)*

*London 29th January, 1817.*

The Marquis d'Osmond has the honour to acknowledge to Lord Castlereagh the receipt of the note, which his Lordship addressed to him on the 24th of this month, on the subject of certain instances which had occurred, of the renewal of the Slave Trade upon the coast of Africa to the north of the line, and in the neighbourhood of Senegal and of the island of Goree.

The Marquis d'Osmond will hasten to lay these representations before his Government, and he has the honor to present to his Excellency Lord Castlereagh the assurance of his high consideration.

To Lord Castlereagh, K. G.

No. 16, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c. dated Paris, January 29, 1818. Received February 1st.*

My Lord,

The active enquiries, which have been set on foot in England, to discover infractions of His Most Christian Majesty's Edict abolishing the Slave Trade, have rendered this Government extremely anxious not to incur any suspicion of connivance in the practices on the part of French subjects, which have given room for animadversion, on the Coast of Africa and in the West Indies, during the last year.

The Duke de Richelieu lately took an opportunity of expressing his hope, that the difficulties which oppose the endeavors of the French Government to extirpate this Commerce, will be justly appreciated by His Majesty's Ministers; saying, that he trusted in our good-will to make known to him the abuses which are said to be encouraged by French agents, and to point out the system which experience has shewn is most likely to offer an effectual check to such proceedings.

I enclose to your Lordship a correspondence recently published in the *Moniteur* upon this subject. I assured Mons. de Richelieu, that his motives would be duly appreciated by my Court, when I should report the substance of his conversation.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*The Viscount Castlereagh, K. G.*

*&c. &c. &c.*

(Inclosure in No. 16, c.)

#### EXTRAIT DU MONITEUR.

Nous avons déjà présenté à nos lecteurs quelques observations sur la lettre d'un Anglais établi au Sénégal, et publiée dans le *Morning Chronicle* du 7 Janvier.

Les lettres suivantes, adressées par Son Excellence le Ministre de la Marine au Commandant du Sénégal, et aux Administrateurs des Ports, prouvent assez, combien nous étions fondés à révoquer en doute l'exactitude des faits al-

legués dans le Journal Anglais. Comment supposer en effet, que des instructions aussi positives n'aient pas été suivies,—que des ordres aussi formels aient été violés !

Au surplus, l'ordonnance du 8 Janvier 1817, insérée au No. 136, du Bulletin des Lois, avait prescrit la confiscation de tout bâtiment qui tenterait d'introduire des Noirs de Traite dans nos colonies, et interdit le capitaine de tout commandement, s'il était Français.

En outre les lettres ci-dessous, il a encore été écrit par le Ministre de la Marine dans toutes nos colonies, pour recommander la plus stricte exécution de l'ordonnance précitée, et dans tous les Ports de France, pour ordonner la surveillance la plus sévère de tous les bâtimens expédiés par le commerce.

Le Gouvernement du Roi rivalisera toujours de zèle et d'ardeur avec tous les Gouvernemens de l'Europe, pour arriver à un résultat si éminemment depuis long tems par les amis de l'humanité, et si parfaitement conforme désiré aux principes d'une saine philosophie et d'une religion éclairée.

*Copie d'une lettre en date du 18 Janvier, 1818, écrite par Son Excellence le Ministre de la Marine et des Colonies, aux Commandant et Administrateur pour le Roi (ad interim) au Sénégal.*

Monsieur,

Le *Morning Chronicle* du 7 Janvier désigne ainsi qu'il suit les bâtimens français qui seraient venus charger de Noirs au Sénégal, depuis l'abolition de la Traite.

“ Batimens qui ont chargé avant le 8 Novembre, 1817.—*La Reine Charlotte, l'Astrée, et le Sylphe de Nantes ; et l'Elysa de Bordeaux.*”

“ Batimens actuellement en charge.—*L'Elysée et le Zephyr, de Bordeaux.*”

Il paraît que cette assertion est fondée sur une lettre, qui a été adressée à l'Institution d'Afrique à Londres, par un Anglais établi au Sénégal.

Aussitôt la réception de la présente, vous voudrez bien prendre les informations les plus exactes sur les faits en question, et me rendre compte de leur résultat par les plus prochaines occasions.

Je vous recommande, au reste, d'exercer en général la plus stricte surveillance sur tout ce qui concerne l'exécution des Conventions et Traités sur l'abolition du commerce des Esclaves, ainsi que des ordres donnés en conséquence par le Gouvernement du Roi.

Recevez, &c. (Signé) COMTE MOLE.

P. S. Veuillez prendre cette lettre dans la considération la plus sérieuse, et saisir toutes les occasions de me rendre compte de l'exécution des mesures qu'elle prescrit.

*Circulaire, en date du 29 Janvier, 1818, adressée par Son Excellence le Ministre de la Marine et des Colonies, aux Administrateurs des Ports.*

Le Navire Français, *La Reine Charlotte*, est signalé dans le *Morning Chronicle* du 7 Janvier, comme ayant pris au Sénégal un chargement de Noirs, postérieurement à l'abolition de la traite ; et les bâtimens Français, *l'Elysée et le Zephyr*, comme étant, à la date du 8 Novembre, sur le point d'y recevoir un chargement de même nature.

Je vous prie de faire prendre des informations à l'effet de savoir si ces bâtimens appartiennent à l'un des ports de votre arrondissement, et dans ce



cas, quelles sont les opérations auxquelles ils ont été employés; quel est le lieu où ils se trouvent aujourd'hui, et le Port de France où ils doivent effectuer leur retour.

Vous voudrez bien me transmettre au plus-tôt le résultat de ces informations.

(Signé) COMTE MOLE.

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(Translation of Inclosure in 16, c.)

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### EXTRACT FROM THE MONITEUR.

We have already laid before our readers some remarks upon the letter from an Englishman residing at Senegal, published in the *Morning Chronicle* of the 7th January.

The following letters, which have been addressed by his Excellency the Minister of Marine to the Governor of Senegal, and to the Governors of the Ports, sufficiently testify how well founded were our doubts as to the correctness of the statements in the English newspaper. How can it be supposed, in fact, that instructions so positive, and orders so precise, could have been neglected or violated.

Besides, the Ordonnance of the 8th January, 1817. inserted in No. 136 of the *Bulletin des Lois*, had ordained the condemnation of every vessel which should attempt to import Slaves into our Colonies, and incapacitated the captain, if he be a French subject, from holding any command.

In addition to the following letters, the Minister of Marine has written to all our Colonies, recommending the most rigid enforcement of the above-mentioned Ordonnance, as well as to all the Ports of France, directing the strictest examination of all vessels fitted out for purposes of commerce.

The King's Government will always emulate the zeal and activity of every other Government of Europe, for the attainment of an object so earnestly desired by all the friends of humanity, and so entirely in unison with the principles of sound philosophy and of enlightened religion.

*Copy of a Letter from his Excellency the Minister of Marine to His Majesty's Governor (ad interim) at Senegal, dated*

Sir,

January 18, 1818.

The *Morning Chronicle* of the 7th instant describes as follows certain French vessels, which it states to have arrived in Senegal to ship Slaves, subsequently to the abolition of the Traffic.

"Vessels which have taken in cargoes before the 8th November, 1817.—*La Reine Charlotte, l'Astrée, and le Sylphe*, of Nantes; and *l'Elysa*, of Bordeaux."

"Vessels at present loading.—*L'Elysee and le Zephyr*, of Bordeaux."

It appears that this assertion is grounded upon a letter addressed to the African Institution in London, by an Englishman residing at Senegal.

Upon the receipt of this letter, you will be pleased immediately to institute the most rigid enquiries relative to the circumstance in question, and to communicate to me their result by the earliest opportunity.

I am also to direct, that you will watch with the greatest care over every thing which may relate to the execution of the conventions and treaties upon the Slave Trade, as well as of the orders which have been issued in consequence by the King's Government.

Receive, &c.

(Signed) COUNT MOLE.

P. S. You will please to take this letter into your most serious consideration, and avail yourself of every opportunity to report to me on the execution of the instructions it contains.

*Circular Letter addressed by his Excellency the Minister of Marine and Colonies to the Directors of Ports.*

Sir,

The *Morning Chronicle* of the 7th January, states the French vessel *La Reine Charlotte* to have obtained a cargo of Slaves in the Senegal, subsequently to the abolition of the Traffic; and that the French vessels *l'Elysee* and *le Zephyr*, were on the 8th November, about to take on board there a cargo of the same description.

I beg you will institute an enquiry, for the purpose of ascertaining whether these vessels belong to any of the Ports of your district; and, in that case, on what ventures they have been really employed, as also where they may at present be, and into what Port in France they are expected to return.

You will have the goodness to transmit to me, as soon as possible, the result of these enquiries.

(Signed) COUNT MOLE.

No. 17, c.

*Viscount Castlereagh to his Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign-Office, February 6, 1818.*

I have the honor to transmit to your Excellency, for your information and guidance, the copy of a note with its enclosure, which I addressed on the 24th ultimo to His Excellency the French Ambassador residing at this court, relative to the renewal of the Slave Trade on the coast of Africa north of the Line, by French Subjects, since the restoration of Senegal and Goree to France. I also inclose the copy of a private note from Mr. Planta to the Marquis d'Osmond inclosing Sir William Scot's judgment on the French ship *Louis*, and the copy of a letter from an Officer lately returned from the coast of Africa, to Mr. Planta, of the 29th ultimo on the same subject.

I am, &c.

(Signed) CASTLÈREAGH.

*His Excellency Sir Charles Stuart, K. B.*

*&c. &c. &c.*

(*Inclosure 1 in No. 17, c. forms No. 13, c.*)

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(*Inclosure 2 in No. 17, c. forms No. 14, c.*)

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(*Inclosure 3 in No. 17, c.*)

29th January, 1818.

Sir,

In reply to yours of the 22d instant, on the subject of the Slave Trade, which I had the honour of receiving yesterday, I beg leave to state for the information of Lord Castlereagh, a few circumstances respecting the revival of that traffick since the peace, which have come under my observation.—In January 1817, some few vessels of France and Spain arrived at Goree, soon after the settlement was delivered up to the French, and previous to the departure of the British troops; the captains of which sold their ladings to the inhabitants, who, on the removal of the British, furnished them with slaves in return, not immediately in, but a few miles distance from the roads of Goree. In march following, three other vessels were slaved off in the same manner; and, in June, having obtained leave to return to Europe, and being obliged to go to Goree from our establishment in the Gambia, in order to obtain a passage in an English vessel then expected from Sierra Leone, I saw two vessels then actually at anchor in the roads, for the express purpose of carrying off slaves, and I understood that a French schooner had left it a few days before with a cargo. The fear of detection which had at first obliged the inhabitants to act with some caution, had by this time almost wore off, and matters went on briskly; for example, the master of a French vessel asked an English gentleman at that time resident in Goree, if he had any slaves to dispose of. Numbers had been carried to, and exported from Goree, from the time the British left it, till that in which I was there in June last. At Dakar, on the main land, about three miles distant from Goree, and where the inhabitants of Goree have built some houses, I myself, a few days previous to my leaving the coast, saw a number of miserable captives, men, women, and children, guarded by French sailors, who, I understood, were destined as a part of the cargo of a French vessel then at anchor off Goree; and the natives informed me that many more were confined in some of the houses. Not having an opportunity of visiting Senegal since its restoration to the French, I cannot speak as to facts; report, however, made it no less active than Goree, and by late accounts from the Coast, I understand, that at no one period prior to the Abolition was that detestable traffic carried on brisker than it is at present both at Senegal and Goree.

I have the honor to be, &c.

*To Joseph Planta, Esq.*

*&c. &c. &c.*

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No. 18, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, February 21, 1818.*

Sir,

You will receive inclosed a memorandum, together with the documents to which it refers, which has been laid by me before the Plenipotentiaries of the

powers assembled here, under the third additional article of the Treaty of Paris, 1815.

Your Excellency will observe, that the main object which this memoir has in view, is to induce these powers, all of whom have already abolished the Slave Trade, to enter into a conventional agreement with each other for mutual Right of Visit, under regulations similar to those, which you will find have actually been established by the enclosed conventions between Great Britain and the Courts of Spain and Portugal.

As the Prince Regent attaches a very peculiar value to the concurrence of the King of France in the proposed measures, I am to convey to your Excellency the Prince Regent's pleasure, that you do open this whole subject in the most suitable manner to the French Government, proposing to the King to give the necessary powers to His Ambassador in London for concluding a Convention of an import similar to those above referred to; and if you should deem it expedient, you will request a special audience for the purpose of bringing before His Majesty, in the most impressive manner, the earnest solicitude of the Prince Regent, that the exertions of the two Governments may thus be cordially united for the purpose of perfecting a work which they have both equally at heart.

In pressing this subject upon the particular attention of the French Government, you will direct their notice to the great care with which, in the Spanish and Portuguese Conventions, the permission to visit vessels suspected of having Slaves illegally on board, is guarded.

1st. The Right is completely reciprocal between the contracting parties.

2dly. It is strictly confined to ships of war, and it is further not generally exerciseable by all the ships of war belonging to the contracting parties, but exclusively by those which shall receive from their respective Governments the special instructions *ad hoc*, as set forth in the Convention, by which the power will be localized and confined to the known scenes of the traffic.

3dly. The power to visit can only be exercised by a commissioned officer, and subject to regulations imposing the utmost personal responsibility on such officer.

4thly. Detention of the vessel visited can alone take place upon the fact of Slaves being found on board, and with a further saving in favor of domesticated Slaves, which may, *bonâ fide*, make a part of the crew.

5thly. The ship so detained must be immediately carried before a mixed commission, who are to pronounce upon the grounds of detention, with full power to make compensation to the party detained, in case of any act having been committed, either of error or injustice.

I trust, the Government of France will at once see, that, under this arrangement, the rights of all parties are not only saved, but protected; that without such a reciprocal concession on the part of the Powers, whose flags are found on the coast of Africa, the illicit Slave Trader must, by a fraudulent use of whatever flag may at the moment best serve to conceal his real national character, continue to defy every attempt at detection, and that the grant of such a power not only may take place consistently with the strictest maintenance of the maritime rights of the respective parties, but that it may admit of such modifications and restrictions, as to render it next to an impossibility that it should be abused.

Should any further regulations be desired, for the purpose of guarding the exercise of this power, beyond those which are to be found in the Spanish and Portuguese Conventions, you may assure the French Government, that the Prince Regent's Ministers will be most willing to entertain, in this respect, any suggestions which France may have to propose.

It may be proper to inform your Excellency, that I have this day received a dispatch from the Earl of Clancarty, notifying the consent of the King of the

Netherlands, to the immediate signature of a Convention of the same tenor and import as those concluded with the Courts of Madrid and Portugal.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Charles Stuart,*

*&c. &c. &c.*

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(Inlosure in No. 18, c.)

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#### MEMORANDUM OF VISCOUNT CASTLEREAGH.

In laying before the Conference the reports received from the African societies in London, in answer to the queries addressed to them by His Majesty's Government, upon the present state of the Slave Trade, as connected with the improvement and civilization of Africa, Lord Castlereagh, (the reports being read) called the attention of his colleagues to the following prominent facts:

That a considerable revival of the Slave Trade had taken place, especially on the coast of Africa north of the line, since the restoration of peace; that the principal part of this traffic being now of an illicit description, the parties engaged in it had adopted the practice of carrying it on in armed and fast-sailing vessels:

That the ships engaged in this armed traffic, not only threatened resistance to all legal attempts to repress the same, but, by their piratical practices, menaced the legitimate commerce of all nations on the coast with destruction:

That the traffic thus carried on was marked with increased horrors, from the inhuman manner in which these desperate adventurers were in the habit of crowding the slaves on board vessels better adapted to escape from the interruption of cruisers, than to serve for the transport of human beings:

That as the improvement of Africa, especially in a commercial point of view, has advanced in proportion as the Slave Trade has been suppressed, so, with its revival, every prospect of industry and of amendment appears to decline:

That the British Government has made considerable exertions to check the growing evil; that, during the war, and whilst in possession of the French and Dutch Settlements on that coast, their endeavours had been attended with very considerable success, but that since the restoration of those possessions, and more especially since the return of peace had rendered it illegal for British cruisers to visit vessels sailing under foreign flags, the trade in slaves had greatly increased:

That the British Government in the performance of this act of moral duty, had invariably wished, as far as possible, to avoid giving umbrage to the rights of any Friendly Power; That with this view, as early as July 1816, the accompanying Circular Order had been issued to all British cruisers, requiring them to advert to the fact, that the right of search (being a belligerent right) had ceased with the war, and directing them to abstain from exercising the same:

That the difficulty of distinguishing in all cases the fraudulent from the licit Slave Traders, of the former of whom a large proportion were notoriously

British subjects, feloniously carrying on this traffic in defiance of the laws of their own country, had given occasion to the detention of a number of vessels upon grounds which the Prince Regent's Government could not sanction; and in reparation for which seizures, due compensation had been assigned in the late Convention with Spain and Portugal:

That it was however proved beyond the possibility of doubt, that unless the right to visit vessels engaged in this illicit traffic should be established, by the same being mutually conceded between the Maritime States, the illicit Slave Trade must, in time of peace, not only continue to subsist, but to increase:

That the system of obtaining fraudulent papers, and concealing the real ownership, was now carried on with such address, as to render it easy for the subjects of all states to carry on the traffic, whilst the trade in slaves remained legal for the subjects of any one state:

That even were the traffic abolished by all states, whilst the flag of one state shall preclude the visit of all other states, the illicit Slave Trader will always have the means of concealing himself under the disguise of the nation whose cruiser there is the least chance of his meeting on the coast. Thus the Portuguese Slave Trader, since the abolition north of the line took effect, has been found to conceal himself under the Spanish flag: the American, and even the British dealer, has in like manner assumed a foreign disguise. Many instances have occurred of British subjects evading the laws of their country, either by establishing houses at the Havannah, or obtaining false papers. If such has been the case in time of war, when neutral flags were legally subjected to the visit of the belligerent cruiser, the evil must tenfold increase when peace has extinguished this right, and when even British ships, by fraudulently assuming a foreign flag, may, with every prospect of impunity, carry on the traffic:

The obvious necessity of combining the repression of the illicit Slave Trade with the measure of abolition, in order to render the latter in any degree effectual, has been admitted both by the Spanish and Portuguese Governments, and, in furtherance of this principle, the late Conventions have been negotiated; but whilst the system therein established is confined to the three Powers, and whilst the flags of other maritime states, and more especially those of France, Holland, and the United States are not included therein, the effect must be to vary the ostensible character of the fraud, rather than in any material degree to suppress the mischief.

The great powers of Europe, assembled in Congress at Vienna, having taken a solemn engagement in the face of mankind, that this traffic should be made to cease; and it clearly appearing, that the law of abolition is nothing in itself, unless the contraband Slave Trade shall be suppressed by a combined system,—it is submitted, that they owe it to themselves to unite their endeavours without delay for that purpose, and as the best means it is proposed, that the five Powers now assembled in Conference under the 3d additional article of the Treaty of Paris, should conclude a treaty with each other, upon such enlarged and at the same time simple principles, as might become a conventional regulation, to which all other maritime states should be invited to give their accession. This convention might embrace the following general provisions:

1st. An engagement by effectual enactments to render not only the import of slaves into their respective dominions illegal, but to constitute the trafficking in slaves, on the part of any of their subjects, a criminal act, to be punished in such suitable manner as their respective codes of law may ordain.

2d. That the right of visit be mutually conceded to their respective ships of war, furnished with the proper instructions, *ad hoc*—that the visit be made under the inspection of a commissioned officer, and no vessel be detained unless slaves shall be found actually on board.

3d. The minor regulations to be such as are established in the Conventions with Spain and Portugal, under such further modifications as may appear calculated to obviate abuse and to render the system, if possible, more unobjectionable as a general law, amongst the High Contracting Parties, applicable to this particular evil.

After the abolition shall have become general, in a course of years, the laws of each particular state may perhaps be made in a great measure effectual to exclude import. The measure to be taken on the coast of Africa will then become comparatively unimportant, but so long as the partial nature of the abolition, and the facility to contraband import throughout the extensive possessions to which Slaves are carried from the coast of Africa, shall afford to the illicit Slave Trader irresistible temptation to pursue this abominable but lucrative traffic, so long nothing but the vigilant superintendance of an armed and international police on the coast of Africa, can be expected successfully to cope with such practices.

To render such a police either legal or effectual to its object, it must be established under the sanction and by the authority of all civilized states, concurring in the humane policy of abolition: the force necessary to repress the same may be supplied as circumstances of convenience may suggest, by the powers having possessions on the coast of Africa, or local interests, which may induce them to station ships of war in that quarter of the globe; but the endeavours of these powers must be ineffectual, unless backed by a general alliance, framed for this especial purpose. The rights of all nations must be brought to co-operate to the end in view, by at least ceasing to be the cover, under which the object, which all aim at accomplishing, is to be defeated.

At the outset some difficulty may occur in the execution of a common system, and especially whilst the trade remains legal, within certain limits, to the subjects both of the crowns of Spain and Portugal, but if the principal powers frequenting the coast of Africa, evince a determination to combine their means against the illicit slave trader as a common enemy, and if they are supported in doing so, by other states denying to such illicit slave traders the cover of their flag, the traffic will soon be rendered too hazardous for profitable speculation. The evil must thus cease, and the efforts of Africa be directed to those habits of peaceful commerce and industry, in which all nations will find their best reward for the exertions they shall have devoted to the suppression of this great moral evil.

Lord Castlereagh, upon these grounds, invited his colleagues, in the name of the Prince Regent, should the powers under which they at present act, not enable them to proceed to negotiate a convention upon the grounds above stated, to solicit, without delay, from their respective sovereigns, the authority necessary to this effect,—His Royal Highness confidently trusting that the enlarged and enlightened principles which guided the councils of these illustrious persons at Vienna, and which have now happily advanced the cause of abolition so nearly to its completion, will determine them perseveringly to conduct the measure to that successful close, which nothing but their combined wisdom and continued exertions can effectuate.

Lord Castlereagh concluded by calling the attention of his colleagues to the indisputable proofs, afforded both by the present state of the Colony of Sierra Leone, and by the increase of African commerce in latter years, of the faculties of that continent both in its soil and population, for becoming civilized and industrious, the only impediment to which undoubtedly was the pernicious practice of slave trading, which, wherever it prevailed, at once turned aside the attention of the natives from the more slow and laborious means of barter, which industry presented, to that of seizing upon and selling each other.

It was therefore through the total extinction of this traffic, that Africa could alone be expected to make its natural advances in civilization, a result which it was the declared object of these conferences, by all possible means to accelerate and promote.

No. 19, c.

*Viscount Castlereagh, to His Excellency the Marquis d'Osmond, &c.*

*Foreign Office, February 21, 1818.*

Lord Castlereagh, in compliance with the Marquis d'Osmond's desire, has the honour to transmit, for His Excellency's information, copies of the several Legislative Acts and Orders in Council, which have, from time to time, been passed in Great Britain, for giving effect to the Laws for the abolition of the Slave Trade.

From these documents his Excellency will perceive, that not only confiscation of ship and cargo takes place in all cases where either a British ship or British capital is found to have been engaged in any Slave Trading transaction whatsoever, but that all British subjects so trafficking in Slaves, are guilty of felony and liable to transportation.

Lord Castlereagh, with all proper deference, takes this occasion, in compliance with Marquis d'Osmond's wishes, of representing to His Excellency, in what he conceives the existing state of the law in France to fall short of the full measure of effectual abolition which His Most Christian Majesty has announced His intention to enforce, as well in Prince Talleyrand's letter of the 30th July, 1815, as also in the additional article of the Treaty of Peace, signed at Paris on the 20th November, 1815.

Lord Castlereagh apprehends, that neither the letter nor the treaty above alluded to, can be taken notice of by any French Tribunal as Law, without some public and authentic Act confirmatory of the same, either in the shape of a Law enacted by the Legislature, or in that of a Royal Decree emanating from His Majesty in the usual form; and were it even competent to plead a Treaty with a Foreign Power before a French tribunal, as having the force of Law, still it is obvious that such a proceeding must fail of its effect, there being no specific penalty, forfeiture, or punishment therein declared as applicable to offences against its provisions.

The only Public Act as yet promulgated in France, and which can be considered as carrying with it the force of Law with suitable penalties, Lord Castlereagh conceives to be the Royal Decree of January 8th, 1817, but this Decree, his Excellency will observe, whilst it interdicts the importation of Slaves into the colonies of France, does not interdict to French ships and subjects the traffic in Slaves generally; so that French ships and subjects might trade in Slaves on the Coast of Africa, without incurring any penalty under this Decree, provided the Slaves so carried off were delivered at any other than a French Port.

Lord Castlereagh submits therefore to the Marquis d'Osmond, whether His Most Christian Majesty's Government would not think it right to render the prohibition against Slave Trading universal, to the ships, subjects, and capital of France, effectually applying to all property engaged therein the penalty of confiscation; and visiting the offence of Slave Trading with a punishment suitable to so serious a crime, when committed in violation of a public Law solemnly promulgated.



Lord Castlereagh requests his Excellency the Marquis d'Osmond to accept the assurances of his distinguished consideration.

(Signed) CASTLEREAGH.

*His Excellency the Marquis d'Osmond,*  
*&c. &c. &c.*

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No. 20, c.

*Viscount Castlereagh to his Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, February 21, 1818.*

Sir,

In reference to my despatch to your Excellency, enclosing the communication which I had made to the Marquis d'Osmond, the French Ambassador at this Court, with respect to the late revival of the Slave Trade on the Coast of Africa, I have now the honor to send to you the copy of a note\* which I have this day addressed to his Excellency, transmitting to him, at his request, and for the information of his Government, copies of all the Acts of Parliament and Orders in Council, which have been issued in this Country, for the complete suppression and abolition of the Traffic in Slaves by His Majesty's subjects.

Your Excellency is of course already so well acquainted with these papers, that it has been thought unnecessary to furnish you with duplicate copies; but should you wish to consult any of them, which you may not have by you, and will communicate your wishes to me, they shall be transmitted to your Excellency without delay.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

*&c. &c. &c.*

\* N. B. This Note forms No. 19, c.

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No. 21, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, 19th February, 1818.—Received February 22d.*

My Lord,

I have communicated to the Duke de Richelieu the several papers contained in your Lordship's despatch, detailing the infractions of His Most

Christian Majesty's Ordonnance for the abolition of the Slave Trade in the possessions lately restored to France on the coast of Africa; and I have endeavoured to impress upon his Excellency's mind, the urgent necessity of measures which shall give force to a Law, which these papers prove to have remained a dead letter in the French Colonies.

The Duke de Richelieu thanked me for the communication, adding, that he was desirous I should specify the measures, which your Lordship is of opinion will contribute most efficaciously to the suppression of this Traffic, so as to enable the French Government to prove the sincerity of their intentions, by adopting a similar system in all the Colonial Possessions.

Two days after this conversation had taken place, Mons. Molé, the Minister of the Marine, informed me, that the French Government having instituted enquiries respecting the facts which are stated in the Memorial I lately delivered to Mons. de Richelieu, he had the mortification to find the result of the information he had obtained, proved your Lordship's intelligence to be correct, and left no doubt that repeated violations of the Royal Ordonnance on the part of the French Authorities on the Coast of Africa, had defeated the Plans of the Government for the civilization of the natives, and had given rise to mischiefs which years of unwearied attention will hardly remedy:

Orders have been sent out for the immediate destitution of the persons inculpated in these proceedings, and fresh instructions will be sent out to the Colonies to give full effect to the King's Ordonnance respecting the Abolition.

Mons. Molé expressed his belief, that the French Authorities in Senegal have not participated in the Proceedings which have given rise to animadversion in other parts.

I have the honor to be, &c.

(Signed) CHARLES STUART.

No. 22, c.

*His Excellency the Marquis d'Osmond to Viscount Castlereagh, K. G. &c. &c.*

*London, 24 Fevrier, 1818.*

Le Marquis d'Osmond a l'honneur d'accuser reception à son Excellence Lord Castlereagh de la note qu'il lui adressée le 21 de ce mois et des pièces qui l'accompagnaient. Il s'est empressé de les transmettre à Paris pour l'information de son Gouvernement.

Le Marquis d'Osmond saisit cette occasion, &c.

(Signé) OSMOND.

*(Translation of No. 22 c.)*

*London, 24th February, 1818.*

The Marquis d'Osmond has the honor to acknowledge the receipt of the note which his Excellency Lord Castlereagh addressed to him on the 21st instant,

and of the documents which accompanied it. He has lost no time in transmitting them to Paris for the information of his Government.

The Marquis d'Osmond avails himself, &c.

(Signed)

OSMOND.

No. 23, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, 2d March, 1818. Received March 5th.*

My Lord,

In compliance with the instructions contained in your Lordship's late despatch, I have entered into communication with the Duke de Richelieu, upon the subject of the negotiation which His Majesty's Government is desirous should take place, for the purpose of establishing, under certain restrictions, a reciprocal right of visit, on board of ships suspected to be engaged in the Slave Trade, under the flag of the several powers which have consented to abolish the traffic.

Though Monsieur de Richelieu did not, in the first general conversation which took place, start any objection to this proposal; yet, when I read over the conditions by which it is proposed to modify the right, in a subsequent meeting, I observed a change of opinion which very much weakened my hope of his acquiescence; His Excellency expressed his fears, that the offer of reciprocity would prove illusory, saying that the disputes which must inevitably arise from the abuse of the right, would be more prejudicial to the interests of the two Governments than the commerce we are desirous to suppress; and although these arguments were easily answered by the obvious reference to the restrictions mentioned in your Lordship's despatch, as he did not appear inclined to abandon his opinion, I thought it my duty to tell him, that the interest which His Majesty's Government, and the whole nation feel, in a measure which is indispensable to a complete abolition, would compel me to seek an opportunity of making known the Prince Regent's wishes to the King, and to desire he would accordingly let me know, when I might have an opportunity of seeing His Majesty for that purpose.

In compliance with this request, the King admitted me to a private audience on Friday, when I stated, that although the Prince Regent has been rendered fully sensible of His Majesty's desire to eradicate this trade by the measures the French Government has adopted, abuses have crept in, since the establishment of peace has put an end to the right of visit, which can only be remedied by the mutual concert of all the Governments interested in effecting the abolition; that I was charged to state to His Majesty, that the Courts of Spain, Portugal, and the Low Countries have determined, under certain restrictions, to concert the establishment of a mutual right of visit during peace, and that it cannot be supposed France alone will be unwilling to enter into the proposed arrangement, at a moment when the facts which have come to light, have induced certain persons to call in question the sincerity of His Majesty's intentions to effect the abolition; that I therefore hoped instructions would be given to his Ministers, to enter into negotiation for that purpose; adding, that my Court is ready to admit any modification which the peculiar circumstances of France may render expedient.

His Majesty did not contest the justice of this reasoning; but said, that much as he desires the extirpation of the trade, he could not but feel, that the proposition I had brought forward was of a delicate nature, which may very materially affect the commercial interests of his subjects; that he therefore could only tell me, that his sentiments upon this point would be fully developed in the course of the negotiation which had been entrusted to the direction of the Marquis d' Osmond, and he hopes they will leave no doubt of the sincerity of his desire to put an end to this traffic; which desire, he affirmed, was so deeply engraven in his heart, that the recollection of the share he had borne in the abolition, would be a consolation in the last moments of his existence.

Though His Majesty's determination was rendered pretty evident by this answer, a conversation which took place on the following day with M. de Richelieu and M. Molé, did not leave the smallest doubt of their resolution not to admit the proposal: they told me that the extreme repugnance which prevailed among all parties to the admission of the right of visit, though regulated and placed under the severest restrictions, convinced them that the measure ought not now to be agitated, and they entreated me to represent this to His Majesty's Government.

I have the honour to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

No. 24, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, 2d March, 1818.—Received March 5.*

(Extract)

“According to the directions in your Lordship's despatch, which encloses the communication officially addressed to the Marquis d'Osmond, respecting the impossibility of preventing the continuation of the Slave Trade under the existing laws of France, I took an early opportunity of carrying your Lordship's observations to the knowledge of the Duke de Richelieu, and of representing to His Excellency the urgent necessity of introducing the change in the legislation upon this subject, which the importance of the question, not less than a due regard to the consistency of the Government, certainly require.

After reading your Lordship's note to the Marquis d'Osmond, His Excellency admitted the justice of the reasoning it contained, and told me that he would immediately enter into communication with the Minister of the Marine, for the purpose of concerting the measures which may be the best calculated effectually to remedy the mischief.”

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

No. 25, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
*Dated Paris, March 5, 1818.—Received March 11.*

My Lord,

With reference to my communications, dated last Monday, upon the subject of the measures which are contemplated for the purpose of effecting the abolition of the Slave Trade, I think it necessary to inform your Lordship, that, the French Ministers have determined not to publish any further decree upon this subject, but to follow the more formal course of comprehending all the provisions of the Ordonnance they intended, in the Law they propose.

Though my further communications with the French Ministers have not enabled me to overcome their repugnance to concert a mode of admitting the reciprocal and restricted right of visit on board ships suspected to be engaged in the Slave Trade, I have reason to hope that they will, at a subsequent period, be better prepared to enter into a negotiation for this measure.

I have the honor to be, &amp;c.

(Signed) CHARLES STUART.

*The Viscount Castlereagh, K. G.*  
*&c. &c. &c.*

No. 26, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, 9th March, 1818.—Received March 14th.*

My Lord,

The Minister of Marine has communicated to me the Projét of the law, which the French Minister proposes to submit to the consideration of the Chambers, for the purpose of remedying the defects in the present state of the French Legislation, which prevent the total extirpation of the Slave Trade.

By this Law, equipments of every description for the purpose of carrying on the traffic in Slaves are prohibited, all vessels employed in the commerce are liable to confiscation, and the Masters and other officers on board are rendered incapable of exercising their charge in any French vessel during ten years.

After reading over the Projét, I took the liberty to observe, that the provisions of the Law fell very short of the suggestions which I had had the honour to communicate; that the punishment of the persons convicted of carrying on the Trade under the French flag, is by no means sufficient to check the mischief, if it is as extensive as the papers which have been received by His Majesty's Government give me every reason to fear; that the interdiction of the Master and Officers during a limited time, and confiscation of the Owners property, do not approach the pains of felony which are incurred by every British subject, who engages in this traffic; and that the crews of the French traders remain wholly

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unpunished, even under the most rigorous interpretation of the Act; all which considerations render me extremely doubtful, if this Law will fully answer the purpose intended.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.*  
 &c. &c. &c.

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No. 27, c.

*Viscount Castlereagh, to his Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, May 9, 1818.*

Sir,

I think it proper to acquaint your Excellency, in addition to the intelligence which has been already forwarded to you upon the same subject, for the information of the French Government, that a communication has been received by His Majesty's Government, from respectable authority, at Bathurst Town on the Gambia, and dated the 29th January last, which states, in direct terms, that the natives of that neighbourhood were all at war for Slaves to supply the French, who were selling their goods at very reduced prices, and upon a very expensive scale, for the continuation of the Slave Trade, in defiance of the laws of their country.

I am, &c.

(Signed) CASTLEREAGH.

*To His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

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No. 28, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, 25th May, 1818.—Received May 28th.*

My Lord,

In obedience to the instructions contained in your Lordship's late despatch, I have addressed a note to the Duke de Richelieu, stating, that war among the natives of the Gambia had resulted from the frequent infraction of His Most Christian Majesty's ordonnances for the abolition of the Slave Trade.

I have received the answer of which I enclose a copy, from the Duke de Richelieu, in which his Excellency requires further information, which I am quite unable to afford, upon the subject of the events to which my communication has referred.

The French Government has at the same time been pleased to forward a reciprocal accusation, which is so palpably erroneous, that I regret to

be under the necessity of requesting your Lordship to afford me the means of transmitting the Duke de Richelieu an answer upon the subject.

I have the honour to be, &c.

(Signed) CHARLES STUART.

To Viscount Castlereagh, K. G.  
&c. &c. &c.

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(Inclosure 1 in No. 28, c.)

Sir,

Paris, 16th May, 1818.

I have received the directions of His Majesty's Government to acquaint your Excellency, that advices, dated the 29th of January, from Bathurst Town on the Gambia state, that the native powers in that neighbourhood are at war, for the express purpose of obtaining Slaves to supply the French traders, who, it appears, have lately made considerable sacrifices with a view to continue that commerce in direct opposition to the laws of France.

I have the honour to be, &c.

(Signed) CHARLES STUART.

His Excellency The Duke de Richelieu,  
&c. &c. &c.

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(Inclosure 2 in No. 28, c.)

Monsieur l'Ambassadeur,

Paris le 22 Mai, 1818.

J'ai reçu la lettre, par laquelle Votre Excellence m'a fait l'honneur de m'annoncer, que des nouvelles expédiées du Senegal à son Gouvernement, sous la date du 29 Janvier, portaient que quelques Princes de ce pays s'étaient déclarés la guerre, dans la vue de se procurer des esclaves pour en fournir aux François, qui au mépris des lois continuent la traite des noirs.

Je prie votre Excellence de recevoir mes remerciemens de cette information: mais Je dois lui faire observer, qu'elle est conçue dans des termes si généraux, qu'elle serait peu propre à éclairer le Gouvernement de Sa Majesté, dans les démarches qu'il veut faire pour réprimer le délit dont il paraitroit que des sujets François se sont rendus coupables.

Votre Excellence sentira, que pour se faire à cet égard des idées positives, il conviendrait de connaître en détail les noms et la position géographique des peuplades négres, qui se sont mises en état de guerre, et les raisons sur lesquelles on a été fondé à penser, qu'elles y étoient excitées par des sujets du Roi, plutôt que par les sujets d'autres états qui se livrent à la traite des noirs. Ce sont ces détails, Monsieur l'Ambassadeur, que je vous prie de vouloir bien demander à votre cour; et j'attache d'autant plus de prix à acquérir sur ce point des données exactes, que d'après les rapports dernièrement transmis de Gorée par un administrateur qui inspire au Gouvernement de sa Majesté la plus grande confiance, j'avois lieu d'espérer qu'il ne se commettait plus dans ces parages, de la part des Français, aucune infraction aux lois qui ont prononcé l'abolition de la traite.

Je crois devoir saisir cette occasion pour adresser à votre Excellence la copie d'un rapport qui est parvenu au Ministre de la Marine, et qui donne, sur l'expédition d'un bâtiment Anglais qui paraissoit se préparer à faire la traite, des renseignements qui peuvent être utiles au Gouvernement de Sa Majesté Britannique.

J'ai l'honneur d'être, &c.

*Son Excellence M. le Chevalier Stuart,*  
 &c. &c. &c.

(Signed) RICHELIEU.

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(Translation of Inclosure 2 in No. 28, c.)

Sir,

*Paris, 22d May, 1818.*

I have received the letter by which your Excellency has done me the honor to announce to me, that advices, transmitted from Senegal to your Government, dated the 29th January, stated that several princes of that country had declared war with a view of procuring Slaves, in order to supply the French therewith, who still carry on the Slave Trade in despite of the Laws.

I request your Excellency to receive my thanks for this information; but I cannot but point out to you, that it is conceived in such general terms, as to be little calculated to guide His Majesty's Government in the steps which it is willing to take, to check the crime, of which it would appear that French subjects have been guilty.

Your Excellency will be aware, that to form correct notions upon this subject, it would be necessary to know in detail the specific names, and the geographical position of such negro tribes, as have assumed a warlike attitude, as also the reasons, which have led to a suspicion of their having been excited thereto by the King's subjects, rather than those of other states carrying on the traffic in negroes. These details, Sir, I am to request you will be pleased to obtain from your Court; and it is of so much the more importance to me to receive exact information on this point, as, from accounts lately transmitted from Goree by an officer, in whom His Majesty's Government places the greatest confidence, I had reason to hope that the French in those quarters were not any more guilty of transgressing the laws which abolish that trade.

I deem it my duty on this occasion to enclose to your Excellency a copy of a report which has reached the Minister of Marine, and which affords, in respect to the voyage of an English vessel that appeared to be preparing to carry on the Slave Trade, information which may be useful to the Government of His Britannic Majesty.

I have the honour to be, &c.

(Signed) RICHELIEU.

*His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

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(Inclosure 3 in No. 28, c.)

*Extrait d'une lettre de Monsieur le Commissaire Général de Police à l'Orient  
 du 14 Mars, 1818.*

Quant au brick le Magnet ayant treize hommes d'équipage dont trois officiers, il est chargé de marchandises de traite, entr'autres 150 barrils de poudre,



50 barrils de pierres à fusil ; sa destination est pour Madagor Côte d'Afrique, ou tous autres comptoirs sur la dite côte. Le capitaine a prétendu n'aller en Afrique que pour traiter de la poudre d'or, Morphil, et cuirs secs, mais l'ayant fait un peu jaser par quelqu'un d'assez adroit, il a dit que la traite des négres s'y fait plus que jamais sous le pavillon Espagnol et Portugais; enfin il a laissé entrevoir que c'était aussi son but; et il est à remarquer que le nom du bâtiment qui devrait être inscrit sur la Poupe, ne s'y trouve que sur une petite planche fixée avec quelque cloux.

Le Capitaine en buvant le punch a raconté avoir fait un pareil voyage à celui qu'il entreprenait, qui avait rapporté à l'Armateur 200 p. c. Il n'est arrivé que depuis dix jours lorsqu'il à été réexpédié, il prétend avoir eu avant son départ une conférence avec Lord Castlereagh, qui demandait des renseignements sur la manière dont la traite de négres se faisait à la côte d'Afrique.

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(Translation of Inlosure 3 in No. 28, c.)

*Extract of a Letter from the Commissary-General of Police at L'Orient, dated the 14th March, 1818.*

“ With respect to the brig Magnet, with a crew of thirteen men, including three officers, she is loaded with merchandize for exportation; among other things, 150 barrels of powder, and fifty barrels of flints. She is bound to Madagor, on the coast of Africa, or any other settlement upon the said coast. The captain states that he has no other object in going to Africa than to collect gold dust, ivory, and dried skins: but having caused him somewhat cleverly to speak out a little, he said that the Slave Trade was carried on with more spirit than ever under the Spanish and Portugueze flags. Afterwards he evidently showed that it was likewise his object; and it is worthy of remark, that the name of the vessel which should have been written upon the stern, was inscribed only upon a small plank fastened with a few nails.

The captain, in drinking punch, related having performed a similar voyage to that which he was undertaking, which had yielded to his owner 200 per cent. He had only arrived ten days, when he was again despatched; he pretends to have had, before his departure, an interview with Lord Castlereagh, who questioned him as to the manner in which the Slave Trade was carried on on the coast of Africa.”

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No. 29, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir;

*Foreign Office, May 29, 1818.*

I regret to be under the necessity of again calling your Excellency's attention to complaints renewed in the reports from the Coast of Africa, of the continuance of the Slave Trade by His Most Christian Majesty's Subjects on the Windward Coast, tolerated, as at least it would appear, if not clandestinely encouraged, by the French authorities.

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I am not aware, whether these complaints may not partly relate to occurrences, which I have before had occasion to direct your Excellency to lay before the French Government; but the continuance of this Traffic in any shape is so entirely contrary to the principles so lately declared by His Most Christian Majesty, that I feel persuaded I have only to direct your Excellency to bring the facts to the knowledge of the French Government, in order to produce such instructions from them to their authorities in Africa, as shall effectually prevent the recurrence of practices, so contrary to the spirit and to the letter of the French Laws upon this subject.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

No. 30, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, June 1, 1818.*

Since my despatch of the 29th ultimo, respecting the French Slave Trade on the windward coast of Africa, was signed, I have received from the Colonial Department the details upon this subject, which are contained in the accompanying papers. They will enable your Excellency to set before the Duke de Richelieu the true nature and extent of the outrages, which continue to be exercised on the banks of the Senegal, in defiance of the laws of France, and, I should hope, will not fail to awaken, in the minds of the French ministry, a due sense of the importance of taking the most effectual measures for putting an end to this horrid traffic.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
 &c. &c. &c.

(*Inclosure 1 in No. 30, c.*)

Sir,

*Downing Street, 26th May, 1818.*

I am directed by Lord Bathurst to transmit to you the copy of a letter from Mr. Ralph Smith, dated the 12th instant, enclosing an extract of a letter from Sierra Leone, on the subject of the Slave Trade carried on from Senegal and Goree; and I am to request, that you will lay the same before Viscount Castlereagh for his Lordship's information.

I am, &c.

(Signed)

HENRY GOULBURN.

*Joseph Planta, Esq. &c. &c. &c.*

(*Inclosure 2 in No. 30, c.*)

Sir,

26, *New City Chambers*, 12th May, 1818.

The enclosed is an extract of a letter I have this day received from Sierra Leone; and as I consider the information it contains to be of the highest importance, both as it regards the interest and civilization of Africa, and the trade of this country, I lose not a moment in handing it to you for the information of Government, not doubting but such steps will be immediately taken as the necessity of the case imperiously requires; for it appears evident, that unless active measures are taken to vindicate the cause of Africa, and protect the honor and interests of Great Britain, all will be completely ruined by the conduct of the French on that coast.

I am, &c.

(Signed) RALPH SMITH.

*Henry Goulburn, Esq.*

&c. &c. &c.

(*Inclosure 3 in No. 30, c.*)

*Extract of a Letter from William Stockdale, Esq. dated Sierra Leone, 14th March, 1818.*

“I left Senegal about a month ago in my Cutter Active, to make some arrangement in this place, as I am only once more permitted to enter Senegal again, and I shall leave this in a few days to close my affairs in that place in the best manner I can. The Slave Trade is very brisk, not less than three or four large schooners at Senegal and Goree when I left. On the 10th ultimo, a brig and a schooner passed over the bar of Senegal with about four hundred Slaves, which were actually all put on board in the river Senegal; and at the same time there was the corvette called the Bagadier, a brig and schooner also of war lying outside, which never took the least notice of those two Slavers when they passed the bar; therefore we conclude they are allowed in this traffic.”

No. 31, e.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, June 12th, 1818.*

Sir,

In addition to the former communications, which I have addressed to your Excellency on the continuance of the Slave Trade in the French Settlements on the Coast of Africa, and under the countenance of the French Authorities; I regret to be under the necessity of transmitting to you the further copy of a letter, and of its enclosure, which I have received from the Secretary of the African Institution; and I have to request, that your Excellency will take the earliest opportunity of laying the substance of these papers before

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the Duke de Richelieu, in order that the Government of His Most Christian Majesty may take the most prompt and effectual steps for putting a stop to a practice so contrary to the spirit of His Most Christian Majesty's engagements.

I am, &c.

(Signed)

CASTLEREAGH.

To His Excellency Sir Charles Stuart, K.B.

&c. &c. &c.

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(Inclosure 1 in No. 31, c.)

*African Institution Office, 10th June, 1818.*

My Lord,

I have the honor to transmit to your Lordship the copy of a letter very recently received from a Gentleman at Senegal, addressed to Mr. Allen, one of the Directors of this Institution; the information contained in which is so very important, that I deem it my duty to lose no time in laying it before your Lordship.

I have the honor to be, &c.

(Signed)

THOMAS HARRISON.

Viscount Castlereagh, K. G.

&c. &c. &c.

Sec. A. I.

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(Inclosure 2 in No. 31, c.)

*To William Allen, Esq. dated Senegal, March 19th, 1818.*

*St. Louis, Senegal, 19th March, 1818.*

Sir,

Although I have not been favoured with any answer to my letter of the 8th November last, in which I communicated to you several particulars respecting the Trade in Slaves now carried on here, I feel that, having entered upon the subject, it is necessary for me from time to time, to furnish you with such authentic information, as I trust will ultimately enable you, in conjunction with the other friends of Africa, to put a stop for ever to this diabolical Traffic.

When I last wrote to you, I was not without hope that, ere this, measures would have been taken by the French Government to arrest it's progress; as it was difficult to suppose for a moment, that the Authorities here were ignorant of the extent to which the Trade was carried on in the Settlement: my expectations however have been disappointed; it has increased, is hourly increasing, and at present there is not the least appearance even of secrecy, nor the least fear of interruption; for the Slaves are now put on board in the river, and the vessels pass the bar in sight of every officer in the garrison: indeed, two of the last vessels which left this with Slaves, passed outward at a time when three French vessels of war (a ship, a brig, and a schooner) were at anchor outside the bar; and although the Slavers sailed within hail, no examination or notice was taken of them. The distress in the neighbouring villages I stated to you in my last; and the news of this renewed Traffic is

spreading rapidly over the country. **Damel**, one of the most powerful Kings in this part of Africa, lately came to the vicinity of the Settlement, and he'd several conferences with the Slave Traders, as if to ask the accuracy of the information he had obtained, and immediately commenced burning and pillaging a number of his own villages, under circumstances of the most shocking murders and cruelties; and of his own subjects, whole families were dragged to the banks of the river, where they were sold, and thus separated from their friends, homes, and country for ever. His booty on this occasion furnished the cargoes of the two vessels mentioned above, which passed the bar on the 11th February. From the Moors they still continue to obtain a great number of captives, and among them it has given rise to disputes and wars unprecedented of late years; and it is reported here, that large caravans of Slaves have been collected in the interior, and are now on their way toward this place, where they are daily expected. The French Government having lately recalled Colonel Schmaltz, the Commandant, who, as I noticed in my former letter, could not have been ignorant of what was passing, I cherished the hope, that it was the first step of that Government to put a stop to the Trade; but I regret to be obliged to say, that his successor appears still more inclined to overlook the mischief which is going on in his command; for, as I have mentioned before, the Slaves are now put on board in the river, and even, in one case, were embarked while the vessel lay off the Town.

The two vessels which remained in the river when I last wrote to you, obtained their cargoes, and sailed shortly afterwards; and one of them has since returned, and is now in the river preparing for a second cargo, to purchase which she has brought here a large quantity of rum and tobacco. I am in expectation of being able to forward this by a small vessel bound to France, and as I am rather pressed for time, I shall conclude at present with annexing a list of the vessels who have carried off Slaves since I last addressed you, and of those remaining here waiting for their cargoes.

I have the honor to be, &c.

*List of Vessels loaded with Slaves at Senegal, between the 9th November, 1817, and the 19th March, 1818.*

Schooner	"Zephyr,"	of Martinique
"	"Eliseé or Eliza,"	of Bordeaux
"	"Eliza,"	of Senegal
Brig	"Eliseé or Eliza,"	of Bordeaux, 2nd voyage
Galliot	"Maria,"	of Marseilles

*Vessels remaining in the River Senegal for Slaves, 19th March, 1818:*

Schooner	"Sylph,"	of Nantes, 2nd voyage
"	"Eliseé or Eliza,"	of Bordeaux, 2nd voyage
"	"Reine and Caroline,"	of Nantes, 2nd voyage
"	"Zephyr,"	of Nantes
Brig	"Postillion,"	of Bordeaux

N. B. The above vessels are exclusively for Senegal: from Goree several Slave Vessels have been dispatched, and I understand the Trade is carried on there to a great extent; but I regret that I am not possessed of sufficient information to communicate to you the particulars.

No. 32, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, 29th June, 1818.—Received July 31.*

My Lord,

The accompanying Ordonnance announces the intention of His Most Christian Majesty to employ a naval force upon the coast of Africa, for the purpose of preventing the infraction of the Laws which have been enacted in France for the abolition of the Slave Trade.

I have thought it my duty to address the letter I enclose to Mons. de Richelieu, requesting to be informed whether this measure results from the confirmation of the intelligence I have had the honor to transmit upon this subject; and I took an opportunity of adverting to my notes in the first conversation which took place between us.

His Excellency admitted the truth of the statements contained in the different communications he had received from this Embassy; but he told me that late information, which had reached him from the Isle of Bourbon, detailing the infractions of the same Law by His Majesty's subjects in the Isle of France, had principally induced the King to fit out a squadron for the purpose of preventing that Traffic.

I could merely reply to his Excellency by observing, that a plain narrative of facts had incontestably proved the continuance of the Slave Trade from the French Settlements; and although I could not absolutely contradict the unsupported and general statement which he had brought forward, that I must observe it can hardly be supposed to be the interest of the inhabitants of the Isle of France to seek slaves from the west of Africa, when it is well known that almost all the slaves in the Isle of France and Bourbon are natives of the neighbouring Coast of Mosambique.

I have the honor to be, &amp;c.

(Signed) CHARLES STUART.

*The Viscount Castlereagh, K. G.  
&c. &c. &c.*

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*(Inclusion I in No. 32, c.)*

## ORDONNANCE DU ROI.

LOUIS, par la Grace de Dieu, Roi de France et de Navarre;

Vû les différens actes par lesquels la France a interdit le trafic connu sous le nom de traite des noirs, et notamment Notre ordonnance du 8 Janvier 1817, et la loi du 15 Avril 1818;

Voulant assurer par tous les moyens qui sont en Notre pouvoir l'abolition du commerce des esclaves dans tous les pays de Notre domination;

Sur le rapport de notre Ministre Secrétaire d'état de la Marine et des Colonies; Nous avons ordonné et ordonnons ce qui suit :

ART. 1. Il sera entretenu constamment sur les côtes de Nos établissemens d'Afrique, une croisière de Notre Marine, à l'effet de visiter tous bâtimens Français qui se présenteraient dans les parages de Nos possessions sur les dites côtes,

et d'empêcher toutes contraventions à Notre ordonnance du 8 Janvier 1817, et à la loi du 15 Avril, 1818.

ART. 2. Notre Ministre, Secrétaire d'Etat de la Marine et des Colonies, est chargé de l'exécution de la présente Ordonnance.

Donné en Notre château de Saint Cloud, le 24 Juin, l'an de Grace 1818, et de notre règne le 24.

Par le Roi, (Signé) LOUIS.

Le Pair de France, Ministre, Secrétaire d'état de la  
Marine et des Colonies.

(Signé) COMTE MOLE.

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(Translation of Inclosure 1 in No. 32, c.)

DECREE OF THE KING.

LOUIS, by the Grace of God, King of France and of Navarre;

Having considered the different Acts by which France has prohibited the Traffic known under the name of the Slave Trade, and particularly Our Decree of the 8th of January, 1817, and the Law of the 15th April, 1818;

Being desirous to ensure by all the means in Our power the abolition of the Slave Trade throughout Our dominions;

Upon the report of Our Minister, Secretary of State for the Marine and Colonies, We have decreed, and do decree as follows:

ART. 1. A squadron of Our navy shall constantly cruize on the coasts of Our African settlements, in order to visit all French vessels which may appear off Our possessions upon the said coasts, and to prevent all violations of Our Decree of the 8th January, 1817, and of the Law of the 15th April, 1818.

ART. 2. Our Minister, Secretary of State for the Marine and Colonies, is charged with the execution of the present Decree.

Given at Our Palace of St. Cloud, the 24th of June, in the year of our Lord 1818, and of our reign the 24th.

By the King, (Signed) LOUIS.

Peer of France, Minister Secretary for the  
Marine and Colonies,

(Signed) COUNT MOLE.

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(Inclosure 2 in No. 32. c.)

Sir,

Paris, 26th June, 1818.

As the measures which are officially stated in the French public papers to be in contemplation for the purpose of enforcing the observance of the Law enacted during the last session of the Legislative Bodies, for the suppression of the Slave Trade, offer a very satisfactory proof of the anxiety on the part of His Most

Christian Majesty's Government to assist the endeavours of my Court to attain that object, I presume that your Excellency will not hesitate to let me know, if these measures result from the confirmation of the intelligence I had the honor to transmit in my several notes dated the 6th and 16th June, to which I anxiously expect an answer.

I have, &c.

(Signed) CHARLES STUART.

*His Excellency the Duke de Richelieu,*  
&c. &c. &c.

No. 33, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, July 9th, 1818.—Received July 12th.*

My Lord,

I have received the accompanying answer to the letter, which I lately had the honor to address to the Duke de Richelieu, respecting the publication of His Most Christian Majesty's Ordonnance, appointing a squadron to cruize upon the coast of Africa, for the purpose of preventing the infraction of the Law abolishing the Slave Trade.

Notwithstanding the conversation which I had the honor to report to your Lordship in my letter of the 29th of June, I find that the Duke de Richelieu has repeated the statement, which I think had been proved to be greatly exaggerated, if not altogether untrue, respecting the continuation of this trade in the British Colonies. If your Lordship should be of opinion that this note requires an answer, it may be expedient, that I should receive some information upon the subject from His Majesty's Government.

I have, &c.

(Signed) CHARLES STUART.

*The Viscount Castlereagh, K. G.*  
&c. &c. &c.

*(Inclosure in No. 33, c.)*

Monsieur l'Ambassadeur,

*Paris, le 4 Juillet, 1818.*

Votre Excellence, en m'entretenant par sa lettre du 26 Juin de l'Ordonnance rendue la surveillance, dans la vue d'assurer, par le moyen d'une croisière établie sur la côte d'Afrique, la répression du commerce des noirs, m'a fait l'honneur de me demander si cette mesure résultait de la confirmation des avis qu'elle m'avait transmis sur différentes expéditions faites en contravention aux loix sur la traite, et attribuées à des bâtimens François.

Les informations que vous m'aviez données sur ce point, Monsieur l'Ambassadeur, ont été adressées immédiatement au Ministre de la Marine, qui a donné des ordres pour en faire vérifier sur les lieux l'exactitude, et punir les sujets du Roi qui seraient reconnus avoir enfreint les réglemens.

Le peu de tems qui s'est écoulé depuis l'envoi de ces ordres n'a pas permis d'en connaître encore le résultat. Ce n'est donc point par suite de ces communica-



tions qu'a été rendue l'Ordonnance du Roi ; mais le Gouvernement de Sa Majesté avait appris dans le courant de l'année dernière, que la traite faite par des bâtimens Espagnols, Portugais, Anglois même avait paru reprendre de l'activité ; qu'en dépit des précautions les mieux prises, une importation de 4000 Noirs avait été successivement faite dans l'isle Maurice, et qu'un bâtiment Anglois avait été arrêté à Bourbon au moment d'en introduire 240 : Ayant franchement le désir de compléter l'abolition de cet odieux commerce, il a voulu faire tout ce qui dépendait de lui, pour empêcher ses propres sujets d'y prendre part, et c'est ce qui l'a déterminé à faire usage de la mesure qui vient d'être consacrée par l'Ordonnance de Sa Majesté.

J'ai l'honneur d'être, &c.

(Signé) RICHELIEU.

*A Son Excellence Le Chevalier Stuart,*  
&c. &c. &c.

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(Translation of Inlosure in No. 33, c.)

Paris, 4th July, 1818.

Sir,

Your Excellency in alluding by your letter of the 26th January to the Decree issued the day before, for the purpose of insuring, by means of a squadron stationed upon the coast of Africa, the suppression of the Slave Trade, has done me the honor to ask me, whether that measure resulted from the confirmation of the statements which you had transmitted to me, respecting different voyages undertaken in contravention of the Laws against that Trade, and attributed to French vessels.

The information, which you have given me upon this point, Sir, was immediately communicated to the Minister of Marine, who has issued orders to ascertain, upon the spot, the correctness of that information, and to punish such subjects of the King, as should be found to have infringed the regulations.

The time which has elapsed since the transmission of these orders is so short, that we cannot as yet know the result. It is not therefore in consequence of these communications, that the King's Decree has been issued, but the Government of his Majesty had learnt, in the course of the last year, that the traffic carried on by Spanish, Portuguese, and even English vessels, appeared to revive ; that notwithstanding the greatest precautions, an importation of 4000 Slaves had been successively effected into the Mauritius, and that an English vessel had been detained at Bourbon, at the moment of her introducing at that Port 240 Slaves. His Majesty's Government being actuated by a sincere desire to put a complete stop to that odious traffic, was solicitous to do all in its power to prevent its own subjects from engaging in it ; and it was for this reason, that it adopted the measure which has been sanctioned by His Majesty's Decree.

I have the honor to be, &c.

(Signed) RICHELIEU.

*His Excellency Sir Charles Stuart, K. B.*  
&c. &c. &c.

No. 34, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign-Office, August 25, 1818.*

I have the honor to transmit to your Excellency the enclosed copy of a paper, received from the Secretary to the African Institution, containing information relative to the Slave Trade lately carried on at Senegal by French subjects.

Although many of the facts stated in the accompanying document are already before the French Government, and his Majesty's Government are aware that His Most Christian Majesty has since taken measures to check these abuses; yet it is nevertheless thought right, that your Excellency should communicate the same to the Duke de Richelieu, as a corroboratory proof of the correctness of the representations already made to the French Government upon the subject.

I am, &amp;c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.  
&c. &c. &c.*

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(*Inclosure in No. 34, c.*)

*Memorandum from the Secretary to the African Institution, as to the French carrying on the Slave Trade at Senegal.*

A gentleman from Senegal, who has resided there for a considerable time as a merchant, and who has just arrived in this country from thence, has attended on some of the Directors of the African Institution, and stated to them that he is fully able to confirm the statements contained in the letters they had received through other channels from Senegal, of the 8th of November, 1817, and of the 9th March last, (copies of which have already been transmitted to Government.)

He adds, that subsequent to the date of the above letters, the Sylph has taken off a second cargo of Slaves, but from the rough weather, and some of the people having been lost, she did not complete her cargo. (She sailed early in April.)

He states that the Eliza, belonging to a Mr. Jaffro, of Senegal, and the brig Elisée, of Bordeaux, (second voyage) took cargoes of Slaves on board within the bar, and that they passed over the bar in the presence of three French men of war, viz. La Byadire, Le Leveret, et l'Heuron. This took place in the first week of February last.

The Maria, of Marseilles, took a cargo of Slaves on board about the same time, in front of the tow.

The schooner Elisée, of Bordeaux, this Gentleman states, to have lain opposite his wharf for the purpose of fitting up for a Slave voyage; that the object of her fitting up was no secret; that the people passed to and from her over his wharf; that in consequence he remonstrated with the Governor, who would take no notice of it, but said he had nothing to do with it.

Subsequently this Gentleman heard the Governor say he had received orders to restrain the Slave Trade, but no proclamation whatever had been issued in consequence.

He states it as his opinion, and that it is the general opinion, that the officers of the Government were interested in every cargo of Slaves shipped off from Senegal; and adds, that the captain of the Postillion, which has been seized, assured him that her seizure was owing to his not having purchased any part of his Slaves from the Government officers:

That very shortly after the colony was transferred to the French, hearing with surprize that a vessel was loading with Slaves seven miles above the town, he went to see whether it was true, and found it to be so; that the then governor heard of his visit, sent for the captain, and told him not to do the thing so publicly.

That the Zephyr and the Sylph belong to a Monsieur Dennis, of Nantes, that their agent at Senegal is a Monsieur Bougier, but that most of the French merchants employ one agent for their Slave trading transactions, viz. C. Potin and Co.

No. 35, c.

*Circular to His Majesty's Consuls at Nantes, Bordeaux, Bilboa, and Corunna, dated Foreign Office, March 10, 1819.*

Sir,

Information having reached His Majesty's Government, that several French vessels have been fitted out from the ports of Bordeaux and Nantes, intended for the Slave Trade, and have proceeded to Corunna and Bilboa, for the purpose of being provided with Spanish crews, papers, and colours; I am to desire that you will endeavour to obtain and to transmit to me, for the information of His Majesty's Government, any certain intelligence which you may be able to procure, of any vessels so fitting out, together with a particular description of the vessels so circumstanced.

I am, &c.

(Signed) CASTLEREAGH.

*To His Majesty's Consul at, &c.*

No. 36, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, June 7th, 1819*

I have the honour to transmit to your Excellency a letter received from the colonial department, announcing the capture of a French ship with Slaves on board, under the circumstances stated in the inclosure.

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I send the official paper received from Captain Hunn, of the Redwing, in order that M. Dessolles may at once perceive the erroneous view of duty, under which this vessel has been detained by the naval officer in question.

You will assure M. Dessolles of the sincere regret, with which the Prince Regent's Government has observed this unauthorized act on the part of a British Officer, and that His Royal Highness will be ready to make every suitable reparation to His Most Christian Majesty's flag, for the error into which this officer has fallen.

I have lost no time in addressing your Excellency upon this occurrence, that you may anticipate any demand on the part of the French Government for explanation and satisfaction, by voluntarily tendering both on the part of your Court; but you will, at the same time, not fail to call the serious attention of the French Government to this unequivocal proof of the continuance of the traffic by French subjects, on French account, and urge this event as an additional argument in favour of mutual arrangements between the two Governments for the suppression of the same.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
&c. &c. &c.

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(Inclosure 1 in No. 36, c.)

*Downing Street, 2d June, 1819.*

Sir,

I am directed by Earl Bathurst to enclose to you the copy of a letter, which has been transmitted to this Office from Captain Hunn, of His Majesty's Sloop Redwing, reporting the capture of the French Schooner, Sylph, with 388 Slaves on board, twenty of whom died on the passage; and I am to request, that you will lay the same before Viscount Castlereagh for his Lordship's information.

I am, &c.

*Joseph Planta, Esq. &c. &c. &c.*

(Signed) HENRY GOULBURN.

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(Inclosure 2 in No. 36, c.)

*His Majesty's Sloop Redwing, Sierra Leone, 10th February, 1819.*

Sir,

I have the honor to acquaint your Excellency, that whilst proceeding in the execution of orders from my Lords Commissioners of the Admiralty, on the 8th instant, being then in latitude 7 deg. 56. min. N. and longitude 16 deg. 30 min. W. I fell in with the French Schooner, Sylph, being fifty-seven days from Bony, with a cargo of 388 Slaves, bound to Guadaloupe, 20 of whom have died on the passage.

I have captured the above schooner and brought her to this anchorage in preference to the Cape of Good Hope, the more speedily to set these unfortunate victims at liberty; to effect which, and the speedy proceeding of His Majesty's sloop under my command, I have to request your Excellency will be pleased to direct their immediate removal.

I have the honor to be, &c.

(Signed) FREDERICK HUNN, Commander

*His Excellency Governor Mac Carthy.*

No. 37, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c. dated Paris, June 17th, 1819.—Received June 20th.*

My Lord,

In obedience to the instructions contained in your Lordship's late letter, I have not failed to communicate to the Marquis Dessolles the correspondence relative to the capture of the French Slave ship, the Sylph, and to throw the expression of the feelings entertained by His Majesty's Government upon this subject into the shape of a note, offering to make any reparation which the honor of the French flag may require.

In an interview which took place on the following day, His Excellency was pleased to assure me, that he had seen with the greatest pleasure the desire manifested by His Majesty's Government in this instance, to maintain the harmony which exists between the two Courts.

The conciliatory tone of the Marquis Dessolles' language, enabled me to avail myself of the opportunity to call his Excellency's attention to the latter part of your Lordship's instruction, by observing, that this flagrant instance of the violation of the Law on the part of the master of the Sylph, proved the justice of the arguments which had been alleged for the adoption of joint measures to prevent the continuance of the Slave Trade; that I had expected to receive some communication on the part of His Excellency upon this subject, and that I was willing to hope it had been deferred, rather from a press of other business, than from disinclination to enter upon the consideration of the question. Monsieur Dessolles admitted, that he owed to His Majesty's Government an explanation of the opinions entertained by the present administration respecting the Slave Trade; and that he hoped I would do them the justice to believe, that it did not essentially differ from the notions entertained by my Government: that, however, the current of public opinion seemed decidedly unfavorable to the admission of a right of visit on the part of foreigners, and presented a difficulty by no means easy to overcome. M. Dessolles added that he will forthwith recommend to his Colleagues to consider the subject thoroughly.

He further said, that if His Majesty's Government will at the same time turn their attention to the subject, perhaps we might contrive some expedient, which shall prevent the possibility of any future infraction of the Law. I am upon the whole, of opinion that the tenor of the Marquis Dessolles' language, during this conversation, affords better hopes of ultimately meeting the wishes of the Prince Regent, by combining some arrangement for the prevention of the Slave Trade, than the communications which took place last year allowed me to indulge.

I have the honor to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 38, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c. dated Paris, July 1, 1819.—Received July 4th.*

My Lord,

I enclose, for your Lordship's information, a copy of the note, which, in virtue of the instructions contained in your despatch, I sometime since addressed

to M. Dessolles, for the purpose of announcing the capture of the French slave ship the *Sylph*, together with the answer which his Excellency has been pleased to return under date of the 29th of last month.

As His Excellency's note states, that a British ship employed in the same traffic has been captured by a French cruizer, I thought it my duty to avail myself of the opportunity, to call the attention of the other members of the Government to the subject. I therefore detailed to Monsieur Decazes in conversation what had passed, and urged that Minister, for reasons which I stated, to concert some joint arrangement with my Court for preventing the continuation of this trade.

I endeavoured to get over the objection to a general right of visit, by hinting that a joint expedition, specifically charged to prevent this traffic, might be employed during a certain number of months in the year upon the coast.

I have the honour to be, &c.

(Signed) CHARLES STUART.

To Lord Viscount Castlereagh, K. G.  
&c. &c. &c.

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(Inclosure 1 in No. 38, c.)

*Sir Charles Stuart to the Marquis Dessolles, dated Paris 15 June, 1819.*

Sir,

I have the honor to enclose the copy of an Official Letter from Captain Hunn, of His Majesty's ship *Redwing*, detailing the circumstances which have attended the capture of the French ship the *Sylphe*, on the passage from Bony on the coast of Africa, to Guadaloupe with a cargo of slaves.

I have received directions to state to your Excellency the sincere regret with which the Prince Regent's Government have seen that an erroneous notion of duty should have led to this unauthorized proceeding on the part of a British officer, and to declare that his Royal Highness will be ready to make every suitable reparation to his most Christian Majesty's flag; though I must observe that so unequivocal a proof of the infraction of French laws, and of the continuation of this Traffic by His Most Christian Majesty's subjects, merits the most serious attention, and offers a fresh argument in favor of reciprocal arrangements between the two Courts to prevent the continuation of so great an evil.

I have, &c.

(Signed) CHARLES STUART.

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(Inclosure 2 in No. 38, c.)

Monsieur l'Ambassadeur,

*Paris, 29e Juin, 1819.*

J'ai reçu avec la lettre que Votre Excellence m'a fait l'honneur de m'adresser le 15 de ce mois, une copie de la dépêche par laquelle le Capitaine Hunn, commandant le bâtiment anglais *Le Redwing*, annonçoit à Monsieur le Gouverneur de Sierra Leone, la capture du navire françois *Le Sylphe*, lequel paroît avoir tenté de transporter des Nègres de la côte d'Afrique à la Guadaloupe.

Les assurances et les offres dont Votre Excellence a été chargé d'accompagner cette communication, sont, Monsieur l'Ambassadeur, de nature à satisfaire le Gouvernement de Sa Majesté très chrétienne, qui ne désire pas avec moins d'ardeur que le Gouvernement Britannique, l'entière abolition du commerce du noirs : les mesures qu'il a prises pour arriver à ce but paroissent avoir eu d'heureux résultats, et dernièrement encore il lui a été annoncé, qu'un bâtiment arrivé à l'Isle de France, et faisant sous pavillon anglais le contrebande des noirs, a été arrêté par l'ordre du Gouvernement de l'Isle de Bourbon, et remis au Capitaine de la frégate anglaise la *Magicienne*.

Comme il est probable, que Monsieur le Gouverneur de Sierra Leone aura jugé convenable de remettre à la disposition des autorités de l'établissement français le plus voisin, le navire saisi par Mr. le Capitaine Hunn, Votre Excellence ne doit pas douter que l'armateur et l'équipage de ce navire ne soient jugés et punis suivant la rigueur des lois.

J'ai l'honneur, &c.

(Signé) Le MARQUIS DESSOLLES.

*A Son Excellence le Chevalier Stuart,*  
&c. &c. &c.

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(Translation of Inclosure 2 in No. 38, c.)

Sir,

Paris, 29 June, 1819.

I have received, enclosed in the letter which your Excellency did me the honor of addressing to me on the 13th instant, a copy of the despatch by which Captain Hunn of the English ship *Redwing* informed the Governor of Sierra Leone of having taken the French vessel *Le Sylphe*, which, it would appear, has attempted to carry slaves from the coast of Africa into Guadaloupe.

The assurances and overtures with which your Excellency has been instructed to accompany that communication cannot but prove satisfactory to His Most Christian Majesty's Government, which desires as ardently as the British Government the total abolition of the Slave Trade; and the measures which it has taken for that purpose seem to have been successful, inasmuch as it was informed but very lately, that a vessel, which arrived in the Isle of France, and which carried on the Slave Trade under the English flag, has been detained by order of the Government of the Isle of Bourbon, and given in charge to the Captain of the *Magicienne*, English frigate.

It being probable, that the Governor of Sierra Leone will have thought proper to place the vessel, captured by Captain Hunn, at the disposal of the authorities of the nearest French settlement, your Excellency may rest assured, that both the owner and the crew of the vessel in question will be proceeded against and punished to the utmost rigour of the laws.

I have the honor, &c. &c.

(Signed) The MARQUIS DESSOLLES.

*His Excellency Sir Charles Stuart,*  
&c. &c. &c.

No. 39, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, 30th August, 1819.—Received September 3.*

My Lord,

In obedience to your Lordship's directions, I have stated to the Marquis Dessolles, the orders which have been issued by his Majesty's Government for the restoration of the french ship the Sylph, which was lately detained by one of His Majesty's Cruizers, in her passage from the coast of Africa to the West Indies; and I have requested that duplicates of the orders by which the French Authorities on the coast of Africa are directed to receive the vessel, may be entrusted to my care.

The Marquis Dessolles has transmitted me the duplicates of the orders upon this subject to the Governors of Senegal and of the Isle of Bourbon, which His Excellency expresses a wish to have forwarded to their destination as early as may be convenient. I must add, at the same time, that His Excellency expressed himself in the same conciliatory spirit which has distinguished all the communications of the French Government upon this subject.

I have the honor to be, &amp;c.

(Signed) CHARLES STUART.

*To Viscount Castlereagh, K. G.  
&c. &c. &c.*

No. 40, c.

*His Excellency The Marquis de Latour Maubourg to Viscount Castlereagh, K. G.  
&c. &c. dated London, 29th Sept. 1819.*

Milord,

Désirant réunir les documens les plus complets sur la législation Anglaise concernant l'abolition de la traite des noirs, je crois pouvoir m'adresser à votre Excellence, pour la prier de me communiquer ceux qui se trouveraient à son Département et qu'elle jugerait convenable de faire connoître, en y joignant, s'il se peut, quelques renseignements sur les moyens de répression qui sont mis en usage contre l'extraction des nègres de la côte d'Afrique et contre les tentatives d'introduction dans les colonies, soit que les noirs aient été saisis en pleine mer et sur le littoral, soit qu'ils l'aient été dans l'intérieur du pays après leur débarquement.

Le but commun et si louable que nos deux gouvernements se proposent, me fait présumer, Milord, que votre Excellence ne verra rien d'indiscret dans cette demande, et je saisis cette occasion pour lui renouveler l'assurance de la plus haute considération, &c.

(Signé) V. DE LATOUR MAUBOURG.

*Son Excellence Lord Castlereagh,  
&c. &c. &c.*



(Translation of No. 40, e.)

London, the 29th of September, 1819.

My Lord,

Wishing to collect a complete series of documents concerning the English laws for the abolition of the Slave Trade, I hope I may address myself to your Excellency, to request that you will communicate to me such of them as may be in your office, and which you may deem it proper to make known, adding, if possible, some information on the means of repression employed for preventing the exportation of Slaves from the coast of Africa, and the attempts to introduce them into the colonies, whether the negroes have been seized at sea and on the coast, or in the interior of the country after their landing.

The meritorious object which our two Governments have equally in view, induces me to presume, my Lord, that your Excellency will not see any indiscretion in this request; and I avail myself of this opportunity to repeat to you the assurances of my highest consideration.

(Signed) V. DE LATOUR MAUBOURG.

*His Excellency Lord Castlereagh, K. G.*

&c. &c. &c.

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No. 41, c.

*Joseph Planta, Esq. to His Excellency the Marquis de la Tour Maubourg,*

*Foreign Office, October 6th, 1819.*

Mr. Planta presents his compliments to the Marquis de la Tour Maubourg, and in allusion to his Excellency's note of the 29th September, requesting to be furnished with certain documents relating to the Abolition of the Slave Trade, has the honor to acquaint his Excellency, that he has received Lord Castlereagh's directions to communicate most fully with him upon this subject, and to furnish his Excellency with every information which it may be in his power to afford upon it.

Mr. Planta will be most happy to receive his Excellency's commands for this purpose.

*His Excellency the Marquis de la Tour Maubourg,*

&c. &c. &c.

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No. 42, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, 8th October, 1819.*

I have the honor to transmit to your Excellency the enclosed copy of a paper, received from a respectable source, being a list of french vessels said to be engaged in the Slave Trade, together with the names of their supposed owners, and the ports from whence they have sailed.

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Your Excellency will employ such means as may be in your power to ascertain the truth of this information; and in communicating it to M. Dessolles, you will particularly draw His Excellency's attention, to the extent to which this abominable Traffic appears to be still carried on by His Most Christian Majesty's subjects; and your Excellency will not fail to urge M. Dessolles, in the strongest manner, to take every step which he may think the most effectual for putting down these illicit practices, agreeably to the repeated assurances, which His Majesty's Government have received upon this subject from the French Ministers.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*  
*&c. &c. &c.*

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No. 43, c.

*Viscount Castlereagh to His Excellency the Marquis de la Tour Maubourg,*

*Foreign Office, October 9th, 1819.*

Monsieur Le Marquis,

I have the honor to send to your Excellency a copy of a paper which has been put into my hands, being a list of French vessels said to be at present engaged in the Slave Trade, together with the names of their supposed Owners, and the ports from whence they are in the habit of sailing.

The repeated assurances which the British Government have received from the Ministers of His Most Christian Majesty, of their very earnest desire effectually to put a stop to these illicit practices on the part of His subjects, have convinced me that they will accept with satisfaction any information which can be furnished from hence on the subject of them. I have therefore transmitted a duplicate copy of this paper to His Majesty's Ambassador at Paris, and have directed his Excellency to communicate upon it, without reserve, with the Marquis de Dessolles. I have at the same time thought it expedient to send it immediately to your Excellency, in order that, in your Reports to your Government, you may add the weight of your high authority, to the representations which Sir Charles Stuart has been directed to make, with a view to the investigation of the facts therein alledged.

I have the honor to be, &c.

(Signed) CASTLEREAGH.

*His Excellency the Marquis de la Tour Maubourg,*  
*&c. &c. &c.*

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No. 44, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris October 11, 1819.—Received October 14.*

My Lord,

I have again pressed upon the attention of the French Ministers, that it is necessary to lose no time in conveying the instructions to His Most Christian

Majesty's Ambassador in London, which may enable him to combine measures with the Ministers of the Powers, which have concurred in the Abolition of the Slave Trade, for the purpose of preventing the infraction of the several laws they have enacted upon this subject.

The Marquis Dessolles says, that (provided his Majesty's Government do not continue to insist upon the right of visit) His Most Christian Majesty will readily consent to authorise Monsieur de Latour Maubourg to combine a system calculated to obtain the object in view, of which the execution shall be confided to the different Powers who have determined to abolish the trade; but that it would be desirable to found the instructions, which may be drawn up for this purpose, upon the general notions which, with reference to what passed in the conversations which I have had the honor to report to your Lordship, His Majesty's Government may be pleased to communicate.

I have the honor to be, &c.

(Signed) CHARLES STUART.

Viscount Castlereagh, K. G.  
&c. &c. &c.

No. 45, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c. dated Paris, 8th November, 1819.—Received 11th November.*

My Lord;

In obedience to the directions contained in your Lordship's letter of the 8th October, I have not failed again to call the attention of the French Government to the necessity of checking the frequent infractions of their law, enacted last session for the suppression of the Slave Trade; and, in stating the particulars of the information which has reached my Court upon this subject, I have expressed my hope, that the competent authorities will be directed to take measures to apply the legal penalties to the cases which, after enquiry, shall appear to be correctly represented in this communication.

His Excellency having merely answered by general assurances, I have endeavoured to impress the anxiety of my Court, respecting this subject, upon his attention, by sending him the further intelligence which has been obtained in the course of my enquiries respecting the cases mentioned in your Lordship's letter.

I have the honour to be, &c.

(Signed) CHARLES STUART.

Viscount Castlereagh, K. G.  
&c. &c. &c.

(Inlosure 1 in No. 45, c.)

Sir,

Paris, 15th October 1819.

I have received the directions of His Britannic Majesty's Government to transmit to your Excellency the enclosed list of French vessels said to be engaged

in the Slave Trade, with the names of their supposed owners, and the ports from whence they sail.

As this statement shews the great extent, to which this abominable traffic has been carried on by His Most Christian Majesty's subjects, the repeated assurances which have been received from the French authorities induce me to hope, that no time will be lost in taking every step which may be thought the most likely to prevent the continuance of such illegal practices.

I have the honour to be, &c.

(Signed)

CHARLES STUART.

*His Excellency the Marquis Dessolles,*  
 &c. &c. &c.

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(Inclosure 2 in No. 45, c.)

*Paris, ce 19 d'Octobre 1819.*

Monsieur l'Ambassadeur,

J'ai reçu avec la lettre que votre Excellence m'a fait l'honneur de m'adresser le 15 de ce mois, une liste de Navires Français que l'on présume avoir été employés au commerce des noirs.

Je me suis empressé de la transmettre à M. le Ministre de la Marine, et de l'inviter à faire punir, suivant toute la rigueur des lois, ces contraventions aux ordres de Sa Majesté, si, après vérification, les faits allégués se trouvent être exacts.

J'ai l'honneur, &c.

(Signé)

LE MARQUIS DESSOLLES.

*A Son Excellence Sir Charles Stuart,*  
 &c. &c. &c.

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(Translation of Inclosure 2 in No. 45, c.)

*Paris, October 19th, 1819.*

Mons. l'Ambassadeur,

I have received, together with the letter which your Excellency did me the honour to address to me on the 15th instant, a list of French vessels, which are supposed to be engaged in the traffic of slaves.

I have lost no time in transmitting the same to the Minister of Marine, with a request that he will cause these infractions of His Majesty's orders to be punished with the utmost severity of the law, if, after due enquiry, it shall be found that the facts stated are correct.

I have the honour to be, &c.

(Signed)

THE MARQUIS DESSOLLES.

*His Excellency Sir Charles Stuart,*  
 &c. &c. &c.

(Inclosure 3 in No. 45, c.)

Paris, Nov. 7, 1819.

Sir,

Your Excellency's letter of the 19th October having announced that the necessary enquiries will be set on foot, without delay, for the purpose of ascertaining how far the statement I had the honor to transmit to your Excellency on the 15th of last month, is worthy of credit; and that measures will be adopted for the punishment of the individuals, who may infringe the law abolishing the commerce in slaves, I think it my duty to acquaint your Excellency, that according to the information which I have received, the French vessel the Rodeur, of 200 tons burthen, belonging to a banker of Paris, and commanded by Captain Boucher, left the port of Havre last spring for the coast of Africa, where she procured 280 slaves, of whom the captain succeeded in landing 200 on the island of St. Thomas, the rest having died on the passage, since I cannot doubt that this case will merit your Excellency's serious attention.

I have the honour to be, &c.

(Signed) CHARLES STUART.

*His Excellency the Marquis Dessolles,*  
&c. &c. &c.

No. 46, c.

*William Hamilton, Esq. to His Excellency the Marquis de la Tour  
Maubourg, &c. &c.*

*Foreign Office, November 22, 1819,*

Mr. Hamilton presents his compliments to the Marquis de la Tour Maubourg; and in compliance with His Excellency's request to that effect, has the honor to forward enclosed, for the information of the Government of His Most Christian Majesty, a copy of each of the various Acts which have passed the British Legislature, for the repression of the Slave Trade, together with several Orders in Council and other documents upon the same subject.

No. 47, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, December 6, 1819.—Received 10th December.*

My Lord,

I have received the note of which I have the honor to enclose a copy, from the Baron Pasquier, enclosing a letter from the Minister of the Marine, in answer to my representation of the repeated infractions of the Law enacting the abolition of the commerce in Slaves, on the part of houses established in several of the principal ports of France.

Your Lordship will observe, that Monsieur Pasquier announces, in this communication, that the French Authorities in the Colonies have received orders to watch the vessels which are suspected to have been fitted out for this service, with a view to enforce the Law, in every case where the suspicions of the infraction shall turn out to be well founded.

I have the honor to be, &c.

(Signed) CHARLES STUART.

Viscount Castlereagh K. G.

&c. &c. &c.

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(Inclosure 1 in No. 47, c.)

Monsr. l'Ambassadeur,

Paris, le 1er Decembre, 1819.

J'ai eu l'honneur d'informer votre Excellence par ma lettre du 25 du mois dernier, que j'avois adressé à Monsr. le Ministre de la Marine, les nouveaux renseignements qu'elle m'avait transmis, relativement à des navires soupçonnés d'être employés à la Traite des Noirs.

J'ai l'honneur d'adresser à votre Excellence un extrait de la réponse que je reçois de ce Ministre. Elle y verra, que toutes les précautions ont été prises pour punir les délinquans, si quelques uns des navires soupçonnés deviennent en effet coupables de contravention aux Lois qui prohibent ce Trafic.

J'ai l'honneur d'être, &c.

(Signé) PASQUIER.

Son Excellence le Chevalier Stuart, K. B.

&c. &c. &c.

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(Translation of Inclosure 1 in No. 47, c.)

Monsr. l'Ambassadeur,

Paris, December 1, 1819.

I had the honor to inform your Excellency in my letter of the 25th ultimo, that I had transmitted to the Minister of Marine, the fresh information which you had forwarded to me, relative to certain vessels suspected of being engaged in the Traffic for Slaves.

I have now the honor to enclose to your Excellency an extract of the answer which I have received from that Minister. Your Excellency will see by it that every precaution has been taken in order to punish the offenders, in the event of any of the suspected vessels becoming really guilty of an infraction of the Laws prohibiting this Traffic.

I have the honor to be, &c.

(Signed) PASQUIER.

His Excellency Sir Charles Stuart, K. B.

&c &c. &c.

*(Inclosure 2 in No. 47, c.)*

“ Je viens d’informer les Gouverneurs et Commandans de nos Possessions d’outre-mer, que les six navires dont il s’agit sont suspects d’être destinés à des opérations de Traite de Noirs.

Je les charge en même tems de donner les ordres nécessaires, pour que ceux des dits navires qui se présenteraient dans un des Ports de leur juridiction, y soient l’objet de la surveillance la plus sévère, et dans le cas de contravention reconnûe, pour qu’ils soient à la diligence du Ministère public, saisis, ainsi que leur Cargaison, conformément à la loi.

Quant au navire *le Rodeur*, commandé par le Capitaine Boucher, il est arrivé au Hâvre, le 6 Novembre, venant de St. Thomas, d’où il était parti le 16 Septembre précédent, et je donne au Commissaire de la Marine au Hâvre, l’ordre de prendre au sujet de ce bâtiment les informations les plus précises, et d’en communiquer le résultat par écrit au Ministère public.”

*(Translation of Inclosure 2 in No. 47, c.)*

“ I have just made known to the Governors and Commandants of our Colonies, that the six vessels in question are suspected of being engaged in the Slave Trade.

I have at the same time instructed them to give orders, that, in case of the arrival of any of those vessels in the Ports under their jurisdiction, they may be placed under the strictest *surveillance*; and thus, if it should appear that they are guilty of a breach of the Laws, they may be seized, together with their cargoes, by the proper officers, according to Law.

With regard to the vessel *le Rodeur*, commanded by Capt. Boucher, she arrived at Havre on the 6th of November, from St. Thomas, from whence she sailed the 16th September preceding: and I have directed the Commissary of Marine at Havre, to set on foot a strict enquiry respecting this vessel, and to report the result to Government.”

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No. 48, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.*  
dated Paris, December 9th, 1819.—Received December 13th.

My Lord,

I have the honour to enclose a copy of a letter I have received from Baron Pasquier, accompanying the extract of a deposition on the part of the captain of the *Rodeur*, one of the vessels suspected to have been lately engaged in the Slave Trade, which His Excellency considers to offer an explanation of the numerous reports received by His Majesty’s Government, respecting the infractions of the French laws upon that subject.

I have the honour to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh, K. G.*  
&c. &c. &c.

(*Inclosure 1 in No. 48, c.*)

*Paris, le 7me Decembre 1819.*

Monsr. L'Ambassadeur,

J'ai l'honneur de transmettre à votre Excellence, comme faisant suite aux renseignemens que je lui ai adressés par ma lettre du premier de ce mois, l'extrait d'une déposition faite par le capitaine du Navire Français le Rodeur, du Havre, à son retour de la côte d'Afrique et de l'Isle St. Thomas.

Il est annoncé dans cette piece, que les Bâtimens Espagnols et Portugais, qui se livrent à la traite des noirs, prennent le nom des Bâtimens Français qu'ils rencontrent en mer. Cette circonstance, que votre Excellence ne manquera pas de remarquer, pourrait expliquer la fréquence des rapports qui attribuent à des Navires Français la violation des lois qui prohibent la traite.

J'ai l'honneur, &c.

(Signé) PASQUIER.

*A Son Excellence le Chevalier Stuart.  
&c. &c. &c.*

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(*Translation of Inclosure 1 in No. 48, c.*)

Monsr. l'Ambassadeur,

I have the honor to enclose to your Excellency, in addition to the information contained in my letter of the 1st instant, the extract of a deposition made by the captain of the French vessel *le Rodeur*, of Havre, on his return from the coast of Africa, and from the Island of St. Thomas.

It is stated in this document, that the French and Portuguese vessels, employed in the Slave Trade, assume the name of such French ships as they fall in with at sea. Your Excellency will not fail to remark this circumstance, which may explain the frequency of the reports, attributing to French vessels the infraction of the laws which prohibit this traffic.

I have the honour to be, &c.

(Signed) PASQUIER.

*His Excellency Sir Charles Stuart,  
&c. &c. &c.*

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(*Inclosure 2 in No. 48, c.*)

*Extrait d'une Déposition faite par le Capitaine du Navire le Rodeur, du Havre, venant de la Côte d'Afrique, et de l'Isle St. Thomas.*

“ Il n'a aucune connaissance, en cette rivière, d'aucun bâtiment, soit faisant la Traite des Noirs, soit surveillant cette contravention; mais après être sorti de la rivière, il avait fait rencontre de plusieurs Bâtimens Espagnols et Portugais



qu'il a supposé être des nègriers, ce dont toutefois il n'a pu s'assurer, n'ayant pas communiqué. Il observe à cet égard, qu'il a appris à St. Thomas que les Bâtimens de ces deux nations avaient soin, lorsqu'ils avaient fait rencontre de quelques Navires Français, de changer leur nom contre ceux de ces derniers. Il ignore les motifs de cette manœuvre."

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(Translation of Inclosure 2 in No. 48, c.)

*Extract of a Deposition made by the Captain of the Vessel, le Rodeur, of Havre, on his return from the Coast of Africa, and from the Island of St. Thomas.*

" He had no knowledge in the river of any vessel either engaged in the Slave Trade, or stationed there for its prevention; but after having left the river, he fell in with several Spanish and Portuguese vessels, which he supposed to be Slave Traders, which, however, he could not positively ascertain, having had no communication with them. On this subject, he remarks, that he learnt at St. Thomas, that the vessels of both those nations, whenever they fell in with any French ships, were in the habit of assuming the names of the latter instead of their own: but he is not aware of the motives of this proceeding."

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No. 49, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, 20th January, 1820.*

Sir,

The discussions in London on the important question of the abolition of the Slave Trade, I regret to say, have latterly been altogether suspended, in consequence of certain of the Allied Ministers, and particularly the French Plenipotentiary, not having received the necessary instructions from their Governments.

Your Excellency will, therefore, in concert with General Pozzo di Borgo, represent to Mr. Pasquier the state in which the negotiation now stands; the unabated interest which it inspires in this country; our deep regret that its progress has latterly not corresponded with the high expectations which so powerful an union entitled us to form of its success; and you will invite the French Government to devote, without loss of time, their serious attention to this subject, in order to give to the measures which the Five Courts are solemnly pledged conjointly to take, a renewed impulse.

I trust that your Excellency will find the French Government disposed, either to embrace a measure founded upon a modification of a mutual system of visit (an expedient which has always appeared to the Court of London the only one really effectual to the object), or to bring forward some other adequately operative system for consideration, upon which it may be their opinion that the united exertions of the Powers can be directed to the common purpose.

You may assure M. Pasquier, that, in the latter case, any such proposition will be met on the part of the Prince Regent's Government, with every disposition to give it the most candid examination, and, if approved, to co-operate in its execution.

In discussing this matter with the French Government, your Excellency will endeavour to combine your exertions as much as possible with the Russian Minister; and in order to do justice to the view which has been hitherto taken by your own Court, of the most effectual measures for repressing the illicit Traffic now so extensively carrying on, I have to refer your Excellency in extenso. to the proceedings which took place at Aix-la-Chapelle.

The report of an interview which I had when at Paris with M. Laisné and M. Molé on this subject, deserves particular attention, as the proposition therein stated to have been laid by me before these Ministers, involves no permanent sacrifice whatever of any right. It proceeds upon the principle of an experimental measure, for the purpose of trying the efficacy or inefficacy, the convenience or inconvenience, for a limited number of years, of a local system, by which the united naval means of the two Powers on the African Coast, should be turned against the illicit Slave Trade. Supposing, after a trial of four or five years, the system proved more objectionable than useful, or should the evil in the mean time have been entirely put down, the convention, once expired, need not be renewed. On the other hand, if, as we believe, this mode of repression should be found to operate favorably, and not to be productive of embarrassment, the experiment thus made might induce the high contracting Powers to renew the arrangement for a further term.

I recommend the whole of this subject to your Excellency's earliest and most particular attention, which presses the more, as Count Palmella leaves England for the Brazils early in April.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

&c. &c. &c.

No. 50, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, February 5th, 1820.*

Sir,

I have the honour to transmit to your Excellency the enclosed copies of a correspondence which has lately passed between the officer administering the Government of the Island of Mauritius, and the Governor of the Island of Bourbon, on the subject of the measures to be adopted for putting an end to the Slave Trade in that quarter; and I have to request that you will take an early opportunity of expressing to the Government of His Most Christian Majesty, the pleasure which His Britannic Majesty has derived from observing the sincere disposition of the Governor Milius, to co-operate cordially in an object

which His Majesty, in common with His Most Christian Majesty, has so much at heart.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

*&c. &c. &c.*

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(*Inclosure 1 in No. 50, c.*)

Downing-Street, 27 January, 1820.

Sir,

I am directed by Earl Bathurst to transmit to you the enclosed copy of a despatch from the officer administering the Government of the Mauritius, communicating a correspondence which had taken place between himself and the Governor of the Island of Bourbon, on the subject of measures to be adopted for putting an end to the Slave Trade in that quarter, and I am to request that you would move Lord Castlereagh to take an early opportunity of expressing to the French Government, the pleasure which the Prince Regent has derived from observing the sincere disposition of Governor Milius to co-operate cordially in an object which His Royal Highness, in common with His Most Christian Majesty, has so much at heart.

I am, &c.

(Signed)

HENRY GOULBURN.

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(*Inclosure 2 in No. 50, c.*)

*Major General Darling to Earl Bathurst, K. G. &c. dated Mauritius,  
15th July, 1819.*

My Lord,

From the opinion entertained that the exportation of arms and gunpowder to Madagascar, had proved a means of promoting the Slave Trade, as stated in the letter which I had the honour of addressing to your Lordship on the 1st of May, it appeared to me desirable to induce, if possible, the Governor of the Island of Bourbon, from whence considerable supplies of those articles had been exported, to unite in the prohibition which had been ordered during General Hall's Administration,

I accordingly wrote to Governor Milius with this view, and enclose for your Lordship's information a copy of my letter, as likewise an extract of his answer, by which your Lordship will perceive that he has not only entered heartily into the measure, but has also prohibited the exportation of horses. I have since had occasion to write to Governor Milius on other points, and I have great pleasure in assuring your Lordship, that he has invariably manifested the most friendly disposition towards this Government. On one occasion he proposed to me, that reciprocal search should be established between the two Governments by the ships of war of our respective nations, in the case of vessels belonging to either, suspected of being engaged in the

Slave Trade. But as I had been informed by Mr. Smith, the Chief Judge, that a similar proposition had been made on the part of our Government, and rejected by the French, I conceived it proper to apprise Mr. Milius of this circumstance, and to decline recognizing the principle.

I have the honour to transmit to your Lordship, the copy of Governor Milius's letter, and of my answer, on this subject, which I hope will be approved by your Lordship.

I have, &c.

R. DARLING,

*Major General Commanding.*

*The Earl Bathurst, K. G.*

*&c. &c. &c.*

Mem. This Correspondence is fully given in the Inclosures to No. 56 c.

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No. 51, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, February 3, 1820.—Received February 6, 1820.*

My Lord,

I have received your Lordship's despatch of the 20th January last, pointing out the mode in which it will be expedient to call the attention of the French Government to the adoption of some alternative for preventing the continued infraction of the Laws, enacted in France and England, for the suppression of the Slave Trade.

I lost no time in mentioning the subject to Baron Pasquier and to M. de Cazes. In my first interview with the former he manifested some reluctance to enter into the subject, saying that he saw no reason at present to concede the right of visit; that the infractions of the Law, which had been attributed to French subjects in many of the communications from England, had been greatly exaggerated; and, in some instances, had been the result of mercantile arrangements for the employment of English capital; that, besides, it was not fair to press the subject exclusively upon France. I answered, that the papers transmitted respecting the infractions of the Law on the part of French subjects, contained statements of which had been transmitted to His Majesty's Ministers; and that, so far from expecting the French Government to separate their opinion from that of Foreign Powers, my Court would be perfectly satisfied if they would adhere to any common arrangement, which the Ministers of Russia and Austria might be prepared to suggest, conjointly with myself.

I afterwards sought an interview with M. de Cazes, to whom I stated at some length the wishes of His Majesty's Government to check abuses which are equally odious to the public in both countries. M. de Cazes said that he would do his utmost to forward some combination which should meet the wishes of my Court; but he expressed a desire to know from me what arrangement would be considered satisfactory by my Court. I told him that, if the principle of a mutual right of visit could not be generally admitted for a limited number of years, perhaps he would consent to equip a squadron of ships of both nations, under conditions to be agreed upon, to cruize upon the Coast of Africa for a certain period; and as he appeared to consider this arrangement practicable, I commu-

icated to him the several papers respecting the abolition which had been laid before Parliament this Session.

M. de Pasquier on Tuesday told me, that this question had been examined by the Government with the greatest care; that they could not feel any repugnance to meet the wishes of my Court; but that he is convinced no partial arrangement on the part of the two Powers is likely to attain the object; and that, unless the measures we propose, are acted upon simultaneously by all the Powers in whose colonial possessions slaving is tolerated, the traders will always contrive to elude the regulations we may adopt; that the best way of preventing the purchase of negroes on the Coast of Africa, would be to prohibit their sale in the Colonies; that France can easily enregister and number the Slaves in the Colonies she possesses, and forbid the sale of a single negro, if other powers will do the same. He did not appear to make any allowance for the extreme difficulty which I observed must occur in the enforcement of such regulations in the Spanish and Portuguese Colonies, if ever they should be enacted; and he insisted that the mere employment of an armed force to prevent their conveyance across the Atlantic was insufficient, so long as the Insurance Offices in London continued to insure, at so much a head, the passage of Slaves under flags of all nations from the Coast of Africa to the West Indies; notwithstanding my solemn declaration that I believe the report is not entitled to credit.

I have the honour to be, &c.

(Signed) CHARLES STUART.

*Viscount Castlereagh K. G.*

&c. &c. &c.

No. 52, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, 7th February, 1820. Received February 10th.*

My Lord,

As the attention of the French Ministers is now thoroughly awakened to the necessity of putting their regulations respecting the abolition of the Slave Trade upon a better footing, I have pressed the subject in repeated conversations with M. de Cazes, M. Pasquier, and Baron Portal, during the last three days; and my instances have been supported by the Russian Minister, to whom I represented, that the present opportunity is particularly well chosen to give effect to the instructions he has received upon that subject.

The Count de Cazes and Baron Portal told me, that they fully enter into the feelings of my Court upon this question, and that they see the necessity of proving to the world, by measures, their determination to go hand in hand with His Majesty's Government in their endeavours to prevent the infractions of the laws which constantly take place. When I pressed the latter to state to me in detail his opinion respecting the steps, which, under the present circumstances, can be carried into effect without inconvenience, he said that, although he had lately considered the subject a good deal, he regrets to find that none of the alternatives which present themselves to his mind, appear to be wholly free from objection, or likely to lead to that decisive result which could be wished: that he had, in the first instance, thought they might prohibit all trade from Africa to the

West Indies; but, upon considering the effects of such a regulation, he found it would be prejudicial to the fair trade which may be carried on in that part of the world, without preventing, in any respect, the passage of Slave Traders from the coast of Guinea to the Brazils: That, although the register of the slaves in the colonies in the possession of France, can, without difficulty, be effected, even this measure would not prevent their alienation, unless it is accompanied by a law attaching them to the soil; and changing the state of slavery to that of service by engagement, which notion he threw out rather for the consideration of the British Government, than from a conviction that it may be adopted. He expressed his fears, however, that so long as the system of secret insurances of slave ships shall prevail in England, and that the trade of the Portuguese shall not be abolished, no measure he can propose is likely to be thoroughly effectual: that since the first mischief is to be traced exclusively to His Majesty's subjects, he must look to the British Legislature to find an adequate remedy; and that the latter difficulty can only be overcome by the joint efforts of all the Governments which have decreed the abolition; and he assured me, that instructions will be sent to M. de Caraman, which will show that the French Government will not be tardy in giving their hearty concurrence to any arrangement likely to obtain that object.

Two days after this conversation took place, I saw M. Pasquier: he said that his colleagues would have told me the measures to which my overtures are likely to give rise; that if His Majesty's Ministers shall bring forward the necessary bills to prevent the secret insurance of slave ships, the subject will necessarily come under discussion by our Legislature, about the time an act will be proposed in France crimiating the accomplices in this commerce:—that the instructions he should send to M. de Caraman, will be equally, if not more decisive, since that gentleman will be authorised to propose the establishment of commissions, composed of subjects of the two nations at Senegal, and at whatever port in the West-Indies should be deemed most expedient, for the express purpose of ensuring on the spot the application of the laws enacted in both countries:—that he will be further directed to concur in any representation which the conference in London may think it proper to address to the Court of Rio Janeiro; since he cannot suppose the Portuguese Ministers will be able to resist the impulse, which our representations are likely to acquire when they are supported by all the great powers.

I have the honour to be, &c.

(Signed) CHARLES STUART.

Viscount Castlereagh, K. G.  
&c. &c. &c.

No. 53, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, May 25, 1820.*

I have the honor of enclosing to your Excellency the extract of a letter and its enclosures, received by Earl Bathurst from Governor M'Carthy at Sierra Leone, announcing the detention of the French vessel "La Marie."

In communicating these papers to the French Government, you will make a suitable apology for the infraction of the rights of the French Flag, which has been, in this instance, committed in the detention of the above-mentioned vessel, without authority from this Government, and contrary, as they are ready to admit, to Inter-National Law.

You will, however, avail yourself of this fresh opportunity of demonstrating to the French Government, the extent and enormity of the abuses carried on along the coast of Africa, under the French Flag; and you will call their attention particularly to that part of Governor M'Carthy's despatch, which states that none of His Most Christian Majesty's ships are either stationed or cruising in those Latitudes for the repression of the increasing prevalence of this illegal Traffic.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

&c. &c. &c.

MEM.--The Inclosure in this Despatch will be found in the correspondence furnished by the Colonial Department.

No. 54, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart K. B. &c. &c.*

Sir,

*Foreign Office, May 25th, 1820*

I have the honor of transmitting to your Excellency the copy of a letter received by Earl Bathurst from Governor M'Carthy, at Sierra Leone; and of one from Commodore Sir George Collier, reporting the detention of the French schooner, La Catharine, with 50 slaves on board, which vessel was to be sent to the nearest French port, there to be delivered up to the French authorities; and I request your Excellency will communicate these papers to the French Government, for their information.

As the detention of this vessel is marked by similar circumstances to those attending the seizure of the French schooner La Marie, as detailed in my other despatch of this date, Your Excellency will not fail to hold the same language on this case to the French Minister, both in apology for the detention of the vessel by British authorities, and in recommendation of some more efficacious measures on the part of His Most Christian Majesty's Government, for the better observance by their subjects of the stipulations of the treaty.

I am &c. (Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

&c &c. &c.

MEMB.--The Inclosures in this Despatch will be found in the Correspondence furnished by the Colonial Department.

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No. 55, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, May 26th, 1820.*

I have the honor of enclosing to Your Excellency the extract of a despatch received by the Board of Admiralty from Commodore Sir George Collier, reporting his further operations in prevention of the illicit Slave Trade on the coast of Africa, by which it appears, that he has boarded and searched two vessels sailing under French colours, the *Jeune Estelle*, and *Joseph*, both of which proved to have slaves on board.

Your Excellency will make such communication of this intelligence to the French Government as you may think fit: and in adverting to the horrible cruelties, which it appears, by Sir George Collier's report, mark the prosecution of this inhuman and illegal traffic, you will not fail to express the conviction of His Majesty's Government, of the deep regret with which the French Minister cannot but view the perpetration of such enormities, committed as they are under the protection of the French flag; nor can His Majesty's Government entertain a doubt of the French Minister's readiness to put down such extensive abuses by all the means in his power.

You will also apprise His Most Christian Majesty's Government, that Sir George Collier has been cautioned to abstain in future from adopting any measures towards French ships, which may either be derogatory to the dignity of His Most Christian Majesty's flag, or not authorized by the law of nations.

I have the honour to be, &amp;c.

(Signed) CASTLEREAGH.

*To His Excellency Sir Charles Stuart, K.B.*

&amp;c. &amp;c. &amp;c.

MEM.--The Enclosures in this Despatch will be found in the Correspondence furnished by the Admiralty.

No. 56, c.

*Count Caraman to Viscount Castlereagh, K. G. &c. &c. dated June 17, 1820.*

Milord,

*Londres, ce 17 Juin, 1820.*

Votre Excellence m'ayant témoigné le désir de recevoir officiellement les pièces relatives à la question de la traite que j'ai eu l'honneur de lui communiquer confidentiellement, je me suis empressé d'en demander l'autorisation à M. le Baron Pasquier, qui s'est fait un plaisir de concourir, dans cette occasion, aux vues de Votre Excellence. J'ai en conséquence l'honneur de lui adresser ci-joint dix-huit pièces qui sont relatives aux mesures prises à Bourbon pour la répression de la traite, et un rapport de Mr. Mackau, chargé d'une mission spéciale au Sénégal. Ces communications serviront, j'espère, Milord, à donner au



Gouvernement de Sa Majesté Britannique, des preuves non équivoques, du zèle des administrations de nos colonies. Mr. le Baron Pasquier me charge en outre de dire à Votre Excellence, que le gouvernement du Roi étant très disposé à prendre dans les Colonies Françaises des précautions semblables à l'enregistrement des Noirs, qui se fait dans les Isles Angloises, il recevra avec reconnaissance les renseignements que Votre Excellence a eu la bonté de m'offrir, et qu'Elle voudroit bien me communiquer à cet égard.

J'ai l'honneur d'être, &c. (Signé)

G. de CARAMAN.

Viscount Castlereagh, K. G.  
&c. &c. &c.

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(Translation of No. 56, c.)

London, June 17th, 1820.

My Lord,

Your Excellency having expressed to me a wish to receive officially the documents relative to the question of the Slave Trade, which I have had the honor to communicate to you confidentially, I hastened to request authority to that effect from the Baron Pasquier, who had great pleasure in complying on this occasion with the wishes of your Excellency. I have accordingly the honor to enclose to you herewith eighteen documents, which relate to the measures adopted at Bourbon for the suppression of the Slave Trade; and a report from Mr. Mackau, charged with a special mission to Senegal. These considerations, my Lord, will, I hope, serve to give to the Government of His Britannick Majesty unequivocal proofs of the zeal of the administrators of our colonies. The Baron Pasquier directs me likewise to acquaint your Excellency, that the Government of the King being strongly inclined to adopt in the French colonies, precautions similar to the registering of Slaves which is practised in the English Islands, will thankfully receive the information which your Excellency has had the goodness to offer me, and which you may be willing to communicate to me on that subject.

I have the honour to be &c.

(Signed)

G. de CARAMAN.

To Viscount Castlereagh, K. G.  
&c. &c. &c.

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(Inclosure 1 in No. 56, c.)

*Mons. Mikus to the French Minister of Marine, dated St. Denis, May 25, 1819.*

Par ma lettre en date du 28 Octobre, 1818, j'ai instruit votre Excellence de l'arrivée sur notre rade de la frégate la Magicienne, pour arrêter et conduire à Maurice, le lougre le Voyageur, prevenu d'avoir, sous le pavillon anglais, enlevé de vive force des Malais, et de les avoir vendus comme esclaves de traite.

Ces excursions barbares que nos traitans font si continuellement à Bourbon, malgré l'excèsive sévérité que je montre pour m'y opposer, se renouvellent à ce qu'il paraît aussi souvent à Maurice, mais avec des circonstances plus atroces.

que dans notre colonie, si j'en juge par les deux événemens de ce genre qui sont parvenus officiellement à ma connoissance, et dont je vais avoir l'honneur de rendre compte du dernier à votre Excellence.

La frégate anglaise, le *Liverpool*, Capitaine Collier, qui a remplacé la *Magicienne* à l'île de France, m'a apporté ces jours derniers, des dépêches du Gouverneur de cette île, (dont je joins ici copie) par lesquelles il réclame le secours de mon autorité, pour faire rechercher et arrêter s'il est possible, un *Mé Lemoine*, accusé de piraterie, et poursuivi par les tribunaux de Maurice et de Seychelles.

Les renseignemens qui m'ont été fournis sur cet individu ne m'ont procuré aucune lumière certaine, et je me suis trouvé dans la nécessité de répondre à Mr. le Major Général Darling, que je partageais son indignation, mais qu'il ne m'étoit pas possible de lui livrer le coupable, puisqu'il paraissait constant, qu'il avoit quitté Bourbon vers la fin de 1818, et qu'on n'en avoit point entendu parler depuis.

A ce sujet je suis entré avec le Gouverneur dans plusieurs détails sur l'exécution de la loi relative à l'abolition de la traite, et je crois même nécessaire de mettre cette lettre sous les yeux de Votre Excellence. Elle y remarquera j'espère, que l'esprit de concorde et d'harmonie qu'il me paraît si sage de maintenir dans tous nos rapports avec les anglais, a été l'unique bête des propositions que j'ai faites à Mr. le Major Général, c'est le même esprit qui m'a servi et me servira toujours de règle de conduite, soit dans nos relations commerciales, soit dans nos relations politiques avec le Gouvernement Britannique.

Je reviens, maintenant, Monseigneur, à l'événement dont je vous ai promis le récit, et dont les détails s'ils sont véridiques, s'accordent si bien avec les observations que j'ai déjà eu l'occasion d'adresser tant de fois à Votre Excellence, sur la dureté, la cupidité, et la barbarité de tous ceux qui se livrent au commerce des esclaves.

En Septembre dernier, le Sieur Lemoine, capitaine et Armateur de la Goëlette l'Espoir, ou la Bamboche, était parti de Maurice sous pavillon Anglais et s'était dirigé sur les côtes de Madagascar et de Mosambique. Il rencontra en route un navire Portugais, chargé de noirs et de poudre d'or; l'avidité, l'amour du gain, s'emparèrent de son âme, il s'élança sur le bâtiment Portugais, et tua d'abord le maître d'équipage à coups de fusils; arrivé à l'abordage, il s'empara bientôt du marin qu'il attaquait, et ses premières questions s'adressèrent à un colonel Portugais, âgé de 50 ans, auquel il demanda où étoient l'argent et la poudre d'or; après ce court interrogatoire, Lemoine se dérangea à dessein, et le nommé Reineur, qui se trouvait derrière lui, fit sauter la cervelle du malheureux colonel, à l'aide d'un pistolet; mais ce crime ne suffisait point à leur affreuse cruauté. Le capitaine du bâtiment qui venait d'être pris, effrayé de la rapidité de ces massacres, se jeta à la mer, pour chercher un salut contre la mort. Vaine espérance; la rage de Lemoine, et de ses satellites n'étoit pas satisfaite. Ils le poursuivirent dans un Canot; et l'ayant bientôt atteint, ils lui déchargèrent un coup de sabre sur la tête. L'infortuné se sentant blessé s'accrocha fortement pour se soutenir au canot que montaient ses assassins, ils profitèrent de cette erreur du désespoir, et ils eurent la lâche barbarie de lui passer un sabre au travers de la gorge dont la pointe sortit par le côté de leur victime. Le cadavre disparut, et ils revinrent à bord fatigués, mais non pas assoavis de meurtres. Ils renfermèrent dans la cale les matelots Portugais, et après en avoir enlevé la riche cargaison, ils sabordèrent le navire à la flottaison et le firent couler avec les prisonniers qu'ils avoient enfermés.

J'avoue, Monseigneur, que ces actes horribles de cruauté, seroient trop pénibles à raconter, s'il n'étoit pas extrêmement rare de les voir accompagnés de circonstances aussi affreuses.

Après cette infame expédition, Lemoine se rendit à Mahé, d'où il partit peu de tems après pour retourner à Mauricé, en laissant au nommé Basset son second, le commandement de la Goelette, restée aux Seychelles.

De retour à l'isle de France, Lemoine donna l'ordre à Basset de vendre son navire à Mahé; cela fut exécuté par l'entremise du juge de l'Amirauté, mais lorsque Basset réclama le montant de cette vente, les indiscretions de son équipage avaient donné lieu à des soupçons; les bruits de leurs assassinats s'étaient généralement répandus, et Basset fut arrêté; ayant obtenu, des aveux du coupable, les preuves les plus authentiques du crime qui avoit été commis de complicité avec Lemoine et les matelots de la Goelette L'Espoir, le commandant des Seychelles les envoya à la cour supérieure de l'Isle Maurice où leur affaire s'instruit en ce moment.

Mais la Justice ne sera qu'à demi satisfaite, le premier coupable s'est échappé et tout fait présumer qu'il a quitté les deux colonies.

Voilà, Monseigneur, la narration fidelle des horreurs commises par un traitant. Voilà jusqu'où le délire de la cupidité peut porter ceux qui trafiquent ainsi du sang humain. Je n'ajouterai pas une seule reflexion, le cœur et la pensée de Votre Excellence feront la conclusion de cette lettre.

J'ai l'honneur, &c.

(Signé)

MILIUS.

*Son Excellence le Ministre de la Marine.*

*&c. &c. &c.*

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(Translation of Inclosure 1 in No. 56, c.)

*St. Denis, May 25th 1819.*

By my letter dated the 28th October, 1818, I acquainted your Excellency of the arrival in our roads of the frigate *La Magicienne*, for the purpose of detaining and conducting to the Mauritius, the lugger *Le Voyageur*, suspected of having, under English colours, forcibly carried off some Malays and sold them as regular slaves.

These barbarous and inhuman expeditions which our Slave Traders are so frequently engaged in at Bourbon, in defiance of the extreme severity by which I endeavour to oppose such proceedings, are, as it appears, as frequent at the Mauritius, but, under circumstances still more atrocious than in this colony, if I may judge from the particulars of two events which have officially come to my knowledge, the latter of which I beg leave to have the honour of detailing to your Excellency.

The English frigate the *Liverpool*, Captain Collier, which has taken the station of the *Magicienne*, at the Isle of France, has lately brought me dispatches from the Governor of that Island (copies whereof are herewith enclosed) in which he requests my assistance for the discovery and arrest of one Lemoine, who is charged with piracy, and is accordingly under prosecution before the Tribunals at Mauritius and at Seychelles.

The inquiries which I have made, have furnished nothing positive on the subject of the individual in question. And I have been under the necessity of acquainting Major General Darling in reply, that, although fully partaking his feelings of just indignation, it was not in my power to deliver up the criminal, who, there was reason to suppose, had quitted Bourbon about the close of 1818, and had never since been heard of.

On this occasion I entered into several explanations with the Governor on the enforcement of the laws respecting the Abolition of the Slave Trade, and I think it also necessary to lay this letter before your Excellency. You will, I trust, observe therein, that the spirit of harmony and good understanding, which it appears to me so advisable to maintain in all our relations with the English, has been the absolute basis

of the propositions I have made to the Major General. In this same spirit I have acted hitherto, and it will ever regulate my conduct as well in our commercial, as in our political relations with the British Government.

I now, Monseigneur, beg leave to revert to the event to which I have just alluded. And the particulars thereof, if true, entirely confirm the observations I have already had occasion to submit to your Excellency, respecting the inhuman cruelty, sordid avarice, and callous barbarity of those who engage in the Slave Trade.

In the month of September last, the Sieur Lemoine, master and owner of the schooner *l'Espoir*, or the *Bamboche*, left the Mauritius under English colours, shaping his course towards the coasts of Madagascar and of the Mozambique. He fell in with a Portuguese vessel, laden with negroes and gold dust. An eagerness and thirst of gain seized upon his soul—he run along side of the Portuguese vessel, and immediately killed the mate by a musket shot; having boarded her, he soon obtained possession of the vessel thus attacked, and his first questions were addressed to a Portuguese Colonel, aged 50, of whom he enquired where the money and gold dust were deposited; after this short interrogatory, Lemoine purposely stepped aside, and a man named Reineur, who was behind him, with a pistol blew out the unfortunate Colonel's brains; but these crimes were not enough to satisfy their savage inhumanity. The Master of the captured vessel, alarmed by the rapid succession of these massacres, threw himself overboard, in order to escape a more immediate death.—Vain hope! the fury of Lemoine and his accomplices was not yet allayed. They pursued him in a boat, and, having soon overtaken him, they cut him on the head with a sabre: The, unfortunate man, feeling himself wounded, caught hold in order to support himself, of the boat in which his murderers were, who, profiting by this last effort of despair, had the dastard cruelty to run a sword into his throat, the point of which came out at the side of their victim: the body disappeared and they returned on board fatigued, but not satiated with murders! They shut up in the hold the remaining Portuguese sailors, and after having taken off the rich cargo, they scuttled the ship and sunk her with the crew they had thus shut up.

I own, Monseigneur, that such horid acts of cruelty would be too painful to relate, were they not seldom found to be accompanied by such frightful details.

After this infamous expedition Lemoine went to Mahé which he soon left for the Mauritius, leaving one *Basset*, his second in command, in charge of the schooner at Seychelles.

On his arrival at the Isle of France, Lemoine ordered *Basset* to sell his vessel at Mahé,—which was done through the means of the Judge of the Admiralty, but when *Basset* claimed the amount of the sale, the indiscretion of his crew had given rise to suspicion: the rumour of the murders was generally spread, and *Basset* was taken up. Having, by confession, obtained the clearest evidence of the crimes committed by Lemoine and the crew of *l'Espoir*, the Commandant of Seychelles sent them to the superior Court at the Mauritius, where proceedings are now going on against them.

But the ends of justice will only be half attained:—the most guilty person has escaped, and every circumstance confirms the presumption that he has left the two colonies.

The foregoing is, Monseigneur, a faithful narrative of the horrors practised by a Slave Trader. To these lengths will an eager avarice urge on those who can traffick in human flesh. I shall not venture to add a single reflection, the heart and understanding of your Excellency will furnish the best inference to be deduced from this communication.

I am, &c.

(Signed) MILIUS.

*His Excellency the Minister of Marine,*  
 &c. &c. &c.

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(Inclosure 2 in No. 56, e.)

*Major-General Darling to Monsieur Milius, dated Port Louis, 24th April, 1819.*

Sir,

I have been honoured with the receipt of your Excellency's letter, transmitting the copy of a Proclamation, which your Excellency has issued on the occasion of a Slave ship,

under English colours, which had been seized by an officer of the French navy, and detailing the particulars of the circumstances connected with that transaction.

Your Excellency does me justice in believing, that I concur most fully in the sentiments your Excellency has expressed in regard to the Slave Trade, as I do in the indignation your Excellency so justly feels at the inhuman conduct of those who appear to have left the young man alluded to on a desolate rock, without assistance or the means of support.

In bringing the offenders to justice, your Excellency may be assured of receiving from me all the assistance in my power to render in this case:—and, on the other hand, if it should rest with this Government to proceed against them, your Excellency may be equally satisfied, that every means which the law affords shall be exerted to bring them to punishment.

Having conveyed to your Excellency these assurances of my sentiments and desire to meet your Excellency's views and wishes, it is necessary I should explain to your Excellency, that if the individuals are to be tried here, the clearest and most unequivocal proof would be necessary to bring them within the pale of the law, which provides for the punishment of English subjects carrying on the trade in Slaves. With such proof, which could only be obtained through your Excellency's means, and which I should request your Excellency to furnish, no measure should be wanting, on my part, to bring them to that punishment which the law inflicts, and which their violation of it has merited in a tenfold degree, by the accumulated aggravation of piracy and inhumanity, which, according to the statement contained in your Excellency's communication, characterized their proceedings.

With respect to the redress to which the officer in the navy, who is the object of your Excellency's representation, may be entitled, it is necessary I should apprise your Excellency, that I entertain some doubts whether any English Court has the power of inflicting any serious punishment in this case; for if it should prove to be an English vessel carrying on the Slave Trade with its own colonies, the search and seizure of such vessel by a French officer, would, I presume, be pleaded successfully as a violation of the law of nations, under the recent and solemn decision of the High Court of Admiralty in England, which ordered the restoration of the French ship, *Louis*, on those very grounds; and consequently such an aggression would destroy any claim to individual redress. If, on the contrary, the contraband adventure was destined for a foreign colony, as may fairly be presumed from the result, the laws and institutions of such colony would doubtless afford the appropriate mode of punishment; and I shall rejoice most sincerely in hearing that those individuals, who, in defiance of the laws, and in disregard to the ties of humanity, have thus dared to disobey both, have suffered the punishment which their crimes may have been found to merit.

I cannot permit myself to close this letter without informing your Excellency, that I shall lose no time in communicating with the agent of this Government at Seychelles, in order that he may furnish such information as he can obtain, respecting the proceeding stated to have taken place at the Isle Daro.

This Government, I find, has not any accredited agent at this latter place; and at present I have no knowledge of the inhabitant named in your Excellency's despatch.

I have the honor to be, &c.

(Signed) R. DARLING, Major-General Commandant.

*His Excellency Mons. Milius,*

*&c. &c. &c.*

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(Inclosure 3 in No. 56, c.)

*Copy of a Letter from Major General Darling to Mons. Milius,*

*Dated Port Louis, 18th May, 1819.*

Sir,

I have been honoured with the receipt of your Excellency's letters of the 27th of last month, and I will no longer delay also acknowledging your other communications, lest your Excellency might suppose there was any want of attention on the part of this Government to your Excellency's wishes.

Your Excellency will only do me justice in believing that I have been most desirous to afford you every information on the subject of those letters; but the difficulty has been such in obtaining the particulars, from the variety of references that have become necessary, that the details have not yet been all completed: But pray assure yourself that the utmost diligence shall be used, as I am not less anxious to meet your wishes on every occasion, than to convince your Excellency of the profound respect and consideration with which I have the honour to be, &c. &c.

(Signed) R. DARLING, Major Gen. Commandant.

*His Excellency Mons. Millius,*  
 &c. &c. &c.

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(Inclosure 4 in No. 56, c.)

*Major General Darling to Monsieur Millius.*

*Port Louis, 20th May, 1819.*

Sir,

I have received the letter with which your Excellency has been pleased to honor me, dated the 27th of last month, and I am fully impressed with the justice of Your Excellency's observation respecting the difficulties which must oppose the discovery of those concerned in the transaction alluded to, when as in the present case, it is unfortunately the interest of so many to counteract every exertion that can be made to this laudable end.

As the subject of the Slave Trade has been brought into discussion, and as Your Excellency has done me the justice to express a belief that I am animated by the same sincere desire as that which Your Excellency feels to prevent this odious traffic, I should have occasion to accuse myself of an important omission, should I fail to make Your Excellency acquainted with a measure adopted by my Predecessor with a view of checking this trade.

Major General Hall, as your Excellency is no doubt aware, resorted to a variety of measures to put a stop to the Slave Trade, and amongst others, prohibited the exportation of arms and gun-powder to the Island of Madagascar. It is believed that this prohibition was attended with a considerable degree of success, and that very few negroes, if any, have been landed on this island for some time past.

It is necessary for me to point out to Your Excellency the almost certain effect of a similar proceeding on the part of the Government of Bourbon: By depriving the native chiefs altogether of those means of carrying on war, you would in a great measure prevent its effects. Prisoners, the principal object for which they now engage with each other, would be comparatively few in number, and as soon as they should find that the traffic was no longer productive, it may fairly be presumed they would discontinue it altogether.

In the present state of matters, the exertion of this Government can only operate as a half measure; for, so long as arms and gunpowder are exported from the Island of Bourbon to Madagascar, our efforts cannot be entirely effectual. But deprive them altogether of these means, and Your Excellency will have reason to congratulate yourself in having contributed essentially to the suppression of a system which enlightened humanity has united to eradicate.

Relying as I do on Your Excellency's desire to see this traffic at an end, I should consider myself wanting to you personally, and to the cause in which I deem myself fortunate in being associated with Your Excellency, were I to

refrain from communicating frankly the means which appear so well calculated to bring to a successful termination the views and exertions of the Governments, which we have respectively the honour to serve.

I have the honour to be, &c.

(Signed) R. DARLING, Major-General, Commandant.

*His Excellency Mons. Milius,*  
&c. &c. &c.

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(Inclosure 5 in No. 56, c.)

*Major-General Darling to Monsieur Milius, dated Port Louis, May 22, 1819.*

Sir,

Captain Collier, commanding His Majesty's Ship Liverpool, who has been so good as to charge himself with this letter, will have the honour of explaining to your Excellency, more at length than it is in my power at this moment to do, the particulars, as communicated to this Government, of an act of piracy supposed to have been committed by a person of the name of Lemoine, attended with circumstances of peculiar and aggravated atrocity.

In order to put your Excellency more completely in possession of the facts which have been stated, Captain Collier will have the honor of communicating to you certain original documents, which have been received by this Government, to which I beg leave to refer your Excellency for every necessary information; and by which your Excellency will perceive that Monsieur Lemoine is stated to have left the island in the month of January last, in the French ship Illusion, Captain Montané, bound to Bourbon and France. It has therefore occurred to me that the Lemoine may possibly be still at Bourbon, in which case your Excellency will, I am satisfied, willingly unite in exertion with this Government to bring the atrocious offender to justice; and will, for this purpose, cause him to be delivered to Captain Collier, should he, as it is hoped he may, still be within your Excellency's Government. I offer no apology for thus troubling your Excellency on this occasion:—your character is a sure pledge, that in a cause of this nature the appeal will not be made in vain.

I have the honor to be, &c.

(Signed) R. DARLING, Major-General Commandant.

*H's Excellency Mons. Milius,*  
&c. &c. &c.

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(Inclosure 6 in No. 56, c.)

*Edward H. Madge, Esq. to George Smith, Esq. Judge of His Majesty's  
Instance Court of Vice-Admiralty at the Mauritius.*

Sir,

*Mahé Seychelles, 24th April, 1819.*

I have the honor to forward to you certain papers relative to a schooner named L'Espoir, Monsieur Lemoine captain and owner, which arrived here some time since, under circumstances of much mystery, tending to offer grounds for suspicion of her having been engaged in acts of piracy on the coast of Madagascar and Mozambique. Lemoine, soon after his arrival here, embarked for the Isle of France, leaving his vessel in charge of his first officer, named Aimon Basset. The conduct of Basset and his crew here, affording every confirmation of their guilt, I had the honor, on the 9th of October last, to address Government on the subject, who, as I am informed, issued orders for the apprehension of Lemoine. In the mean time, Basset received a letter from him, authorizing him to sell the schooner, a copy of which letter you will find enclosed; he therefore delivered her into my hands as sur-

rogate for this purpose which was accordingly done, and the funds amounting to 456 dollars, lodged in the registry. Basset then demanded that these funds should be applied to the fragment of the arrears of the wages due to him and his crew; but it not appearing in any manner, that there were actually such arrears of pay due on this account; that, on the contrary, the whole of the equipage were, *à la part*; and these having been produced by Monsieur Planeau, bills signed both by Lemoine and Basset for the repairs of the vessel, as well as by Mr. Salom, for sail cloth, &c. and no power or authority being delegated to me to pass any final sentence in a cause coming before the Vice-Admiralty Court at this dependency, I have deemed it necessary to submit all the proceedings had in this affair to Your Honor, for decision: observing, however, that had I been invested with the power of deciding myself in this matter, I should have directed that the funds, proceeding from the sale of L'Espoir, should have been applied to the payment of Messrs. Planeau and Salom, in proportion to the amount of their respective demands; there not appearing upon the face of the "Role d'Equipage," according to law, any salary under which the armament undertook the voyage.

Deeming it necessary to proceed against Basset and his crew, criminally, I directed him to be seized and imprisoned on an accusation of piracy; he is consequently sent to Mauritius by this occasion, and I herewith enclose various depositions against him and the crew of L'Espoir, in order that a criminal prosecution may be entered against him, and such others as may be apprehended. Two of the sailors have already been forwarded to the police, and there are still two others in the colony. I have, for some time, been using all my endeavours to lay hold of them; but the insufficiency of my police establishment for similar purposes, has hitherto prevented me from succeeding.

I have the honor to be, &c.

(Signed) EDWARD HENRY MADGE.

George Smith, Esq.  
&c. &c. &c.

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(Inclosure 7 in No. 56, c.)

Copy of a letter from Mons. Virieux to G. Smith, Esq.

Dated, Port Louis, le 21 Mai, 1819.

Monsieur,

J'ai examiné Mons. Lafontan sur les faits imputés aux nommés Edmond Basset et Lingé. Voici le résultat de cet examen.

M. Lafontan se trouvait à Mozambique, lorsqu'un vaisseau Portugais a échoué sur les côtes, ayant des noirs à bord. Il a été informé que ce bâtiment avait été pillé, et que tout ce qu'il y avait de blancs à bord a va it été assassiné. Il a appris que ce crime avait été commis par une douzaine d'hommes montant une goelette portant pavillon Anglais. Il n'a pas su quel était le nom de cette goelette, il n'a pas non plus entendu nommer les personnes qui y étaient embarquées. M. Lafontan déclare qu'il a été lui-même recherché pour raison de ce crime par le Gouvernement de Mozambique, emprisonné pendant cinq mois et chargé de fers. Il ajoute que ce n'est qu'après avoir été confronté aux noirs formant l'équipage du vaisseau Portugais, qu'il a recouvré sa liberté eu vertu d'un jugement dont il est porteur.

Votre Honneur jugera si, vu l'état des circonstances, il y a lieu de faire conduire le prévenu devant elle, pour être examiné. Il me paraît de la dernière importance que les noirs formant l'équipage du vaisseau Portugais soient réclamés, comme témoins nécessaires, du Gouvernement de Mozambique. M. Lafontan demeure en cette ville chez Madame Leclerc, rue de Moka, près l'établissement Monneron.

J'ai l'honneur d'être, &c.

(Signé) Le Procureur Général, VIRIEUX.

A Monsieur,

Monsieur Smith, &c. &c. &c.



*(Translation of Inclosure 7 in No. 56, c.)*

Sir,

I have examined M. Lafontan on the subject of the transactions ascribed to the individuals named Edmund Basset and Lingé. The following is the result of the interrogatory.

M. Lafontan happened to be at Mozambique, at the time when a Portuguese vessel was wrecked on that coast with negroes on board. He was informed that the vessel had been plundered, and that the white part of the crew had been murdered. He was also told that this outrage had been committed by a dozen men cruizing in a schooner under English colours. He did not learn the name of the schooner, nor of the persons who were on board. M. Lafontan declares that he was himself taken up on account of this transaction by the Government of Mazambique, imprisoned for five months and loaded with irons. He adds, that it was not until after having been confronted with the negroes belonging to the Portuguese vessel, that he was liberated, in virtue of a judgement, of which he is the bearer.

Your Honour will be able to decide, whether, under all the circumstances of the case, you will think it advisable to have the deponent brought before you in order to be examined. It appears to me to be of the first importance that the negroes beforementioned should be required of the Government at Mozambique, as necessary evidence. M. Lafontan resides in this town at Mrs. Leclerc's, Moka Street, near the settlement Monneron.

I have the honour to be, &amp;c.

(Signed) The Attorney General, VIRIEUX

*George Smith, Esq.*  
 &c. &c. &c.

*(Inclosure 8 in No. 56, c.)**Copy of a Letter from Mons. Milius to Major-General Darling.**Dated, St. Denis, 26 Mai, 1819.*

Mons. le Général,

La frégate de Sa Majesté Britanique, le *Liverpool*, ayant différé son départ jusqu'à ce soir me fournit l'occasion de répondre aux différentes lettres que votre Excellence a confiées à M. le Capitaine de vaisseau Collier, qui veut bien se charger de Lui remettre mes dépêches.

Par la lettre du 13 du courant, votre Excellence répond à ma lettre du 27 du mois dernier, par laquelle je la priais de me procurer quelques renseignemens relatifs à des successions vacantes, &c. L'obligeance avec laquelle votre Excellence agréa ma demande, m'est un sur-garant qu'elle voudra bien presser ces diverses recherches : c'est l'assurance qu'elle me donne.

Une seconde lettre portant la date du 20 Mai courant, en réponse toujours à la mienne du 27, concerne des mesures adoptées par votre prédécesseur pour entraver le commerce des noirs. Je ne saurais mieux répondre à cette communication qu'en disant à votre Excellence, que j'ai appliqué à Bourbon, les dispositions arrêtés pour Maurice par le Général Hall, et qu'en conséquence du conseil qu'elle veut bien me donner, j'ai publié aujourd'hui une ordonnance qui prohibe la sortie de la poudre de guerre et de tous les instrumens de destruction qui y ont rapport; j'ai même étendu cette mesure jusqu'à défendre l'exportation des chevaux, attendu que j'ai acquis la presque certitude que *Radama* a manifesté l'intention de se monter une cavalerie. Cet empressement que j'ai mis et que je mettrai toujours à co-opérer avec votre Excellence à prévenir les infractions aux lois qui prohibent la traite, est la meilleure preuve que je puisse lui donner du dessin que j'ai de voir mettre un terme à ce trafic inhumain. Si j'agissais autrement j'encourrais le blâme de mon Gouvernement, qui m'a donné l'ordre le plus impératif de m'y opposer par tous les moyens qu'il a mis à ma disposition. J'ajouterai à cette ouverture franche et loyale, que j'ai prévenu le Capitaine Collier qu'il pouvoit prendre tous les bâtimens Français qu'il rencontrerait en mer avec une cargaison d'esclaves, jusqu'à ce que nos Gouvernemens respectifs ayent fait des conventions qui s'y opposent. Si votre Excellence le trouve bon, il y aura réciprocité; dans le cas contraire je la prie de s'expliquer.

Votre lettre du 22 de ce même mois, se rattache aux infractions de la traite, mais ici elles se présentent sous l'aspect le plus hideux, puis-qu'elle a donné lieu à un crime que le butin de l'histoire refusera de transmettre à la posterité. La barbarie du Capitaine Lenoine a

excité mon indignation, et si ce grand coupable avait été à ma disposition, je me serois empressé de le remettre entre les mains du Capitaine Collier, afin qu'il pût le traduire dans les prisons de Mauritius. Je joins ici deux pièces qui feront connoître à votre Excellence ce qu'est devenu le Sieur Lemoine ; elles sont de nature à pouvoir figurer au procès.

Je ne terminerai pas cette lettre sans renouveler à votre Excellence qu'elle me trouvera toujours dans les meilleures dispositions à son égard, et qu'aucun sacrifice ne me contraindra pour lui prouver combien j'ai à cœur que nos rapports continuent sur le même ton et viennent cimenter, s'il est possible, l'union qui doit exister et qui existe entre nos souverains respectifs. C'est dans ces sentimens que j'ai l'honneur, &c. &c.

Le Commandant et Administrateur pour le Roi,

(Signé) MILIUS,

Son Excellence Le General Darling,  
&c. &c. &c.

(Translation of Inclosure 8 in No. 56, e.)

General,

In consequence of His Britanic Majesty's ship, *Liverpool*, not sailing until this evening, I am enabled to reply to the several communications which you had entrusted to Captain Collier, who is so obliging as to take charge of my letters to your Excellency.

By your letter of the 18th Instant, your Excellency acknowledges the receipt of mine of the 27th ultimo, in which I request to be furnished with certain information respecting unclaimed successions, &c. The obliging attention with which your Excellency has acceded to my request, leaves me no room to doubt but that you will have the goodness to accelerate the necessary references as much as possible ; of this, indeed, I am already fully assured by your Excellency's letter.

A second letter dated the 20th Instant, likewise in answer to mine of the 27th ultimo, relates to the measures adopted by your predecessor for the prevention of the Slave Trade. The best reply I can make to this latter communication, will be my acquainting your Excellency, that I have applied to Bourbon, the same measures as have been adopted at the Mauritius by General Hall ; and that, in conformity with the recommendation your Excellency has had the goodness to make, I have this day issued an ordonnance prohibiting the exportation of gun-powder and of all engines of destruction thereunto belonging ; I have even extended this prohibition to the exportation of horses, having received pretty certain intelligence that *Radama* intends to raise a force of cavalry. The readiness with which I now do, and ever shall, co-operate with your Excellency, for the purpose of preventing any infraction of the laws prohibiting the Slave Trade, is the best proof I can give of my earnest desire to witness the final termination of this inhuman traffic. Were I to act otherwise, I should incur the disapprobation of my Government, who have given me the most positive instructions to use every endeavour in my power towards the attainment of this end. To this open and candid explanation on my part I have to add, that I have also communicated to Captain Collier that he may consider himself at liberty to detain all French vessels with which he might fall in at sea, having cargoes of Slaves on board, until such time as our respective Governments have concluded Conventions on the subject. Should your Excellency think it advisable, this arrangement may be reciprocal ; in the contrary case, your Excellency will have the goodness to explain yourself.

Your Excellency's letter of the 22d Instant, refers more particularly to illicit Slave Trading. But here it has appeared under the most disgusting form, since it has given birth to a crime which the pen of the historian will refuse to transmit to posterity. The savage barbarity of Lemoine has excited my indignation, and had that horrible ruffian been in my power, I should have been glad to have given him in custody to Captain Collier, to be conveyed to prison at the Mauritius. I herewith annex two documents, from which your Excellency will be able to learn how far the said Lemoine has been traced ; these papers are of a nature to be attached to the evidence on the proceedings.

I will not conclude this letter without renewing the assurance, that you will always find me most ready on every occasion to attend to your Excellency's wishes, and that no sacrifice shall be wanting on my part to evince how much I have at heart that our intercourse should

continue in the same tone, and should cement, if it be possible, the harmony which ought, and happily does subsist between our respective sovereigns. In these sentiments I have the honour, &c.

(Signed) MILIUS.

Major General Darling,  
&c. &c. &c.

(Inclosure 9 in No. 56, c.)

Mons. Milius to the French Minister of Marine,

Dated, St. Denis, the 19th June, 1819.

Monseigneur,

Je me crois dans l'obligation de revenir encore sur l'affaire du négrier *la Favorite*, dont j'ai déjà entretenu si souvent et si longuement votre Excellence, dans mes lettres précédentes.

Par toutes les dépêches précitées je rendais comptes de la capture de ce petit bâtiment par la goelette de Sa Majesté le *Lys*, dans les environs du cap d'Ambre, et des circonstances qui avaient accompagné et déterminé cette prise, faite par un navire du Roi, sur un bâtiment reconnu pour faire la traite, mais naviguant sous pavillon Anglais. Le Major Général Darling, Gouverneur de Maurice, que j'instruisis de cet événement en lui adressant ma proclamation, me répondit par la lettre ci annexée.

Ce sont les principes contenus dans cette lettre qui m'ont déterminé, Monsieur, à vous écrire celle-ci.

Mons. Le Général Darling, tout en partageant l'indignation que j'ai toujours manifestée contre ceux qui se livrent au commerce des esclaves en général, tout en reconnaissant le droit que nous avons de les poursuivre et de les juger, semble, dans l'état de la question qui nous occupe ici, vouloir contester la validité de la prise de la *Favorite*, dans le cas où, naviguant sous pavillon Anglois, elle aurait été destinée directement pour une colonie Anglaise.

Je ne chercherai point à combattre ce point de législation établi chez nos voisins, au sujet de la traite, mais j'en profiterai au contraire, dans le cas où nous nous trouvons, puisqu'il offre un moyen victorieux de prouver que nous sommes parfaitement d'accord avec leurs lois.

En effet, Monseigneur, le *Lys* arrête la *Favorite* qui lui paraît suspecte, dans la seule intention de la visiter; le capitaine de ce bâtiment, à la première question qui lui est faite, répond qu'il vient de Zanzibar, qu'il est chargé de 143 Noirs, et qu'ils sont destinés pour Bourbon; ainsi qu'il résulte du rapport ci-joint. Le commandant du *Lys*, d'après un aveu si positif, s'empare de la *Favorite*, non pas même pour la capturer, mais pour la faire conduire à sa destination présumée, afin d'éclaircir le fait et de s'assurer qu'elle n'était point coupable de piraterie. L'Equipage se révolte, le bâtiment s'échappe, en laissant l'élève de la Marine qui en avait pris le commandement, sur une île déserte, et pour prouver que sa Cargaison était bien pour Bourbon, à l'aide d'un autre petit navire, enlevé de vive force à l'île d'Arcy, le capitaine de la *Favorite* vient effectuer sur notre côte, le débarquement des noirs qu'il a pu sauver.

Tous ces événements, Monseigneur, sont tellement clairs, ils ont une telle connexité entr'eux, que l'on ne peut sous aucun prétexte nous contester la justice de nos droits sur cette prise, les faits parlent d'eux mêmes; il suffit de les connaître et de les comprendre comme ils doivent être compris, pour reconnaître que tout s'est fait en règle, et qu'il n'existe aucune contravention aux lois Anglaises dans cette circonstance. Comme il est essentiel cependant de constater ce que je viens d'annoncer, d'une manière encore plus positive, je me suis procuré toutes les preuves matérielles qui pouvaient applanir jusqu'aux doutes que la mauvaise foi voudrait élever.

Je suis assez heureux pour pouvoir les adresser à Votre Excellence.

Ces pièces sont au nombre de trois: la première est la copie d'une lettre dans laquelle l'armateur de la *Favorite* (le Sieur Cremasy) qui est Français et qui habite Bourbon, fait part des instructions qu'il a données au capitaine de son bâtiment, pour le voyage qu'il avait à faire à Madagascar, et non point sur la côte d'Afrique, au retour de laquelle il a été pris.

La seconde est du capitaine lui-même qui déclare au Sieur Cremasy, qu'il va se rendre de son propre mouvement, et sans y être autorisé soit par son armateur soit par ses expéditions, à Zanzibar, et qui constitue une intention bien avérée d'y faire la traite, puisqu'on ne fait pas d'autre commerce dans cette île.

La 3<sup>me</sup> enfin est un extrait des minutes de la Cour de Vice-Amirauté des Seychelles, qui constate le délit de l'enlèvement d'une autre Goëlette, pour mettre le capitaine de la Favorite à même de continuer son voyage à Bourbon, et qui a eu lieu comme je l'ai dit ci-dessus :

Ces pièces suffiront sans doute à Votre Excellence, pour lui démontrer la nécessité où Mons. Trappaz, commandant du *Lys*, a été, de visiter le bâtiment dont il est question.

Elles serviront bien plus encore pour repousser les prétentions du Gouvernement Anglais, dans le cas où Mons. le Major-Général Darling, lui aurait donné une connoissance officielle de cette capture.

Cet officier général me rappelle dans sa lettre, que la Cour d'Amirauté d'Angleterre s'est trouvée à même, dans une position à peu près semblable, de décider cette question en faveur de la France, au sujet de la prise du bâtiment le *Louis*. J'admets facilement, Mons. que le fait rapporté par Mons. le Gouverneur de Maurice, soit vrai, mais je nie que les circonstances qui ont accompagné la capture aient été les mêmes. La Cour d'Amirauté ne nous aurait jamais concédé l'objet d'une réclamation qui aurait été aussi évidemment fausse que celle que l'on pourrait former contre la prise de la Favorite.

J'ai, &c.

(Signé) MILIUS.

Son Excellence le Ministre de la Marine.

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(Translation of Inclosure 9 in No. 56, c.)

Monseigneur,

St. Denis, 19<sup>th</sup> June, 1819.

I am under the necessity of again reverting to the affair of the slave vessel the "*Favorite*," upon the subject of which I have already so frequently, and at such length, addressed your Excellency in my former correspondence.

In my said communications, I duly notified the capture of that vessel, by His Majesty's schooner the *Lys*, off Cape Ambre, as well as the circumstances which led to the detention, by a King's ship, of a vessel acknowledged to be engaged in the Slave Trade, but sailing under the British flag. Major-General Darling, the Governor at the Mauritius, whom I officially informed of this event, at the same time enclosing to him a copy of a Proclamation I had issued, replied to me by a letter copy of which is herewith annexed.

It is in consequence of the principles conveyed in the said communication, that I have now the honor of addressing your Excellency.

Major-General Darling, whilst fully partaking the indignation I have constantly evinced towards all those who engage in the Slave Trade, and also entirely acknowledging our right to bring them to trial and punishment, yet appears at the same time disposed, on the present occasion, to doubt the legality of the capture of the *Favorite*, in the event of the said vessel, sailing under British colours, having been *actually bound to an English colony*.

I will not attempt to argue against this point of law, as acted upon by our neighbours, in relation to the Slave Trade; but, on the contrary, I shall endeavour to avail myself of it in the present case, as presenting the most decisive argument, of our being perfectly within the strict meaning of their own Regulations.

In fact, Monseigneur, the *Lys* detains the *Favorite*, with the sole intention of searching this vessel upon grounds of suspicion. The master of the said vessel, in answer to the first question put to him, states that he comes from Zanzibar—that he has 143 negroes on board, and that *they are bound to Bourbon*. The commander of the *Lys*, as appears by the annexed report, in consequence

of so positive a confession, detains the *Favorite*, not with the intention of making a prize of her, but for the purpose of having her conducted to her alleged destination, in order to ascertain the fact, and to clear the master of the suspicion of piracy. The crew mutiny, and the vessel goes off, leaving the prize-master on a desert island; and to prove that the cargo was, in fact, bound to Bourbon, the master of the *Favorite*, by means of another small vessel, forcibly obtained from the Isle D'Arcy, actually lands upon our coast the remainder of those negroes whom he has been enabled to preserve.

All these circumstances, Sir, are in themselves so very clear, and have that connexion the one with the other, that it is impossible reasonably to object to the legality of the said capture. The facts speak for themselves; it is enough to be made acquainted with the nature of them, and to see them in their true light, in order to be satisfied that the transaction has been entirely conformable to law, and that no breach whatever of the English system of regulations has been attempted in the whole affair. Yet, as it is essential to afford clear proof of what I have asserted, I have procured all the necessary documents, for the purpose of removing even the slightest doubt which chicanery might be tempted to raise; and I am happy in being enabled herewith to enclose them to your Excellency.

The papers in question are three in number:

The first is the copy of a letter, wherein the owner of the *Favorite*, Mons. Crémasy, a French inhabitant of Bourbon, communicates the instructions which he gave to the master of his vessel, in reference to the voyage which he was to undertake to Madagascar, and not to the coast of Africa; on the return from which, he was detained.

The second is from the master himself, who states to Mons. Crémasy, that, of his own accord, and without authority either from his owner or his instructions, he intends sailing for Zanzibar; thereby showing a decided intention of Slave Trading, since no other trade whatever is carried on at that island.

The third, in fine, is an extract from the Register of the Vice-Admiralty Court at Seychelles, proving the carrying away of another schooner, to enable the master of the *Favorite* to continue his voyage to Bourbon, which was duly accomplished, as I have said before.

These documents will be doubtless sufficient to convince your Excellency, that it was the duty of M. Frappaz, the commander of the *Lys*, to visit the vessel in question.

But they will be still of greater service, should it be necessary to reply to any demand for explanation on the part of the British government, in consequence of any official communication they may have received from Major-General Darling on this subject.

The General reminds me, in his letter, that the Court of Admiralty in England have, on an occasion very nearly similar, given a decision in favor of France, in the case of the capture of the ship *Louis*. I doubt not, Sir, but that the fact mentioned by the Governor of the Mauritius, is perfectly correct; but I can not allow, that the circumstances attending the present capture, were at all the same: the Court of Admiralty never would have granted a petition so unfounded as would be any reclamation against the capture of the *Favorite*.

I have the honor to be, &c.

(Signed) MILIUS.

*His Excellency the Minister of Marine.*

(Inclosure 10 in No. 56, c.)

Mons. Crémazy to the Attorney-General at St. Denis, Dated St. Denis, 7th April, 1819.

Monsieur,

J'ai l'honneur de vous exposer qu'ayant sollicité le 27 Mars dernier, la permission de Monsieur le Commandant et Administrateur pour l'union que je dois contracter en ce quartier avec Mademoiselle Moreau; j'ai été renvoyé par une apostille de joindre à ma demande certificats et papiers nécessaires pour obtenir son approbation. Le même jour 27 Mars, je me suis rendu à St. Paul, afin de me procurer les pièces exigées et aussitôt mon arrivée au dit quartier, je me suis mis en mesure de me les procurer comme vous le verrez, Monsieur, par le certificat de M. La Caille du 28 Mars, par celui de M. Alizard, officiers d'administration du 31 Mars, et par l'extrait des minutes du Greffe de Justice de paix du 1er courant, ici joint.

Par suite des malheurs qui n'ont cessé de me poursuivre, je me vois compromis dans une affaire, pour laquelle je n'ai pris aucune part. En voici la preuve évidente.

Le 14 Août, 1818, j'ai été débarqué mourant et sans connaissance, de mon navire la *Favorite* que je commandais alors, au retour d'un voyage de Madagascar. Peu de jours après, j'eus assez de raison pour prier mon second, Mons. Geffrai de ne pas rester sur rade et de partir le plutôt possible, par Madagascar y chercher un frêt de riz ou bœufs pour ne pas manger le navire en frais sur rade; il exécuta ma recommandation; et partit le 3 Septembre suivant, de St. Paul. Il m'écrivit le 19 du même mois la lettre ci-jointe; qui prouve bien que le navire la *Favorite* étoit réellement destiné pour Madagascar, et non pour la côte d'Afrique; le Capitaine Geffrai ayant opéré sans mon consentement pour ce voyage, puis-que j'étais resté malade au lit à St. Paul, comme je puis le prouver par toutes les personnes du dit quartier et les certificats de M. Lacaille, qui m'a traité depuis le 14 Août jusqu'au 11 Février dernier.

Me trouvant à St. Paul, pour les raisons que je vous ai déjà nommées plus haut, j'ai appris qu'un cavot avait fait côte au Bonan-Canot, dans la nuit du 28 ou 29 Mars. Je me suis transporté sur le lieu de naufrage, pensant que ce pouvait être la *Favorite*, sans autre dessein que de porter des secours, et avoir des nouvelles de mon navire; mais voyant que ce n'étoit pas lui, et qu'il n'y avait personne sur la plage, j'ai continué ma route jusqu'à St. Gilles pour y demander l'hospitalité, et avoir des renseignements du naufrage le même jour. M. le Commissaire Alizard, M. Kauval fils arrivèrent à St. Gilles, et c'est là que nous avons appris les détails mentionnés dans la proclamation de M. le Commandant et Administrateur, relatifs à la reprise de la *Favorite* par MM. Pradel et Barnez.

Voilà, Monsieur, l'exacte vérité, et c'est pour avoir voulu porter des secours à des naufragés sans mauvaises intentions, et ignorant qui ils pouvaient être, que je suis accusé d'avoir eu connoissance du débarquement des noirs du navire naufragé, et soupçonné d'être parti de St. Denis avec connoissance de cause. Je vous assure, que ce n'est que le hazard qui m'a conduit à St. Paul, comme je vous l'ai démontré; et je dois cette circonstance fâcheuse pour moi à ma malheureuse étoile.

J'ai de nouveau adressé hier à M. le Commandant et Administrateur une requête en lui présentant les pièces demandées pour obtenir son approbation à mon mariage. Elles m'ont été renvoyées par M. Lefèvre, Capitaine Aide de Camp, suivant sa lettre du 6 courant, que vous trouverez ci-inclus, qui m'engage à me présenter vers vous pour y subir interrogatoire, ayant rempli les volontés de

Monsieur le Commandant et Administrateur: veuillez, je vous prie, Monsieur, me rendre le service de lever à ses yeux les doutes qui peuvent exister contre moi dans l'affaire dont il est cas, persuadé que vous avez déjà reconnu mon innocence, et par notre organe bienfaisant obtenir la permission que je sollicite de M. le Commandant, qui, j'ose me flatter, ne peut me reconnaître coupable dans une affaire qui m'est aussi étrangère.

Je sollicite aussi de votre bonté, et de celle de M. le Commandant, que la parole d'honneur que je lui ai donnée de ne pas sortir de St. Denis me soit rendue.

J'ai l'honneur, &c.

(Signé)

CREMASY.

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(Translation of Inclosure 10 in No. 55, c.)

*Monsieur Cremasy to the Attorney General at St. Denis, dated St. Denis the 7th April, 1819.*

Sir.

I have the honor to acquaint you, that having solicited on the 27th of March last, the permission of the Commandant and Governor for the marriage which I wished to contract here with Miss Moreau, I was sent back with a request to add to my application the certificates and papers necessary to obtain his approbation. On the same day, the 27th of March, I went to St. Paul, in order to get the papers required, and as soon as I arrived there I took every means of procuring them, as you will see, Sir, by the certificate of M. de la Caille of the 28th of March; and by that of M. Alezaid, and an officer of the Government, of the 31st of March, and by the extract of minutes of the Justice of Peace of the 1st instant, here subjoined.

In consequence of the misfortunes which have never ceased to pursue me, I found myself involved in an affair which I had nothing to do with. Here is a clear proof of it.

On the 14th of August, 1818, I was landed half-dead, and in a state of insensibility from my vessel, *La Favorite*, which I then commanded in my returning voyage from Madagascar. A few days after, I recovered sufficiently to be able to tell my second in command, M. Geffrai, not to remain in the roads, but to proceed, as soon as possible, to Madagascar in search of a cargo of rice or beef, to avoid eating up the profits of the vessel by expences in the roads. He executed my desire and on the 3d of September left St. Paul. He wrote to me on the 9th of the same month the letter annexed, which fully proves that the vessel *la Favorite* was really destined for Madagascar and not for the coast of Africa, the captain, Geffray, having acted without my consent in this voyage, because I was ill in bed at St Paul, which can be proved by every body there, and by the certificate of M. de la Caille who attended me from the 14th of August to the 11th of February last.

During my stay at St. Paul, for the reasons which I have already stated above, I learnt that a canoe had run aground at Boucan Canot in the night of the 28th or 29th of March. I went to the place where the wreck took place, thinking that it might be *la Favorite*, with no other view than to afford assistance and obtain news of my vessel, but seeing that it was not her, and that there was no one on the beach, I continued my journey as far as St. Gilles to ask hospitality at that place, and get some further tidings of the wreck. The same day M. Commissary Alezaid, M. Kauval, jun. and two soldiers arrived at St. Gilles,

and it was there that we learnt the details mentioned in the proclamation of the Commandant and Governor relative to the retaking of *la Favorite* by Messrs. Pradel and Barnet.

Such, Sir, is the real truth, and it was from my wish to give relief to the shipwrecked, without any evil intentions, and being ignorant who they might be, that I am accused of being accessory to the landing of slaves from the wreck, and suspected of having quitted St. Denis with a knowledge of the fact. I assure you that it was mere accident that led me to St. Paul, as I have explained to you, and that I owe this unfortunate circumstance to my unlucky stars.

I again addressed to the Commandant and Governor a petition, inclosing the papers required to obtain his approbation of my marriage. They were returned to me by Mr. Lefevre, Captain and Aid-de-camp, according to his letter of the 6th Instant, which you will find here inclosed, and which desires me to present myself before you to be interrogated. As I have fulfilled the wishes of the Commandant and Governor, I beg, Sir, you will do me the service to remove from his mind the suspicion that may exist against me in this affair, and being persuaded that you are already convinced of my innocence, I entreat you to obtain through your benevolent interference the permission I have solicited from the Commandant and Governor; since I venture to flatter myself that he cannot believe me implicated in an affair to which I am a stranger.

I also solicit that you and the Commandant will do me the favor to order that the parole of honor which I gave not to quit St. Denis, may be returned to me.

I have the honour to be, &c.

(Signed) CREMASY.

(Certified a true copy,) Le Commandant and Governor.

(Signed) MILIUS.

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(Inclosure II in No. 56, c.)

*Monsieur Gefray to Monsieur Cremasy.*

*Camatave, 19th Sept, 1818.*

Mon cher Monsieur Crémasy,

Je vous apprendrai mon arrivée ici de 8 de ce mois. Prévoyant n'y rien faire, faute de chargement, et étant trop de navires en concurrence, plusieurs mêmes ayant des fonds pour faire des acquisitions, j'ai cru bien faire en entreprenant un voyage un peu long, mais qui pourrait offrir plus de bénéfices à l'armement, et je vais vous le faire connaître.

Deux traitans MM. Pradel et Baronet affretent le navire pour Zanzibar. Ils s'engagent à mettre 120 B. sous seing privé, passé qu'ils me payeront 40 piastres par tête sur la quantité qui se débarqueroit. Je trouve de plus plusieurs traitans qui me confient quelques moyens pour employer pour eux, et dont ils me payeront aussi le frêt, mais à un prix moins que les premiers.

Je n'ai point fait grande dépense, les frêteurs embarquant leurs provisions, j'ai seulement augmenté notre plan, et acheté quelques autres petites choses dont j'avais besoin pour entreprendre ce voyage. Quant à l'équipage je leur ai donné un port permis de plus à eux à l'employer pour moi. Je compte sur votre justice pour me donner 5 piastres par tête et dix ports permis et mes appointemens ordinaires.



Le Retour est destiné pour  
Décembre, peut être avant.

Ainsi attendez-moi à la fin de

Je vous souhaite une bonne santé.

Votre, &c. (Signé) A. GEFRAY.

Il vous sera présenté un mandat de 15 piastres, pour les droits de Jean René, que je n'ai pu payer ici.

(Translation of Inclosure 11 in No. 56, c.)

Camatave, Sept. 19, 1818.

My dear Mr. Cremasy,

I now inform you that I arrived here on the 8th of this month. Foreseeing that there was nothing to be done for want of a cargo, and there being too many vessels in association, many having even funds to make purchases with, I conceived that I could not do better than undertake a voyage, which, though long, offered more profit to the equipment, as I shall explain to you.

Two traders, Messrs. Bradel and Barnet, having hired the vessel for Zanzibar, they engage to put on board 120 B. under a private signature, it being agreed that they shall pay me 40 piastres a-head for the number that shall be landed. There are also several other traders who intrust me with funds to employ for them in this traffic, for which they pay me freight, but at a price lower than the former.

I have not had occasion to incur much expence, because the freighters embark their own provisions. I have merely extended our scheme, and brought some other trifling articles necessary for the undertaking of this voyage. With respect to the crew, I have given them one more permit, which they are to employ on my account. I rely upon your justice to grant me five piastres a-head; and also ten more permits, besides my ordinary allowances.

The return cargo is bound for (the paper torn,) so that you may expect to see me about the end of December, or perhaps sooner.

I wish you your health, &c.

(Signed) C. GEFRAY.

There will be presented to you a bill of 15 piastres for dues of the claims of John René, which I could not pay here.

Certified to be a true copy of the original sent to Mons. Cremasy.  
His Majesty's Governor and Commandant,

(Signed) MILIUS.

(Inclosure 12 in No. 56, c.)

Mr. Frappaz to Mons. Millius.

Mahé Seychelles, 10th Jan. 1819.

Mon Général,

J'ai l'honneur de vous prévenir que le 22 Dec. à 6 heures du matin étant par 9 d. 12 m. de latitude sud et 47 d. 48 m. de latitude orientale, j'appercus sous le

vent à moi et à 2 lieues un bâtiment qui un instant après se couvrit de voiles et prit chasse. Cette manœuvre me paroissant suspecte, sachant en outre que des pirates parcouraient les mers où je me trouvais et ayant d'ailleurs entendu raconter à Anjouan l'épouvantable histoire de la goelette *l'Espoir*, surnommée *la Bamboche*, je laissai arriver et je forçai de voiles pour le joindre. A 9 heures et demie, étant par son travers à une portée de mousquet, ne le voyant arborer aucun pavillon et remarquant sur son pont beaucoup de matelots noirs et blancs qui avaient l'air d'aller et de venir avec empressement, je hissai le pavillon et la flamme en les appuyant d'un coup de fusil. Alors il mit le pavillon Anglais. Je lui ordonnai de se mettre en panne et après lui avoir fait plusieurs questions, il me répondit être la goelette *la Favorite*, venant de Zanzibar, ayant à bord 143 noirs, destinés pour Bourbon. Sur quoi j'envoyai un élève visiter le bâtiment. Il m'informa que le rôle de *la Favorite*, fait sur une feuille volante, était bien daté de Maurice, mais qu'il ne comptait pas la moitié du monde présent; que des traiteurs et des officiers passagers soi-disant, n'y étaient pas mentionnés; qu'il n'y avait à bord aucun journal et que tout portait à penser, que cette goelette était un pirate ou peut-être *la Bamboche* elle même, qui arborait le pavillon Anglais, croyant ainsi pouvoir naviguer impunément. Ces importantes considérations, les noms du Capitaine et du second, que plusieurs de mes hommes m'assurèrent être faux (ce qu'ils m'avouèrent effectivement eux-mêmes) destination des noirs pour Bourbon et l'extrême sévérité que les gouvernements de l'Europe mettent à l'abolition de la traite, tout me détermina, sinon à capturer *la Favorite*, au moins à la faire conduire à sa destination supposée, pour voir si effectivement elle était ce qu'elle prétendait être. L'intérêt général demandait cette mesure de surcté, et je n'hésitai pas à l'exécuter. Je chargeai M. Lelieur, élève de Ire. classe, de mener cette goelette à Bourbon. Je lui donnai deux matelots et pour qu'il eût moins à craindre, je pris à mon bord deux matelots noirs, le Capitaine et son second. Pressé ensuite par mes avaries majeures et mon manque de vivres, d'atteindre promptement Seychelles, j'ai perdu de vue *la Favorite*, le soir même. J'ai eu pour les officiers de ce bâtiment les plus grands égards.

J'ai l'honneur d'être, &c.

(Signé) V. FRAPPAZ.

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(Translation of Inclosure 12 in No. 56, c.)

General,

I have the honor to acquaint you, that, on the 22d of Dec. at 6 a. m., being within 9 deg. 12 m. south lat. and 47 deg. 48 m. east lat., I perceived a vessel, at the distance of about two leagues, coming towards me under the wind; but which, immediately afterwards, bore off under a press of sail. This manœuvre appearing to me rather suspicious, because those seas were infested with pirates, and having moreover heard at Anjouan an account of the frightful transaction relative to the schooner *l'Espoir*, alias the *Bamboche*, I immediately gave chase; and having brought him, at half-past nine, within musket-shot, without his shewing any colours, and observing also a number of seamen, both black and white, hurrying about the deck in great confusion, I hoisted my flag and pennant, at the same time firing a musket. Upon this he hoisted English colours. I ordered him to bring to; and, in answer to several questions, I was informed that the vessel was called the *Favorite*—that she came from Zanzibar—and had 143 negroes on board, for Bourbon. This account induced me to send a midshipman on board, who informed me, that the *Favorite's* Muster Roll, written upon a loose sheet of paper, was indeed dated from the Mauritius, but

did not contain the names of half the people present—that the slave traders, and some officers, calling themselves passengers, were not included in it—that there was no log-book on board—and that every thing concurred in raising a suspicion that the said schooner was a pirate, or perhaps the *Bamboche* itself; the master of which hoped, under English colours, to cruize with impunity. These important considerations—the names of the master and mate, which several of my crew assured me not to be their real ones, (which, in fact, they subsequently acknowledged)—the destination of the negroes for Bourbon—and the earnestness with which the governments of Europe appear resolved to prosecute the abolition of the Slave Trade: all these considerations, in short, determined me, if not to capture the *Favorite*, at least to have her conducted to her alleged destination, in order to ascertain if she were what was assumed. The public good required this measure of precaution, and I did not hesitate to carry it into effect. I accordingly commissioned Mr. Lelieur, a midshipman of the first class, to take charge of the said schooner to Bourbon. I gave him two seamen; and, in order that he might have the less to apprehend, I took on board of my vessel two black sailors, the master and his mate. Being then pressed by the actual state of the ship, and my want of provisions, to reach the Seychelles as soon as practicable, I lost sight of the *Favorite* that same evening. I paid to the officers of that vessel every possible attention.

I have the honor to be, &c.

(Signed) V. FRAPPAZ.

(Inclosure 13 in No. 56, c.)

*Extract from the Register of the Commission appointed by the Vice-Admiralty Court at the Mauritius and its Dependencies, to the Isles of Seychelles.*

*Aujourd'hui treizieme jour du mois d'Avril, 1819, a onze heures du matin pardevant nous, Edward Madge, Esq. délégué aux Isles Seychelles de la Cour de Vice-Amirauté de l'Île Maurice et Dependances, assisté de Remy Jean D'Argent Greffier de la délégation.*

Est comparu le Sieur Benoiton, 2d capitaine de la goelette *l'Espérance*, de Mahé, capitaine et propriétaire, Rodolphe Young, lequel après avoir prêté entre nos mains le serment de dire verité, a fait la déclaration suivante.

Qu'étant parti sur la goelette *l'Espérance* pour aller aux Amirautés, ils ont eu connoissance de terre le Jeudi 4 Fevrier, sur les onze heures du matin; que sur les 4 heures après midi, ils ont apperçu les débris d'un navire, près de l'établissement du Sieur Young, à d'Aros, qu'au même moment ils on vu un bateau qui se dirigeait sur eux, que ce bateau était commandé par le Sieur Pradelle, qui leur dit qu'il était fréteur de la goelette Anglaise la *Favorite*, qui après avoir été capturée par la corvette Française le *Lys*, ayant relâché à Daros, y avait fait côte, que le lendemain 5 le capitaine descendit à terre, que le 6 n'ayant point reçu de nouvelles du capitaine, il allait envoyer un canot à terre, lorsqu'il vit venir à bord un bateau; il crut d'abord que c'était le capitaine: mais quel fut son étonnement en voyant monter à bord huit hommes armés de fusils et des abres, qui s'emparèrent de lui et le forcèrent ainsi que le maitre d'équipage de descendre à terre, où il trouva le capitaine gardé par deux hommes armés, qu'il y a été lui même gardé, pour l'empêcher de retourner à bord, les Sieurs Banel, Pradel,

et l'équipage s'étant rendus maîtres de la goelette *l'Espérance* ; qu'il avoit vu l'équipage aidé des noirs de M. Young, qu'ils faisaient travailler à force pour ce dernier navire afin de se sauver, et qu'en effet le dix sur les dix heures du matin ayant embarqué les noirs de la traite de la Favorite, vivres et tout ce qui leur étoit nécessaire, ils ont fait voile dans le Sud, avec une bonne brise de la partie du nord. Ayant laissé à terre le Sieur Lelieur Deville, officier de la corvette Française, le *Lys*, capitaine de la goelette capturée la Favorite.

Le 18 Mars, le brick, le *Courier, des Seychelles*, Capitaine Langlois, amouillé, à Daros, allant à Aldabra, le dit Sieur Lelieur et deux matelots se sont embarqués pour aller aux Seychelles craignant n'avoir pas d'autres occasions.

Le premier Avril la chaloupe de Mons. Dupuy, Capitaine Tiran, est venu nous chercher et le 3 nous nous y sommes embarqués pour retourner à Mahe.

Lecture à lui donnée de la déclaration, il a dit qu'elle contenoit la verité y a persisté et l'a signé, avec nous dans ou la Salle du Graffe de la Délégation à Mahé, aux Seychelles les dits jours mois et ans.

(Signé) à la Menielle, BENOITON, fils.

EDWARD MADGE, Délegué du Juge de  
Vice-Amirauté et d'Argent Greffier."

(Translation of Inclosure 13 in No. 56, c.)

*The 13th day of April, 1819, at Eleven o'Clock in the Forenoon; before the undersigned Edward W. Madge, Esq. Commissioner from the Vice-Admiralty Court of the Mauritius and its Dependencies, to the Seychelles Islands, assisted by Remy John D'Argent, Clergy to the Commission*

Personally appeared the Sieur Benoiton, Mate of the schooner *L'Espérance*, of Mahé, Robert Rodolp Young, Master and Owner, which deponent having been duly sworn, saith:—

That having sailed in the schooner *l'Espérance*, for the purpose of making the Amirantes, they discovered land on Thursday the 4th of February, at eleven in the morning;—that at 4 p. m. they observed the wreck of a vessel near the settlement of Mr. Young, at d'Aros; that at the same time they perceived a boat coming out to them; that the said boat was commanded by the Sieur Pradelle, who informed them he was freighter of the English schooner the Favorite, which having been captured by the French sloop of war, *La Lys*, had been stranded on putting in at Daros; that on the following day, the 5th, the Master went on shore; that not having heard from the Master on the 6th, he was going to send a skiff on shore, when he saw a boat coming on board; that at first he thought it was the Master returning, but that, to his astonishment, eight men, armed with muskets and swords, came on deck, seized him, and obliged him, as well as the Master's mate, to go on shore, where he found the Captain guarded by two armed men; that he was likewise guarded to prevent his returning on board; that the Sieurs Barnel, Pradel, and the crew, having thus obtained possession of the schooner, *l'Espérance*, he observed them, assisted by Mr. Young's negroes, whom they forced to work, labouring to put the said vessel in a condition to carry them off. That accordingly on the 10th, at 10 a. m. having embarked the negroes belonging to the Favorite, together with provisions, and all other necessaries, they got under weigh, and made to the southward, with a brisk breeze from the north, leaving behind them the Sieur Lelieur

Deville, an officer belonging to the French sloop of war the *Lys*, and the prize-master of the captured schooner, the *Favorite*.

On the 18th March the brig *Courier*, from Seychelles, Captain Langlois, having touched at Daros, on her way to Aldabra, the said Mr. Lelieur, with two seamen, went on board, in order to get to the Seychelles, thinking it probable they would not have a more favorable opportunity of leaving the island.

On the 1st of April Mr. Dupuy's sloop, Captain Tiran, came to fetch deponent and his party; and on the third embarked in her for Mahé.

The said deposition having been read over to this deponent, he has declared it to contain nothing but the truth, and has persisted in the same, which he has signed in our presence in the office of the Commission at Mahé, one of the Seychelles.

(Signed) BENOITON, Jun,

(Signed) EDWARD MADGE, Commissioner-General.  
D'Argent Registrar.

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(Inclosure 14 in No. 56, c.)

Report addressed to Monsieur Frappaz, *Enseigne de Vaisseau*, and Aide-Camp to Monsieur Milius, His Most Christian Majesty's Commander-in-Chief and Governor at the Isle of Bourbon; and commanding His Majesty's Schooner the *Lys*,—relative to the re-capture of the Slave Vessel the *Favorite*, by the freighters of the said Vessel.

Monsieur,

D'après votre ordre je me rendis à du bord brick goelette la *Favorite* pour en prendre le commandement, et j'envoyai à votre bord le Capitaine du bâtiment, son second, et deux matelots; en échange de ces deux derniers vous me donnâtes les nommés Cabavel et Pringent.

Ayant trouvé à bord deux officiers de Marine Marchande passagers, Messieurs M. Ebrad et Duchesne, provenant de la Goëlette l'Egnamont qui avait fait naufrage à la côte d'Afrique, je crus pouvoir leur confier un quart, vû qu'ils n'avaient aucun intérêt sur le navire et que j'étais seul.

Vous m'enjoignites, d'après l'état de mes vivres que je vous communiquais, de faire voile pour la relâche la plus voisine, d'y faire de l'eau ainsi que les vivres dont je pourrais avoir besoin, et de continuer mon voyage.

Je restai en calme huit à neuf jours; le 27 Decembre je tombai dangereusement malade d'une espèce de dissenterie épidémique régnant généralement sur les bâtimens qui viennent de traiter à la côte d'Afrique. Cette maladie qui commençait à se propager à bord, jointe au manque d'eau, m'ayant fait perdre une vingtaine de noirs, je me déterminai à relacher aux Amirantest que je reconnus le 4 Janvier au matin; et le même jour je mouillai à l'Isle Daros, ayant tout mon équipage malade, à l'exception de deux hommes. Après avoir pris des informations sur la possibilité de faire de l'eau et des vivres frais, j'envoyai à terre les matelots et noirs malades; éprouvant des difficultés pour faire de l'eau, et voyant que l'ouvrage se faisait avec lenteur, je me fis transporter à terre faire creuser un puits et accélérer par ma présence la besogne; je m'y fis accompagner par les deux frêteurs Messieurs Barnette et Pradel, afin de les avoir

## III

sous mes yeux et empêcher par là toute communication entr'eux et l'équipage, chose que je ne pouvais empêcher à bord, vû l'état de ma santé. Mon eau étant faite, et ayant embarqué quelques toutes, je me disposai à mettre sous voile le lendemain, pour Bourbon, malgré que le bâtiment fit quatre pouces d'eau à l'heure qu'il n'eut qu'une pompe en état de servir et son maître beau cassé, mais je prévoyais qu'en relachant à Mahé pour la faire réparer, il serait reconnu hors d'état de reprendre la mer.

Le soir à environ six heures de l'après midi l'on vint m'annoncer que le bâtiment appareillait, j'en fus d'autant plus étonné que les vents étoient loin d'être assez forts pour contraindre à mettre sous voile; je m'informai sur le champ où étoient les deux frêteurs, l'on me répondit qu'on les avait vûs il n'y avait qu'un instant et qu'ils devaient être dans le bois à la recherche d'un des noirs qui était parti marron depuis le matin. Sur ces entrefaites, j'appris que le bâtiment était à la côte, j'envoyai aussitôt allumer du feu sur le rivage et prendre des informations sur le motif qui avait pu forcer à mettre sous voile, quoique j'eusse presque la certitude qu'il venait d'être enlevé; en effet j'acquis cette certitude, mais sans aucun détail; toute communication avec moi fut interdite jusqu'au lendemain que les frêteurs permirent à M. Ebrad, de venir m'informer que la veille au soir Messieurs Barnette et Pradel après avoir gagné les deux hommes qui se trouvaient dans le canot à faire de l'eau, s'étaient rendus à bord, étaient descendus dans leur chambre et que sous prétexte de faire mettre leurs malles en bas, ils avoient appelé deux ou trois matelots, auxquels probablement ils communiquèrent leurs projets; peu après ils montèrent tous armés, s'emparèrent de la porte de ma chambre où étaient mes armes, en déclarant que leur intention était de reprendre leur propriété, en conséquence ils engagèrent ces Messieurs à vouloir bien descendre sans faire une résistance qui ne pourrait avoir que de suites funestes pour eux, et qu'une fois sous voile ils les mettraient à terre; ces Messieurs obéirent; alors voulant appareiller ils s'étaient jetés à la côte. Tel est le résumé des faits les plus importants du rapport verbal de M. Ebrad. Le lendemain à la mer haute, le navire échoua sur la plage sans qu'il me fût permis de sauver la moindre des choses; ils mirent à part les objets qui pouvaient leur être de quelque utilité, et travaillèrent à dégrèer avec la hache.

Tous les hommes malades à terre avec moi passèrent de leur côté, à l'exception du maître du bâtiment et de M. Cabaval, (provenant du Lys). Toutes les promesses du Traillant n'ont pu détourner ce dernier de son devoir; aussi je ne puis m'empêcher de solliciter votre intermède auprès de M. Milliers pour obtenir la récompense d'une action rare dans une classe d'hommes où l'appas du gain l'emporte généralement sur l'honneur. Il me serait agréable de n'avoir que de bons témoignages à rendre des deux hommes que vous m'aviez donnés, mais après vous en avoir recommandé un, je me crois obligé d'appeler toute la sévérité des lois sur l'autre (Pringent); non content d'avoir été le premier à se révolter, il a été un des instigateurs d'un autre complot, qui heureusement pour moi ne fut pas exécuté; il ne s'agissait que de se défaire de ma personne, afin d'ensevelir dans l'oubli l'enlèvement de la *Favorite*; mais la chose ne pouvant avoir lieu par la connoissance qu'en auroient les noirs de M. Young, propriétaire de l'Isle, ils renoncèrent à ce projet et à dater de ce jour jusqu'à celui de leur départ, j'ai été assez bien traité.

Dans les premiers jours de Fevrier, voyant qu'ils apportaient une grande négligence à se garder, je formai le plan de la reprendre; je sondai à cet effet mes deux hommes. Le N. Cabarel s'offrit avec un empressement qui ne me laissa aucun doute que je puisse compter sur son courage, mais les réponses evasives de l'autre qui craignait de s'exposer à une mort certaine en cas de non réussite, m'obligea à me désister d'une entreprise impossible d'exécuter à deux hommes.

Le 4 Février au soir on aperçut dans le nord un navire gouvernant sur l'Isle ; ils firent sur le champ mettre le feu à la carcasse de la Favorite et je fus dès ce moment jusqu'à celui de leur départ gardé par un matelot armé dans une case attenante à la leur. Un des froteurs se rendit à bord s'annonçant comme envoyé par moi, dit au Capitaine (M. Young) que la Favorite avait fait naufrage sur son Isle et que je ne pouvais me rendre à son bord étant malade. Le lendemain, cinq, M. Young descendit à terre ; ils lui déclarèrent alors la vérité en lui proposant de traiter pour sa goëlette ; sur son refus, il fut arrêté, gardé à vue, et le jour suivant ils s'emparèrent de son navire, mirent son second et tout son équipage à terre, embarquèrent de l'eau, de vivres ; et le dix, ils mirent à la voile enmenant avec eux pour les conduire les deux officiers passagers dont je vous ai déjà parlé, et firent route pour le sud, ce qui me fait présumer qu'ils ont été à Madagascar.

Je restai sur l'isle jusqu'au 17 Mars, lorsqu'un bâtiment allant prendre de la tortue à Aldabra et venant de Mahé, relâcha aux Amirantes pour s'informer de M. Young ; je m'embarquai dessus et j'arrivai le 18 Avril suivant à Mahé, où je vous rejoignis après avoir, dans l'espace de quatre mois, perdu tout ce que je possédais, avoir été exposé à perdre la vie, et avoir fait une maladie aigüe dont j'ai manqué être la victime.

Tel est, Monsieur, l'exposé des événemens qui me sont arrivés depuis notre séparation, que je considérais comme rien si j'avais été assez heureux de remplir la mission que vous m'aviez confiée.

(Signé) LELIEUR, de Ville-sur-Arey.

(Translation of Inclosure 14 in No. 56, c.)

A Report addressed to M. Frappez, Lieut. and Aid de Camp to M. Millius, His Majesty's Commandant and Governor of the Island of Bourbon, having the command of His Majesty's schooner, *Le Lys*, relative to the seizure of the trading vessel *la Favorite*, by the freighters of the said vessel.

Sir,

According to your orders, I went on board the schooner *la Favorite*, to take the command of her ; and I sent on board your ship the master, the second mate and two sailors ; in exchange for the two latter, you gave me the two men named Caberet and Prigent,

Finding on board two captains of merchantmen, who were passengers, Messrs. Ebrad and Duchesne, belonging to the schooner *l'Egremont*, which had been wrecked on the coast of Africa, I thought I might venture to commit to their charge a fourth part of the cargo ; perceiving that they had no interest in the vessel, and that I was alone.

You informed me, in consequence of my communication of the state of the prisoners, to make sail for the nearest port, to take in water and what provisions I wanted, and to prosecute my voyage.

I was calmed for 8 or 9 days. On the 27th. of December I fell dangerously ill of a sort of epidemic dysentery, which prevails generally on board vessels that come to trade on the coast of Africa. This disorder which began to spread on board, added to my want of water, and my having lost almost 20 slaves, I determined to put into harbour at Amirantes, which I descried on the 4th of January, in the morning ; and, on the same day I took in water at the

island of Daros, having all my crew sick, with the exception of two men. After having ascertained as to the probability of taking in fresh water and provisions, I sent on shore the sick sailors and the sick slaves. Meeting with some difficulty to procure water, and perceiving that the work proceeded but slowly, I went myself on shore, to have some wells dug; and to accelerate the labourers by my presence. I took with me the two freighters, Messrs. Barnette and Pradel, in order to have them under my eye, and to prevent their having any communication with the crew, a circumstance I could not prevent on board, on account of the bad state of my health. Having taken in water, and put on board some tortoises, I prepared to make sail the next day for the island of Bourbon, notwithstanding the vessel leaked 4 inches an hour, and that there was only one pump fit for service, and that her bowsprit was broken, but I foresaw that by putting into port at Mahé to have it repaired, it would be condemned as unfit to go to sea again.

About 6 o'clock in the afternoon I was informed, that the vessel was making ready; I was the more astonished at this, as there was hardly wind enough to make sail: I informed myself instantly where the two freighters were; they told me that they had been seen a few minutes ago, and that they might be in the woods, in search of one of the slaves who had escaped since the morning. In the mean time I learnt that the vessel was ashore; I sent immediately to have fires made on the beach, and to get information of the motives for getting under weigh, although I was almost certain at the time that the vessel had been seized by the freighters; in fact I obtained this information, though not in any detail: every communication with me being intercepted till the next morning, when the freighters permitted Mr. Ebrad to come and tell me towards the evening, that Messrs. Barnette and Pradel, after having recovered the two men who were in the canoe to procure water, had gone on board; had descended into their cabin; and, under pretext of having their trunks put below, had called to them two or three sailors, to whom probably they communicated their plans. Shortly after, they came on deck all armed, and took possession of the door of my cabin, where I kept my fire-arms, declaring it was their intention to retake their property; in consequence they persuaded these gentlemen to have the goodness to go below, without making any resistance, which, if they did, they said could only be attended with serious consequences to themselves, promising as soon as they were under weigh, they would put them on shore. These gentlemen obeyed: wishing then, to make sail, they run ashore. This is the substance of the most important facts of the report of M. Ebrad. The next day at sea the vessel was wrecked without a single thing being saved. They had put aside what might be useful to them and endeavoured to cut away the rigging.

All the sick men that were on shore with me, decided with them excepting the master of the vessel and M. Cabaret (belonging to *le Lys*). All the promises of the negociator could not turn the latter from his duty: I cannot therefore refrain from soliciting your interference with M. Milius to obtain a reward for a conduct so extraordinary in a class of men where the allurements of profit supersede, generally, the sense of honour. I should have been glad to have given good testimonials of both the two men you made over to me; but, after having recommended to you the one, I feel obliged to call upon all the severities of the law against the other (Pregent); who, not content with being the first to revolt, was one of the instigators of another conspiracy; which, happily for me, failed. The object was to murder me; in order to bury in oblivion this seizure of *la Favorite*. But as this could not happen without its being known to the slaves of Mr. Young, a proprietor in the island, they gave up this project; and from that day, till their departure, I was pretty well treated.



In the beginning of February, perceiving they were getting much off their guard, I formed the resolution of retaking her ; for this purpose I sounded my two men ; Cabaret came forward, with such boldness that I felt no doubt of his courage, but the evasive answers of the other, who was afraid of exposing himself to a certain death, in the event of failure, obliged me to desist from an enterprise impossible to be accomplished by two men only.

On the 4th of February, towards the north, a vessel was seen steering towards the island : they immediately set fire to the hulk of *la Favorite*, and I was from that moment, till her departure, guarded by an armed Sailor in a birth near their own. One of the freighters went on board, announcing himself as sent by me, and told the Captain (Mr. Young) that *la Favorite* had been wrecked off his island, and that I could not come on board being indisposed.

The next day, the 5th. Mr. Young went ashore, they then declared to him the truth, proposing to purchase the galliot : on his refusal he was arrested, and guarded, and the following day they took possession of his vessel, put his mate and all his crew on shore, took in water and provisions, and on the 10th set sail, taking with them, to navigate the vessel, the two captains, passengers, whom I have already mentioned, and steered to the south : this induces me to believe they have been to Madagascar.

I remained on the island till the 17th March, when a vessel going to Aldraba, to catch tortoises, and coming from Mahé, put into port at Amirantes, to enquire after Mr. Young. I embarked on board this vessel, and arrived on the 18th April following at Mahé, where I rejoined you ; after having, in the space of four months, lost every thing—had my life attempted—and having nearly fallen a victim to an ague.

Such, Sir, is a narrative of the events that have happened to me since our last separation ; but still I should have thought nothing of them, had I been so fortunate as to have accomplished the mission with which you had entrusted me.

(Signed) LELIEUR, de Ville-sur-Arcy.  
Naval Elève, of 1st Class.

Seen by his Majesty's Commandant and Governor.

(Signed) MILIUS.

(Inclosure 15 in No. 56, c.)

St. Denys, le 22 Juin, 1819.

Monseigneur,

J'ai eu l'honneur de mettre sous les Yeux de V. E. par ma dépêche du 29 Mai expiré, copie de ma lettre au Gouverneur de Maurice, relativement à la proposition que je lui faisais d'autoriser nos croiseurs de courir indistinctement sur les bâtimens des deux nations se livrant au commerce des esclaves, en contravention aux lois qui en prohibent l'introduction dans nos colonies. La réponse de cet Officier Général, que je joins ici, fera voir à V. E. que ma proposition tombe d'elle-même, et qu'elle n'aura pas de suite.

Je me félicite de jour en jour de la bonne harmonie qui regne entre le Général Darling et moi. V. E. sera à même d'en juger par notre correspondance respective, que j'ai déjà eu plusieurs fois l'occasion de mettre sous ses yeux.

J'ai l'honneur d'être, &c. (Signé) P. MILIUS.

Au Ministre de la Marine.

(Translation of Inclosure 15 in No. 56, c.)

*St. Denys, June 22nd, 1819.*

Monseigneur,

I had the honor to submit to your Excellency, in my despatch of the 29th May last, a copy of my letter to the Governor of the Mauritius, relative to the proposal which I made to him, of authorizing our cruizers to board indiscriminately, such vessels of the two nations as were carrying on the traffick in slaves in contravention of the laws which prohibit their importation into our colonies. The reply of this General Officer, which I inclose, will shew your Excellency, that my proposal falls of itself, and cannot be carried into effect.

I congratulate myself from day to day, on the good understanding which prevails between General Darling and myself. Your Excellency will be able to judge of this by our respective correspondence, which I have already had many occasions of submitting to you.

I have the honor to be, &c.

(Signed) P. MILIUS.

To the Minister of the Marine.

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(Inclosure 16 in No. 56, c.)

*Port Louis, June 7th, 1819.*

Sir,

I hasten to acknowledge the receipt of your Excellency's letters, and to express to you the sense I entertain of the cordial co-operation manifested by your Excellency, whenever I have had occasion to seek the assistance of your Government.

I beg you will be assured, that I am most sensible of your Excellency's attention, in communicating the circumstance of the loss of the brig *Hope*; and in regretting an event which must prove so injurious to the individual interested in the vessel. I request your Excellency will accept my best thanks for the information conveyed to me.

The measures your Excellency has adopted, in union with this Government, in prohibiting the exportation of military arms and gunpowder to Madagascar, cannot fail to contribute essentially to the suppression of the Slave Trade in this quarter of the world. I trust sincerely the event will justify this anticipation, and that your Excellency will derive all the satisfaction you must feel in the success of so interesting a measure.

I should, indeed, most willingly adopt your Excellency's proposition, with respect to the reciprocal search of vessels suspected of being employed in the Slave Trade, by the ships of our respective Governments. But, in making this proposition, I conclude your Excellency was not aware that a similar one had been submitted by the British Minister at Paris, and rejected by the French Government. I have, therefore, thought it right to apprise your Excellency of this circumstance, that, in the zeal which your Excellency has so generously evinced in this cause, I might not be instrumental in leading you to the adoption of a measure, of which your Government might probably not be disposed altogether to approve; and I trust the frankness with which I put your Excellency in possession of this fact, will serve the more strongly to

ement the confidence, which I am proud of seeing established between your Excellency and myself.

I quite agree in the opinion which your Excellency has expressed, that if Radama has any intention of equipping a corps of cavalry, it will be of importance to discontinue the exportation of horses to Madagascar; and I am most happy to learn that your Excellency has resolved upon that measure.

With respect to Lemoine, we have only to regret, that our exertions to bring this offender to justice are not more likely to prove effectual. But I propose writing to the Minister, that my Government may be informed of the event; and if your Excellency approves of this course, you will probably adopt the same measure, that our respective Governments may take such steps as may appear to them expedient in this case.

I am happy in this opportunity of renewing to your Excellency the assurances of respect and consideration, with which I have the honor to be, &c.

(Signed) R. DARLING, Major-General Commanding.

Copy certified to be conformable.

The Commander and Administrator for the King, (Signed) MILIUS.

(Inclosure 17 in No. 56, c.)

1er Note de la Traite.

*Extrait des Documents adressés au Departement de la Marine par les Administrations de Cayenne, du Sénégal and de Bourbon, concernant des Contraventions commises dans ces Colonies aux Loix et ordonnances sur la Traite des Noirs.*

CAYENNE.

Noun des bâtimens en contravention

*J. Aurore.*

Ce bâtiment venant de Brésil, débarqua le 2 Novembre 1808, sur la côte de Rémire, Ile de Cayenne, 87 Noirs, ainsi que le bâtiment, furent saisis par la Douane: ils étoient destinés à un habitant de Cayenne qui déclare en avoir fait l'acquisition au Brésil, lorsque la Guyanne étoit encore sous la domination Portugaise. Par jugement des 9 and 10 Novembre, le Tribunal de 1re instance a prononcé la mainlevée de la Saisie des Noirs and du Navire, et la Cour Royale de la Guyanne, sur l'appel interjetté par le Directeur des Douanes, a confirmé ces deux jugemens. Le Procureur Général de la Colonie et le Directeur des Douanes ont fait immédiatement une déclaration de pourvoir en cassation, laquelle va recevoir la suite convenable.

SENEGAL.

*Le Scholastique.*

Bombarde de Marseille, Armateur le Sieur Garnier, Capitaine le Sieur Brun, attendu qu'il est constant que dans la nuit du 11 au 12 Août dernier, il a été embarqué sur ce navire, mouillé derriere la Narre de Sénégal, d'où il a mis à la voile le matin 12, des Nègres captifs. Le Conseil de justice du Sénégal a ordonné la confiscation du navire et de la Cargaison & prononcé l'interdiction du capitaine.

BOURBON.

*La Prospérité.*

Cette Golette naviguant sous le pavillon de Jean René, chef de Tamatave, Ile de Madagascar, fut rencontrée le 26 Octobre 1818, à 9 mille environ des côtes de Bourbon, par le corvette du Roi *l'Amaranthe*: 99 nègres furent trouvés à bord, et le bâtiment ayant

été conduit à Bourbon, une procédure a été intentée. Un jugement rendu par le Tribunal de 1ere instance le 17 Novembre declara qu'il n'y avoit pas lieu à confiscation, mais cet arrêt a été annullé le 2 Décembre suivant par le Conseil spécial de révision, qui a ordonné la confiscation de la Goelette, de la Cargaïson et des Nègres, et l'interdiction du Sieur Bancks capitaine. Ce dernier a annoncé l'intention de se pourvoir en cassation. Au 18 Octobre, 1819 le Pourvoi n'avoit pas été encore porté en France.

#### *La Favorite.*

Ce Brick Goelette naviguant sous pavillon Anglois, & venant de Zanzibar chargé de 143 Noirs, fut rencontré le 2 Decembre, 1818, par la Goelette de Sa Majesté le Lys, & arrêté pour être conduit à Bourbon. En route l'équipage de la Favorite se révolta et ce bâtiment s'échappa. Après s'être échoué à l'Île d'Aros, le capitaine de la Favorite, à l'aide d'un petit navire Anglois nommé l'Espérance, enlevé de vive force sur les côtes de cette Île, a effectué à Bourbon le débarquement des Noirs qu'il avoit pu sauver. Par jugement du 9 Juin, 1819, le Tribunal de 1ere instance de Bourbon a ordonné la confiscation du navire, de la Cargaïson et des Noirs.

#### *L'Espérance.*

C'est le bâtiment enlevé à l'Île d'Aros dont on vient de parler. Par jugement du 22 Juin le Tribunal de 1ere instance de Bourbon en a ordonné la confiscation et celle de la Cargaïson.

#### *La Bayonnaise.*

Cette Goelette Française, commandée par le Sieur Compiny, & ayant à bord 27 Noirs, fut rencontrée le 16 Juin 1819, aux environs du Port St. Denys, Île de Bourbon, par la Goelette de Sa Majesté le Lys. La Bayonnaise a été acquittée en 1ere instance par jugement du 30 Juin. Le Conseil de révision a cassé ce jugement, & déclaré de bonne prise des 27 Noirs trouvés à bord du navire.

Paris, 9 Janvier, 1820.

(Translation of Inclosure 17 in No. 56. c.)

#### 1st Note upon the Slave Trade.

*Extract of the Documents addressed to the Department of the Marine, by the Governments of Cayenne, of Senegal, and of Bourbon, respecting the Violations of the Laws and Decrees against the Slave Trade, committed in those Colonies.*

Names of the Vessels accused of illegal transactions. CAYENNE.

#### *The Aurora.*

This vessel, coming from Brazil, disembarked, on the 2d of November 1808, on the coast of Remire, in the Island of Cayenne, 87 negroes, who, as well as the vessel, were seized by the Custom-House; they were intended for an inhabitant of Cayenne, who declared that he had obtained them in Brazil when Guiana was yet subject to the Portuguese. By a sentence of the 9th and 10th of November, the Tribunal de première instance pronounced a replevy of the seizure of the negroes and the vessel; and the King's Court at Guiana, on the appeal lodged by the Director of the Customs, confirmed these two sentences. The Attorney-General of the Colony and the Directors of the Customs immediately made a Declaration of applying in appeal, which is at present in proper course.

#### SENEGAL.

#### *La Scholastique.*

Bomb vessel, of Marseilles, fitted out by the Sieur Garnier, Captain the Sieur Brun: Seeing that it is certain that, during the night between the 11th and 12th of last August,

captured negroes were embarked on board this vessel, anchored within the bar of Senegal, whence it sailed on the morning of the 12th, the Council of Justice of Senegal decreed the confiscation of the vessel and cargo, and pronounced the interdiction of the captain.

#### BOURBON.

##### *La Prospérité.*

This schooner, trading under the flag of Jean René, a chief of Tamatave, in the Island of Madagascar, was met, on the 26th of October, 1818, about nine miles off the coast of Bourbon, by the royal corvette, *L'Amarante*: 99 negroes were found on board; and the vessel having been taken to Bourbon, proceedings were instituted against it. By a sentence pronounced by the Tribunal de 1ere Instance on the 17th November, it was declared that there was no ground for confiscation; but this decree was annulled on the 2d December following, by the Special Council de Revision, which ordered the confiscation of the schooner, cargo, and negroes, and the interdiction of the Sieur Bancks, the captain. This latter person stated his intention to sue for an appeal. Up to the 18th of October the application for appeal had not been made (*porté*) in France.

##### *La Favorite.*

This Schooner Brig, sailing under the English flag, and coming from Zanzibar, loaded with 143 Negroes, was met on the 2d of December 1808, by His Majesty Schooner, *Le Lys*, and stopped, in order to be taken to Bourbon. In the voyage the crew of *La Favorite* mutinied, and this vessel escaped. After having run aground on the Island of Aros, the Captain of the *Favorite*, with the assistance of a small English vessel named *L'Esperance*, which had been carried away by main force on the coasts of that island, effected the disembarkation at Bourbon of such of the Negroes as he had succeeded in saving. By a sentence of the 9th of June, 1819, the Tribunal de première Instance decreed the confiscation of the vessel, the cargo, and the negroes.

##### *L'Esperance.*

This is the vessel, mentioned above, which was carried away from the Island of Aros. By a sentence of the 22d June, the Tribunal de première Instance at Bourbon decreed the confiscation of the vessel and cargo.

##### *La Bayonnoise.*

This French Schooner, commanded by the Sieur Compiny, and having on board 27 negroes, was met, on the 16th of June 1819, in the neighbourhood of Port St. Denys, in the Island of Bourbon, by His Majesty's Schooner *Le Lys*. *La Bayonnoise* was acquitted in the first instance by a sentence of the 30th June. The Council de Revision has annulled this sentence, and declared the 27 negroes found on board the vessel to be legal prize.

Paris, 9th January, 1821.

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(Inclosure 18 in No. 56, c.)

#### 2de NOTE SUR LA TRAITE.

*Note sur des Contraventions aux Règlemens prohibitifs de la Traite des Noirs, qui ont été commises par des navires François sur territoire étranger.*

##### *Le Jeune Adolphe.*

Par une lettre du 29 Juillet 1819, M. le Commandant de Bourbon a informé le Ministre de la Marine, qu'il venoit d'apprendre qu'un navire François *Le Jeune Adolphe*, Capitaine Pepin, armateur le Sieur Ferrères, demeurant à Bourbon, parti de cette colonie pour Madagascar, a été arrêté par la Frégate Anglaise *le Liverpool*, comme soupçonné d'avoir effectué à Maurice un débarquement de noirs de traite; que le bâtiment amené à Maurice a été jugé de bonne prise, et son Capitaine envoyé à Londres par devant la Cour de Vice Amiralité.

Le Département de la Marine est instruit que le Capitaine Pepin vient d'arriver à Portsmouth avec son second.

*Le Télémaque.*

Ce navire armé en Janvier dernier, avec destination pour St. Yago de Cuba, a fait fausse route, et s'est rendu à la côte d'Afrique, pour y prendre une cargaison de nègres qu'il a transportée à la Havane. De retour à Bordeaux au mois d'Aôut dernier, il est reparti le 6 Novembre pour la Havane, sous le nom de Mentor.

M. le Procureur Général à la Cour Royale de Bourdeaux est saisi de l'affaire.

Paris, 9 Janvier, 1820.

Translation of Enclosure 18 in No. 56, c.

2d. NOTE ON THE SLAVE TRADE.

*Note on some violations of the Regulations prohibitive of the Slave Trade, which have been committed by French vessels in foreign territories.*

*Le Jeune Adolphe.*

By a letter of the 29th July, 1819, the Commandant of Bourbon has informed the Minister of Marine that he had just learned that a French vessel the *Jeune Adolphe*, Captain Pepin, fitted out by the Sieur Ferrères resident at Bourbon, had sailed from that colony for Madagascar, and had been stopped by the English frigate *The Liverpool*, as being suspected of having effected at Mauritius a debarkation of slaves; that the vessel being taken to Mauritius had been condemned as lawful prize, and its Captain sent to London to appear before the Vice Admiralty Court.

The Department of Marine has been informed that Captain Pepin has just arrived at Portsmouth with his second in command.

*Le Télémaque.*

This vessel, equipped in January last and bound for St. Jago in Cuba, altered her course and sailed to the Coast of Africa, to take in there a cargo of slaves which he carried to the Havannah. Having returned to Bordeaux in the month of August last, she again sailed on the 6th November for the Havannah under the name of the Mentor.

The King's Attorney General at Bordeaux is directed to prosecute this officer.

Paris 9th January, 1820.

(Inclosure 19 in No. 56, c.)

*Rapport au Conseil des Ministres sur les résultats de la mission au Sénégal de Mons. le Copitaine de Vaisseau Le Baron de Mackau, en ce qui concerne le mérite des imputations qui ont été dirigées contre l'Administration de cette Colonie relativement à la Traite des Noirs.*

Le 13 Septembre dernier je chargeai en conformité des ordres du Roi le capitaine de vaisseau Mons. de Mackau, de se rendre au Sénégal afin de vérifier sur les lieux les imputations qui étoient sans cesse dirigées contre l'administration de cette colonie, au sujet de la Traite des Noirs.

Revenu en France en Mars dernier, cet officier supérieur m'a remis une note terminée à St. Louis, le 25 Janvier, 1820, à la veille de son départ, dans laquelle il m'informe de toutes les recherches et observations qu'il a faites en exécution des ordres ci-dessus relatés.

Il est resté plus de trois mois au Sénégal ; il a mis toute son attention à bien juger de chaque chose. Comme il plaçoit, dit il, son honneur à dire la vérité, ou du moins ce qui lui paroît vrai, il a vu les naturels and leurs chefs ; il a passé des journées entières dans leurs villages et dans leurs cases ; et il déclare positivement n'avoir trouvé nulle part aucune trace des enlèvements de noirs, non plus que des dévastations et des horreurs décrites (comme ayant eu lieu presque immédiatement après le mois le Janvier 1817) dans le 13<sup>m</sup>e rapport des Directeurs de l'Institution Africaine, cité dans la 81<sup>e</sup>. Livraison de la Minerve ; heureusement, dit il, tout les faits, qui figurent dans ce tableau, sont controvés.

Les accusations reproduits sous tant de formes, répétées dans tant d'écrits, que la Traite des Noirs avoit été non seulement tolérée mais encore encouragée au Sénégal en 1817 et 1818, que l'autorité en tiroit un lucre détestable, que des captivités avoient été publiquement établies à St. Louis, que 1500 Esclaves y étoient à la chaine dans les derniers mois de 1818,"—ne sont aux yeux de Mons. le Baron de Mackau, que d'odieuses calomnies inventées par la passion et accreditées par une facheuse imprudence.

Ce n'est pas que, depuis la reprise de possession jusqu'à la réception de la Loi du 15 Août 1818, c'est à dire, dans un tems où l'administration du Sénégal ne pouvoit s'appuyer contre les infracteurs que du principe même de l'abolition, des défenses du Roi et de l'ordonnance de Sa Majesté du 15 Janvier, 1817, il n'y ait eu dans les possessions Françaises d'Afrique beaucoup de spéculations de traite ; Mons. le Baron de Mackau est remonté à l'origine de chaque fait, et il a trouvé vrais la plupart de ceux rapportés dans un imprimé publié en Angleterre et ayant pour titre, *Exposé des faits relatifs à la Traite des Noirs dans le voisinage du Sénégal.*

Ainsi il est démontré que les navires, *la Reine Caroline, l'Elisa, l'Astrée le Sylphe, le Zéphyr, une autre Elisa la Marie*, ont enlevé des noirs au Sénégal, du 25 Janvier, 1817, au 15 Juillet, 1818 ; qu' à Gorée particulièrement, on s'est livré à ce commerce avec une ardeur & une publicité très remarquables ; que quelques agens subalternes de l'administration avoient mérité & ont justifié depuis les dénonciations qui ont pesé sur eux.

Mais que les premiers dépositaires de l'autorité sont restés aussi complètement étrangers au lucre de cet odieux commerce qu', adversaires constans de ceux qui s'y livroient.

Que Mons. le Capitaine de fregate Fleurian, commandant par interim du Sénégal n'a cessé de lutter avec une grande fermeté contre les populations de St. Louis et de Gorée, toutes deux ambitieuses des gains de la traite, et que cet officier développe ans cette lutte autant d'énergie que de talent.

Que la publication de la Loi du 15 Avril, 1818, ayant fortifié l'autorité, les tentatives d'infractions cessèrent à St. Louis, qu'elles s'opérèrent avec mystère à Gorée, et se portèrent surtout dans la rivière de Caramance, and dans les Bissagots, deux points tout à fait en dehors des limites des possessions qui nous sont exclusivement propres.

L'Autorité persévera dans sa vigilance devenue nécessairement plus difficile, elle fit tous les efforts imaginables pour arrêter les infractions ; si quelques expéditions eurent lieu, l'autorité les avoit ignorées, ou avoit fait pour s'y opposer tout ce qui dépendoit d'elle : souvent même, dans ses précautions & dans ses mesures préventives elle s'exposa à dépasser peut être les limites tracées par le droit commun & par la législation de la matière.

Pendant le cours de 1818 Mons. le Capitaine de frégate *Fleurion*, continua à tenir la même ligne de surveillance et de sévérité : elle a été également suivie par Mons. le Colonel Schmaltz, qui reprit le commandement le 1<sup>er</sup> Avril, 1819.

Dans ce mois le même Armateur du navire le Zéphyr qui demandoit à s'expédier de St. Louis pour les Iles du Cap vert. et que l'on soupçonna d'un projet de traite, renonça à son voyage plutôt que de souscrire aux garanties que l'administration crut devoir exiger de lui pour s'assurer qu'il ne commettrait aucune infraction à l'abolition de la traite.

Mais il paroît trop réel qu'un bâtiment supposé François, favorisé par les chefs indigènes and par les habitans de Gorée, a enlevé dans la Baie d'Yof 125 Noirs. L'Instruction a prouvé que ces Esclaves étoient venus nuitamment de St. Louis, par un long circuit dans l'intérieur, afin d'éviter les postes placés sur les côtes. On présume que ces malheureux auront été transférés à bord dans la nuit du 16 en 17 Avril; cependant on n'a découvert aucun témoin de l'embarquement et sur cela, comme sur le nom du bâtiment, l'autorité reste dans le doute le plus complet.

En Septembre 1819, une infraction fut tentée sous le marque d'une expédition pour le bas de la côte; le projet fut déconcerté par les soins du commandant pour le Roi.

Au mois d'Août la Bombarde la Scholastique, de Marseille, chargée de bœufs, moutons, &c. pour la Martinique, et expédiée pour la Douane de St. Louis parvint à jeter sur la côte, pendant la nuit du 11 au 12, une partie de son chargement de betail, et à recevoir en échange une vingtaine de noirs, après quoi elle disparut. Aussitôt des informations furent prises, des interrogatoires prêtés et un jugement par contumace interdit le capitaine et prononça la saisie du bâtiment et de la Cargaison. Des copies du jugement furent de suite adressées à la Martinique & en France. Depuis (le 8 Décembre) la *Scholastique* a eu l'audace de réparaître à St. Louis. J'attend l'avis des diligences qui ont dû être faites dans la colonie, pour l'exécution des condamnations.

Au moment où M. le Baron de Mackau a quitté le Sénégal, c'est à dire dans les derniers jours de Janvier 1820, on y avoit généralement renoncé à la traite. Cependant quelques hommes coupables paroissent n'attendre qu'un régime moins sévère pour renouveler cet infame trafic, sous couleur de commerce, au bas de la côte, et d'achats de cire, d'ivoire, de peaux, d'huile de palme, articles d'exportation d'une fort mince importance (au moins actuelle.)

Une loi complémentaire de celle du 15 April, 1818, et qui atteinne personnellement non seulement les armateurs et le capitaine contravenans, mais encore tous participans, même indirects, aux délits de la traite, achevera d'armer l'autorité contre les infractions: Le projet de loi, dont le besoin avoit été pressant est tout préparé. Je pourrai le soumettre très incessamment au conseil.

En outre une station navale plus nombreuse, et dont la composition, ainsi que les points de croisière sont indiqués, éclairera les côtes de manière à prévenir et empêcher les infractions. Des ordres sont donnés en conséquence. Ils ne tarderont pas à être exécutés.

Des agens subalternes d'administration avoient été signalés comme ayant pris part à la traite: un vient d'être privé de son emploi et réduit à la pension de rétraite; un autre a déjà donné sa démission: le reste sera écarté du service.

Je n'entre dans aucun détail sur les bâtimens indiqués par M. de Mackau, comme s'étant effectivement livrés à la traite, depuis le 25 Janvier, 1817. Les noms en sont portés dans l'état général ci-joint des diligences, poursuites, instances et condamnations qui ont eu lieu jusqu'à la fin du présent mois d'Avril, par suite des dispositions prohibitives de la traite des noirs.



(Translation of Inclosure 19 in No. 56, e.)

*Report to the Council of Ministers of the results of Captain the Baron de Mackau's mission to Senegal, concerning the merits of the imputations which have been directed against the Administration of that colony, relative to the Slave Trade.*

On the 13th of last September I charged, in conformity to the orders of the King, Captain the Baron de Mackau to repair to Senegal, for the purpose of ascertaining on the spot, the truth of the imputations which were incessantly directed against the Administration of that colony on the subject of the Slave Trade.

When that superior officer returned to France in March last, he transmitted to me a note, dated (*termine*) St. Louis, January the 25th, 1820, on the eve of his departure, in which he informed me of all the enquiries and observations he had made in execution of the above-mentioned orders.

He remained more than three months at Senegal: he made a voyage of five weeks up the river; his whole attention was devoted to form a correct judgment upon every thing. As he thought that his honour depended upon telling the truth, or at least what appeared to him to be the truth, he visited the natives and their chiefs; he spent whole days in their villages and huts, and he declares positively that he no where found any trace of negroes having been carried away, any more of than the devastations and the horrors described (as having taken place almost immediately after the month of January, 1817,) in the 13th Report of the Directors of the African Institution, quoted in the 81st No. of the *Minerve*; fortunately, says he, all the facts represented in that description are false.

The accusations reproduced under so many forms, repeated in so many documents, "that the traffic in slaves had been not only tolerated, but even encouraged at Senegal in 1817 and 1818; that the authorities derived from it an odious gain; that receptacles for captured slaves had been publicly established at St. Louis; that 1500 slaves were chained in them in the later months of 1818," are, in the eyes of the Baron de Mackau, nothing but infamous calumnies, invented by passion, and supported by an unfortunate imprudence.

It is not that, from the time of retaking possession, up to the period when the law of the 15th August 1818 was received, (that is to say, at a time when the Government of Senegal had no other support, against the violators of the abolition, than its very principle, the prohibitions of the King, and the Decree of His Majesty of the 15th January), there did not exist in the African possessions of France, many speculators in slaves. The Baron de Mackau penetrated to the source of each fact; and he discovered that the greater part of those reported in a printed statement, published in England, and entitled, "*Exposition of Facts, relative to the Slave Trade in the Vicinity of Senegal.*" were true.

Thus it is demonstrated, that the vessels the *Queen Caroline*, the *Eliza*, the *Astrea*, the *Sylph*, the *Zephyr*, another vessel named the *Eliza*, and the *Maria*, carried off slaves at Senegal, from the 25th January 1817 to the 15th July 1818; that at Goree particularly, this commerce was carried on with remarkable ardour and publicity; and that some subaltern agents of government deserved, and have since justified the accusations brought forward against them. But that the principal authorities were as completely strangers

to all gain from this odious commerce, as they were constant opponents of those who carried it on.

That Captain Fleurian, Commandant *ad interim* of Senegal, has not ceased to struggle with great firmness against the inhabitants of St. Louis and and Goree, both of them desirous of the gains of the traffick; and that that officer manifested in this struggle as much energy as talent.

That the publication of the law of the 15th April 1818, having strengthened the authorities, the attempts at infraction ceased at St. Louis; that they were made in secret at Goree; and were particularly directed to the river of Cazamanca and to the Bissagots, two points entirely out of the limits of the possessions which are exclusively ours.

The authorities persevered in their vigilance, a task which necessarily became more difficult. They made all imaginable efforts to prevent infractions of the law. If some speculations took place, the authorities either were ignorant of them, or did all in their power to prevent them. They even ventured frequently in their precautions and preventive measures, to pass the limits laid down by established rights, and by the laws relating to the subject.

In the course of the year 1819, Captain Fleurian continued to observe the same system of watchfulness and severity. This system was equally followed by Col. Schmaltz, who resumed the command on the 1st April, 1818.

In that very month, the fitter out of the vessel the *Zephyr*, who demanded permission to sail from St. Louis for the Cape de Verd Island, and who was suspected of a slave speculation, gave up the voyage, rather than give the security which the government thought it their duty to exact from him, that he would commit no infraction on the abolition of the Slave Trade.

But it appears but too certain, that a vessel, supposed to be French, favored by the native Chiefs, and by the inhabitants of Goree, carried away 125 negroes from the Bay of Yof. The examination have proved, that these slaves were brought by night from St. Louis, by a long circuit in the interior, in order to avoid the posts stationed on the coasts. It is presumed, that these unfortunates were taken on board in the night, between the 16th and 17th of April. No witness of the embarcation has however been discovered; and on that head, as well as with respect to the name of the vessel, the authorities remain in the most complete uncertainty.

In September, 1819, an infraction of the law was attempted under the mask of an expedition to the lower part of the Coast: the project was defeated by the care of the King's Commandant.

In the month of August the bomb vessel, *La Scholastique*, of Marseilles, loaded with oxen, sheep, &c, for Martinique, and despatched to the Custom-House at St. Louis, landed on the coast in the course of the night, between the 11th and 12th, part of its cargo of cattle, and received in exchange about 20 slaves, after which it disappeared. Immediately informations were taken, interrogatories put, and a judgment by contumacy suspended the captain and pronounced the seizure of the ship and cargo. Copies of the judgment were afterwards sent to Martinique and to France. Since that time (on the 8th December) *La Scholastique* has had the audacity to reappear at St. Louis. I am expecting an account of the measures that have, without doubt, been adopted in the colony for the execution of the sentences of condemnation.

At the time when the Baron de Mackan quitted Senegal, *i. e.* towards the end of January 1820, the Slave Trade had been generally abandoned. Some guilty individuals, however, appeared only to wait for a less severe system of administration, in order to renew this infamous traffick on the lower part of the coast, under the colour of commerce, and of purchases of wax, ivory, skins, oil, and palm-trees; articles of exportation of very little consequence, at least at present.

A supplementary law to that of the 15th April 1818, which should affect personally not only illegal traders and captains, but also all who partake, even indirectly, in the offences of the Slave Trade, will complete the power of the authorities against infractions of the law. The projet of this law, the necessity of which was most pressing, is already prepared. I shall be able to submit it to the council very speedily.

In addition to this, a more numerous naval establishment, the composition of which, as well as the direction of their cruize, are pointed out, will scour the coast, in such a manner as to prevent and hinder the infractions of the law: Orders have been given in consequence. There will be no delay in their execution.

Certain subaltern agent agents of the Government had been pointed out as having taken part in the Slave Trade. One of them has just been dismissed from his employment and been obliged to retire on a pension; another has already given in his resignation; the remainder will be removed from the service.

I do not enter into any details respecting the vessels pointed out by M. de Mackan as having been actually devoted to the Slave Trade since the 25th of January, 1817. Their names are contained in the general statement of the Actions, Prosecutions, Suits and condemnations which have taken place up to the end of this present month of April, in consequence of the arrangements prohibitory of the Slave Trade.

(Inclosure 20 in No. 56, c.)

Ministère de la Marine, direction des Colonies, 29 Avril. 1820.

Etat indicatif des diligences, poursuites, instances, ou condamnations, qui ont eu lieu depuis la publication des dispositions prohibitives de la traite des noirs, soit en France soit aux Colonies Françaises.



Navires au sujet desquels il n'a dû ou pu être fait encore que des diligences administratives.

NOM des BÂTIMENS.	INDICATION du PAVILLON.	NOM des CAPITAINES	MOTIVÉS de PRÉVENTIONS:	OBSERVATIONS.
<b>SÉNÉGAL.</b>				
La jeune Eliza.	Français.	Desse.	Parti de Bordeaux en 1818, pour le Sénégal et suspecté d'être destiné à la traite.	Ecrit à l'Administration du Sénégal en 1818, elle a répondu qu'il ne s'était trouvé aucune preuve que <i>la Jeune Eliza</i> , eût pris part à la traite & que quant aux trois autres navires, ils n'avaient point paru dans la colonie.
La petite Betzy La Suzanne. L'Alexandre.	Id. Id. Id.	Hamon. Blaye. Rabot.	Parti de Nantes en 1818, pour le Sénégal & suspectés de la même destination.	
Le Zéphyr.	Id.	Bayot.	Parti de L'Orient en 1818, a touché au Sénégal, puis à la Martinique, où on presumait qu'il avait importé des noirs de traite.	
L'Eliza.	Id.	Tabry	Armé à Bordeaux, désigné comme ayant chargé en 1818, au Sénégal 150 noirs de traite.	Ecrit (1818), dans les ports et à la Martinique, d'après les réponses il n'a été fait aucune poursuite contre ce bâtiment, attendu qu'il ne s'est trouvé aucun indice de contravention.
L'éclair.	Id.	See	Parti de Honfleur en 1819, pour St. Yago; est désigné comme ayant pris à la Côte d'Afrique 325 esclaves qu'il aurait introduits à la Martinique.	Ecrit (1818), à Mr. Le Commissaire-Général de la Marine à Bordeaux, & à Mr. Le Commandant du Sénégal, d'après les réponses, aucune poursuite n'a été dirigée contre le bâtiment, attendu qu'il n'y a pas eu d'indice de contravention.
L'éclair.	Id.	Lequesne.	Parti du Havre en 1819, pour Lisbonne dans le dessein présumé de faire la traite à la Côte d'Afrique.	
Le Joseph. L'Achille. La Rosalie.	Id. Id. Id.	Guillot. Troyin. Deschamps.	Parti de Honfleur en 1819, pour la Côte d'Afrique dans le dessein présumé d'y traiter des Nègres.	Ecrit (1819), à la Martinique, à la Guadeloupe, à Cayenne, & au Sénégal. Les administrateurs de la Martinique & de la Guadeloupe ont répondu: il résulte de leurs réponses que deux de ces bâtimens, <i>la Rosalie</i> & <i>la Perle</i> se sont présentés à la Martinique; mais qu'ils n'y ont donné lieu à aucun soupçon de contravention; on attend les autres réponses.
La Perle.	Id.	Chaufe.	Parti de Honfleur en 1819, pour Mariegalante.	
L'Auguste.	Id.		Frété à Marseille en 1819, est désigné comme ayant pris à la Côte d'Afrique 12 Nègres, l'armateur réside au Havre.	Ecrit au Sénégal, à Marseille et au Havre (1819 & 1820.) Le Commissaire de la Marine au Havre a répondu que ce bâtiment n'était pas encore rentré au Havre où demeure l'armateur, qui avait déclaré positivement & prouvé par sa correspondance que son navire s'était livré au Sénégal à tout autre commerce que celui de la traite. On attend les autres réponses.

NOMS des NAVIRES.	INDICATI-ON du PAVILLON.	NOMS des CAPITAINES.	MOTIFS de PREVENTIONS.	OBSERVATIONS.
Le Narcisse.	Français.		Armé à St. Malo en 1819, est désigné comme ayant pris 150 Nègres à la Côte d'Afrique & les ayant débarqué à la Martinique.	Ecrit au Sénégal à la Martinique & St. Servan, (1819 & 1820), on attend les réponses.
LesdeuxSœurs.	Id.	De l'Homosne.	Ce bâtiment armé à Honfleur était désigné comme ayant pris 150 Nègres à la Côte d'Afrique et les ayant débarqué à la Martinique.	Ecrit (1819,) aux Administrateurs de la Martinique, de la Guadeloupe, du Sénégal, & de Cayenne, & au Havre. Les réponses parvenues de la Martinique & de la Guadeloupe, portent que ce bâtiment ne s'y est pas présenté, on attend les autres réponses.
Un Brick dont le nom n'est pas indiqué.			Parti de Bordeaux, et désigné comme ayant embarqué au Sénégal une femme noire de traite, en 1819,	Ecrit à Bordeaux (1820) on attend la réponse.
Un Brick dont le nom n'est pas indiqué			Désigné comme ayant chargé en 1819, au Cap Verd, 130 Noirs.	Ecrit à Mr. le Commandant du Sénégal, 1819, la réponse est attendue.
L'Africain.	Id.		Ce bâtiment a été armé au Sénégal en 1819.	Ecrit au Sénégal (1819), on attend la réponse. d'après un rapport officiel ultérieur ce bâtiment (qu'on y nomme <i>L'Africain</i> ) surveillé de près, n'a pu effectuer son projet de prendre des Nègres au bas de la côte.
Un Brick dont le nom n'est pas indiqué.	Id.		Envoyé en 1819, par une compagnie du Sénégal à Gulam avec le but présumé de faire la traite des noirs.	Ecrit à Mr. le Commandant du Sénégal, 1819, on attend la réponse.
Le Rodeur. Le Cosmopolite	Id.	Boucher.	En armement en 1820, au Havre, avec une destination presumée pour la traite.	Ecrit à l'Administration Maritime, au Havre (1820), on attend la réponse.  N. B. Le Rodeur est déjà en état de prévention comme s'étant précédemment livré à la traite. La commission instituée par l'ordonnance royale du 22 Xbre., 1819, à l'effet de donner son avis motivé, concernant toutes actions judiciaires à intenter, à suivre, ou à soutenir en France dans l'intérêt de l'Administration publique, en matière de contravention aux dispositions prohibitives de la traite des noirs, est chargée d'examiner s'il y a lieu de le poursuivre à cet égard; il est porté pour ce motif à la suite du présent état.
			Enquête dressée à Gorée le 6 mai, 1819, au sujet d'un enlèvement de nègres dans la baie d'Yo.	Il a été écrit à ce sujet à Mr. le Commandant du Sénégal en 1819; on attend la réponse.
			<b>BOURBON.</b>	
L'églé.			Cette goëlette est soupçonnée d'avoir débarqué non loin de St. Denis, Ile de Bourbon, des Noirs qui ont été arrêtés.	Par lettre du 17 Xbre. 1819, Mr. le Commandant de Bourbon annonce qu'il a envoyé à la poursuite de ce bâtiment.

## Navires qui ont été l'objet de procédures dans les Colonies.

NOMS des BÂTIMENS.	INDICATI- ON des PAVILLONS.	DATE des JUGEMENS.	ENONCÉ des JUGEMENS.	OBSERVATIONS.
<b>GUADELOUPE.</b>				
L'Arriero.	Espagnol.	9, Xbre. 1817.	Acquitté.	Un autre jugement du 14 Août. 1818, rendu sur appel a encore mis les accusés hors de procès.
La Calypso.	Id.	5, Août. 1818.	Acquitté.	Le jugement a été confirmé sur appel le 11 7bre. 1818.
Le Sylphe.	Français.	20, Août. 1818.	Acquitté.	} Ces jugemens ont été confirmés sur appel le 18 7bre. 1818.
La Reine Caroline.	Id.	Id.	Acquitté.	
L'Astrée.	Id.	Id.	Acquitté.	
La Marie Isabelle.	Espagnol.			Il s'agit d'un débarquement de noirs qui auroit été fait au Fort Louis (Guadeloupe), à la fin de 1819. La procédure s'instruit devant les Tribunaux de la Guadeloupe.
<b>CAYENNE.</b>				
L'Aurore.	Français.	9 & 10 9bre. 1818, & 11 7bre. 1819.	Main levée par le Tribunal de 1ere. Instance, & par la Cour d'appel de la Guyane, de la saisie qui a été faite par la douane de 87 noirs de traite.	La direction des douanes de Cayenne et le Procureur Général de la colonie se sont pourvus en cassation contre le jugement de la cour d'appel.  Par arrêt du 23 Mars, 1820, le dit jugement a été cassé & les parties sont renvoyées devant la Cour Royale de Caen.
<b>SÉNÉGAL.</b>				
Le Postillon.	Français.	28 Avril, 1818.	Confiscation du navire et de la cargaison, interdiction du capitaine.	La commission instituée par l'ordonnance Royale du 22 Décembre, 1819, est saisie des pièces.  La même commission avait émis l'avis qu'il y aurait lieu de suivre l'exécution du jugement en France. Ce navire a reparu au Sénégal le 8 Xbre. 1819, et on attend le compte des poursuites qui auroient dû être immédiatement exercées dans la colonie.
La Dorade.	Id.	Juillet, 1818.	Même condamnation par défaut.	
La Schofastique.	Id.	8 7bre. 1819.	Confiscation par défaut du navire et de la cargaison, interdiction du capitaine.	
<b>BOURBON.</b>				
Le Voyageur.	Anglais.			Remis au Gouverneur de Maurice pour ordonner les poursuites. (Lettre de Mr. le Commandant de Bourbon, du 28 8bre. 1818.)
La Jeune Emilie.	Français.			On a demandé le 26 Août, 1819, au Commandant & Administrateur les pièces de la procédure afin d'examiner s'il n'y a pas lieu à se pourvoir en cassation (les délais n'expirent que le 25 Mai, 1820.) On attend les dites pièces qui doivent parvenir incessamment.
L'Eole.	Id.	25 9bre. 1819.	Relâchés comme n'ayant pas été effectivement en contravention.	
La Prospérité.	Madagascar.	2 Xbre. 1818.	Acquitté en 1ere. instance & condamné sur appel le 2 Xbre. 1818.	Le sieur Banks Capitaine du navire a annoncé l'intention de se pourvoir en cassation. Le pourvoi n'ayant pas été signifié ici avant le 5 Mars, 1820, les délais (de 15 Mois.) sont expirés & le jugement ne peut plus être attaqué.

NOM des BÂTIMENS.	INDICATION du PAVILLON.	DATES des JUGEMENS.	ENONCE des JUGEMENS.	OBSERVATIONS.
Le Bon Accord.	Anglais.	13 Janvier, 1818.	Confiscation du navire, condamnation du Capitaine aux dépens.	Comme il n'y a point eu d'appel de la part des condamnés, la condamnation est déj. tive.
La Favorite.	Id.	9 Juin, 1819.	Confiscation du navire et de la cargaison.	Idem.
L'Espérance.	Id.	22 Juin, 1819.	Confiscation du navire et de la cargaison.	Idem.
La Bayonnaise.	Français.	30 Juin, 1819.	Acquitté en 1ere. instance & condamné sur appel le 20 Juillet, 1819.	
La Joséphine.	Id.	29 7bre. 1819.	Confiscation du navire et de la cargaison.	Il n'a point été fait appel par les condamnés.

*Jugemens rendus concernant des Noirs de Traite débarqués dans les Colonies par  
Bâtimens inconnus.*

**B O U R B O N .**

19 9bre 1817.	Ordonné la restitution à leur propriétaire de 23 noirs, arrêtés dans les rues de St. Denis.	Sur l'appel, le propriétaire a été renvoyé par arrêt du 1er Décembre 1817, à justifier de sa propriété devant le tribunal de 1ere instance, ce qu'il a fait.
15 7bre 1819.	Ordonné la restitution au propriétaire de 92 noirs arrêtés sur les grandes routes de la colonie.	Le jugement a été confirmé sur appel le 1er 8bre 1819.
9 7bre 1819.	Ordonné la restitution au sieur Alain Godefroy de la pirogue et des noirs qui la montaient. Saisie en avait été faite sur le soupçon que la dite pirogue avait été employée à débarquer 4 Cafres trouvés sur la côte. Ceux-ci ont été confisqués.	Le procureur du Roi a interjeté appel, on n'a point encore avis qu'il ait été prononcé à ce sujet.

*Affaires dont l'Instruction a eu lieu en France.*

NOM des BÂTIMENS. PAVILLONS	INDICATI- ON des	DATES des JUGEMENS.	ÉNONCÉ des JUGEMENS.	OBSERVATIONS.
Le Télémaque	Français.	.....	.....	<p>Ce navire parti de Bordeaux en Janvier 1818, est accusé d'avoir débarqué à la Havane des noirs de traite qu'il aurait pris à la côte d'Afrique.</p> <p>La commission institué par ordonnance du 22 Décembre 1819, est saisie de l'examen des pièces.</p>
Le Rôdeur.	Id.	.....	.....	<p>Le Rôdeur est signalé comme ayant pris à la côte d'Afrique un chargement de 280 noirs esclaves, qu'il aurait ensuite transportés à St. Thomas.</p> <p>La commission est saisie de l'examen des pièces.</p>
La Marie.	Id.	.....	.....	<p>Ce bâtiment est signalé comme ayant embarqué au Sénégal 64 nègres qu'il aurait transporté à Cayenne. Par dépêche du 22 xbre, Mrs. Les commandeur et administrateur au Sénégal, et à Cayenne ont été chargés de faire diligences et poursuite. La commission est aussi saisie de l'examen des pièces.</p>
L'Expérience.	Id.	.....	.....	<p>L'Expérience est signalée comme ayant pris au Sénégal et débarqué à Cayenne 250 noirs de traite.</p> <p>Le commandant et administrateur à Cayenne et les autorités maritimes à Bordeaux et à Bayonne sont chargées de remettre au ministère public, pour y être donné telles suites que de droit, les documens relatifs à l'affaire. Lorsque l'Instruction aura été faite la commission sera saisie de l'examen des pièces.</p>



## (Translation of Inclosure 20 in No. 56, c.)

Ministry of the Marine, Department of the Colonies, April 29, 1820.

Statement specifying the Enquiries, Prosecutions, Proceedings, or Condemnations that have taken place since the publication of the Ordinances for the prohibition of the Slave Trade, both in France and her Colonies.

Cases of Ships concerning which Government has not yet either deemed it just, or been able to direct any proceedings beyond enquiries.

NAMES of VESSELS.	FLAG.	NAMES of MASTERS.	GROUNDS of CHARGE.	REMARKS.
<b>SENEGAL.</b>				
Lajcune Eliza.	French.	Desse.	Sailed from Bordeaux in 1818 for Senegal, suspected of having been intended for the Slave Trade.	Written in 1818, to the Colonial Government of Senegal, who replied, that no proof had been brought home to the <i>Jeune Eliza</i> of having been engaged in the Trade, and that the three other vessels had not been seen at all in the Colony.
La petite Betsy. La Suzanne. L'Alexandre.	Do. Do. Do.	Hamon. Blaye Rabot.	Cleared out from Nantes in 1818 for Senegal, and were suspected of the same destination.	
Le Zéphyr.	Do.	Bayot.	Sailed from L'Orient in 1818, and touched first at Senegal, and subsequently at Martinique, whither she was suspected of having carried Slaves.	
L'Eliza.	Do.	Tabry.	Fitted out at Bordeaux, reported to have laden, in 1818, in Senegal, 150 Slaves.	Written in 1818, to the Commissary-General of the Marine at Bordeaux, and to the Commandant of Senegal, whose answers warranted no proceedings against the vessel, since no unlawful trading could be laid to her charge.
L'Eclair.	Do.	Sée.	Sailed from Honfleur in 1819, for St. Jago; charged with having shipped on the Coast of Africa 325 Slaves, and with having imported them into Martinique.	Written in 1819, to Martinique, Guadeloupe, Cayenne, and Senegal. From the answers of the Governors of Martinique and Guadeloupe, it appears that two of these vessels, the <i>Rosalie</i> and the <i>Perle</i> called at Martinique, but that they excited no suspicion there of carrying on an illicit trade. The other answers are not arrived.
L'Eclair.	Do.	Lequesne.	Sailed from Havre in 1819, for Lisbon, with an intention, it was supposed, of procuring Slaves on the Coast of Africa.	
Le Joseph. L'Achille. La Rosalie.	Do. Do. Do.	Guillot. Trujin. Deschamps.	Sailed from Honfleur in 1819, for the Coast of Africa, with the supposed design of purchasing Negroes.	
La Perle.	Do.	Chauffe.	Sailed from Honfleur in 1819, for Mariegalante.	
L'Auguste.	Do.		Freighted at Marseilles in 1819, and charged with having embarked 12 Slaves on the Coast of Africa. The owner resides at Havre.	Written in 1819 and 1820, to Senegal, Marseilles, and Havre. The Commissary of the Marine at Havre answered, that the vessel had not yet returned to Havre, where the owner resides, who had positively declared, and had proved by his correspondence, that his vessel had, in Senegal, been engaged in a description of commerce totally different from the Slave Trade. The other replies are yet expected.

NAMES of VESSELS.	FLAG.	NAMES of MASTERS.	GROUNDS of CHARGE.	REMARKS.
Le Narcisse.	French.		Fitted out at St. Malo in 1819, and charged with having taken on board 150 Blacks, on the Coast of Africa, and with having disembarked them at Martinique.	Written to Senegal, Martinique, and St. Servan, in 1819 and 1820. Answers are expected.
LesdeuxSœurs.	Do.	De l'Homosne.	Built at Honfleur. Information was laid against her of having procured 150 Slaves on the Coast of Africa, and having landed them at Martinique.	Written in 1819, to the Governors of Martinique, Guadaloupe, Senegal, and Cayenne, as also to Havre. The answers from Martinique and Guadaloupe state, that this vessel had not put in there. The other answers are yet to arrive.
A brig, name unknown.			Sailed from Bordeaux; was charged with having, in 1819, embarked in Senegal, a black female Slave.	Written to Bordeaux in 1820; the answer is expected.
A brig, name unknown.			Charged with having, in 1819, taken on board 130 blacks at Cape Verd.	Written to the Governor of Senegal in 1819 the answer is expected.
L'Africain.	Do.		Fitted out in Senegal, in 1819.	Written to Senegal in 1819; the reply is expected. It appears from an official report lately received, that this vessel, there denominated l'Africaine, was so closely watched as to be unable to accomplish her object of embarking Slaves on a distant part of the coast.
A brig, name not mentioned.			Was, in 1819, sent by a company established in Senegal, to Gulam, supposed with an intention of procuring Slaves.	Written in 1819, to the Commandant of Senegal, whose answer is expected.
Le Rodeur. LeCosmopolite.		Boucher.	Were, in 1820, fitting out at Havre, with a design, it was suspected, of carrying on the Slave Trade.	Written in 1820, to the Maritime Administration at Havre, who have not yet returned an answer.
			An enquiry commenced at Gorce, May 6, 1819, respecting an embarkation of Negroes in the Bay of Yo.	N.B. An information is lodged against the Rodeur of having previously traded in Slaves. The Commission appointed by the Royal Ordinance of December 22, 1819, for reporting upon all actions to be instituted or maintained in France, by order of the Government, on charges of transgressing the laws for the prevention of the Slave Trade, as directed to examine whether there are any grounds for proceeding against her on this account. Accordingly her name is inserted in the present list.  The Governor of Senegal has been referred to on this subject, and his reply is expected.
			<b>BOURBON.</b>	
L'égle.			This schooner is suspected of having disembarked, within a short distance of St. Denis, Isle of Bourbon, blacks who have been apprehended.	The Governor of Bourbon States, under date of December 17, 1819, that he has ordered this vessel to be pursued.

*Vessels which have been proceeded against in the Colonies.*

NAMES of VESSELS.	FLAGS.	DATES of SENTENCES	SENTENCES.	REMARKS.
<b>GUADALOUPE.</b>				
L'Arriere.	Spanish.	Dec. 9, 1817.	Acquitted.	Another sentence passed the 14th August, 1818, in consequence of an appeal, likewise established the innocence of the parties accused.
La Calypso.	Do.	Aug. 5, 1818.	Acquitted.	This sentence being appealed against, was confirmed September 11, 1818.
Le Sylphe.	French.	Aug. 20, 1818.	Acquitted.	} An appeal having been brought against these sentences, they were confirmed September 18, 1818.
La Reine Caroline.	Do.	Do.	Acquitted.	
L'Astrée.	Do.	Do.	Acquitted.	
La Marie Isabelle.	Spanish.			She stands charged with having landed Slaves at Port Louis, Guadaloupe, about the latter end of 1819. Proceedings are taken before the Tribunals of Guadaloupe.
<b>CAYENNE</b>				
L'Aurore.	French.	Nov. 9 and 10, 1818, and Sept. 11, 1819.	The Tribunal of the First Instance, and the Court of Appeal at Guyana, awarded the restoration of the 87 Slaves who had been seized by the Custom House.	The Directors of the Custom House of Cayenne, and the Attorney-General of the Colony, having sued out a reversal of the sentence pronounced by the Court of Appeal, the same was by an order of March 23, 1820, reversed, and the parties were directed to apply to the Royal Court of Caen for a fresh trial.
<b>SENEGAL.</b>				
Le Postillon.	French.	April 28, 1818	Seizure of vessel and cargo, Master disqualified.	The Commission appointed by the Royal Ordinance of December 22, 1819, is in possession of the written proceedings.  The same Commission was of opinion that the execution of the sentence might be followed up in France. This vessel having again appeared in Senegal, December 8, 1819, accounts are expected to arrive as to the proceedings ordered to be immediately instituted in the Colony.
La Dorade.	Do.	July, 1818.	Same sentence of condemnation for non-appearance.	
La Scholastique	Do.	Sept. 8, 1819.	Seizure for non-appearance of vessel and cargo; disqualification of the Master.	
<b>BOURBON.</b>				
Le Voyageur.	English.			Consigned to the Governor of Mauritius to direct proceedings. Letter of the Governor of Bourbon, 28 October, 1818.
La Juene Emilie.	French.	} Nov. 25, 1818.	Released, as no infringement of the laws could be proved against her.	Under date of August 26, 1819, an application was sent out to the Governor for copies of the proceedings, with a view of ascertaining whether there exist grounds to move for a reversal of the sentence (the term for bringing appeals not expiring before May 26, 1820). These copies are looked for every day.
L'Éole.	Do.			
La Prospérité	Madagascar.	Dec. 2, 1818.	Acquitted; but an appeal having been brought against the sentence, she was condemned, Dec. 2, 1818.	Mr. Banks, the Master of the vessel, gave notice that he would appeal, but his application not having arrived here till March 5, 1820, when the term for appealing, being nineteen months, had expired, the judgment is irreversible.

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NAMES of VESSELS.	FLAGS.	DATES of SENTENCES.	SENTENCES.	REMARKS.
Le Bon Accord	English.	Jan. 13, 1818.	Seizure of the vessel, condemnation of the Master in the costs.	No appeals having been lodged by the parties condemned, the sentence is final.
La Favorite.	Do.	June 9, 1819.	Confiscation of vessel and cargo.	Do.
L'Espérance.	Do.	June 22, 1819.	Do.	Do.
La Bayonnaise.	French.	June 30, 1819.	Acquitted on the first trial; but the sentence being appealed from, she was condemned July 20, 1819.	
La Josephine.	Do.	Sept. 29, 1819.	Confiscation of vessel and cargo.	The parties have not appealed.

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*Judgments Pronounced respecting Slaves Landed in the Colonies by unknown Vessels.*

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**BOURBON.**

Nov. 19, 1817.	Twenty-three blacks stopped in the streets of St. Denis were ordered to be restored to their owners.	In consequence of an appeal, the owner, by an <i>Arrêt</i> of December 1, 1817, was directed to prove his title before the Tribunal of the First Instance which he did.
Sept. 15, 1819.	Thirty-two Negroes detained on the high roads of the Colony were ordered to be restored to the proprietor.	Notwithstanding an appeal, the sentence was confirmed, October 1, 1819.
Sept. 9, 1819.	A <i>Pirogue</i> and some Slaves, by whom she was manned, were ordered to be restored to the owner, Alain Godefroy. She had been seized on suspicion of having been employed in landing four Caffres that were found on the coast. The latter were confiscated.	The King's Attorney-General has brought an appeal. No account is yet received of any decision having taken place on this subject.

*Causes Pending in France*

NAMES of VESSELS.	FLAGS.	DATE of SENTENCES.	SENTENCES.	REMARKS.
Le Télémaque.	French.			<p>This vessel, which sailed from Bordeaux, in January, 1818, is accused of having landed at Havana, slaves taken on board by her on the Coast of Africa. The Commission appointed by an Ordinance of December 22, 1819, is engaged in examining the papers.</p>
Le Rodeur.	Do.			<p>An information is laid against the <i>Rodeur</i> of having shipped, on the Coast of Africa, a cargo of 250 Slaves, and of having imported them into St. Thomas.</p> <p>The Commission is employed in examining the papers.</p>
La Marie.	Do.			<p>A charge is exhibited against this vessel of having taken on board 64 Negroes in Senegal, and of having carried them to Cayenne. By a Despatch, dated December 22, 1819, the Governors of Senegal and Cayenne are directed to set on foot every enquiry, and institute proceedings. These papers, also, are examined by the Commission.</p>
L'Expérience.	Do.			<p>The <i>Expérience</i> is charged with having embarked in Senegal, and landed at Cayenne, 250 Slaves.</p> <p>The Governor of Cayenne, and the Maritime Authorities of Bordeaux and Bayonne, are directed to transmit to Government the documents relating to this cause, for such purposes as the law has provided. As soon as the preliminary proceedings are terminated, the Commission will enter on the examination of the papers.</p>

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No. 57, c.

*Viscount Castlereagh to the Count de Caraman, &c.**Foreign Office, July 4th, 1820.*

Viscount Castlereagh presents his compliments to the Count de Caraman, and in returning to the Count his best thanks for the papers contained in his note of the 17th ultimo, relative to the measures adopted by His Most Christian Majesty at the Isle of Bourbon for the suppression of the Slave Trade, has the honour to transmit to the Count de Caraman, as requested in his note above alluded to, copy of the orders in Council, regulating the registry of slaves in British colonies.

Viscount Castlereagh renews to the Count de Caraman the Assurances, &c.

The Count de Caraman,

&c. &c. &c.

No. 58, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.**Foreign Office, 8th December, 1820.*

Sir,

In allusion to my former dispatches on the subject of the French Slave Trade, and relative to the French establishment in the Gambia River, I have now the honour to transmit to your Excellency, a paper which has been given in at this office by the gentlemen most prominent in this country in watching over the entire abolition of the Slave Trade. This Paper appears to contain some very strong facts and reasonings, both as to the actual continuance of the French Slave Trade, in defiance of the laws in force against it, and as to the manner in which it is sustained and increased by the French settlement in the Gambia River, to which settlement the French Government has, under existing treaties, no claim.

Sir Charles Mac Carthy, the British Governor at Sierra Leone, is at present on leave of absence in Europe, and proceeded a few days ago to Paris. He has been, in many instances, an eye witness of the facts stated in the paper enclosed; and his long residence on the Coast of Africa, and continued attention to the subject, render him perhaps more conversant than any other individual, with every thing relating to the actual state of the Trade in Slaves.

I therefore have to request your Excellency to hold full communication with Colonel Mac Carthy; and, when you shall have possessed yourself of the valuable information which he can furnish to you, and shall have attentively perused the enclosed paper, to consider what representation can at present be made to the French Government, with the best chance of obtaining the desired object, viz. The real instead of the apparent abolition of the Slave Trade carried on by French subjects and by French capital.

Your Excellency is already so fully acquainted with the views of the British Government on the subject, and with the nature of the measures by which the real abolition can be effected, that it is not necessary for me now to enter into detail with respect to them.

A mutual agreement in the right of search is always, in the opinion of the British Government, the measure which would be most effectual for the abolition of the Trade; but if, as it would appear, the difficulties to this agreement are, in the eyes of

the French Government, insurmountable; the next best measure certainly is, that the highest punishment in each individual state, should be inflicted on the commission of the crime by their subjects.

It is in this view, that I would call your Excellency's attention particularly to that part of the enclosed paper, which urges the expediency of a law being brought forward in France, inflicting a *peine infamante*, or at least a *peine correctionnelle* upon persons convicted of carrying on the Trade; and also to that part of the paper which reasons on the expediency of this being done by a positive law, and not by an *ordonnance*.

The approaching meeting of the Chambers in France, seems to point out this as the proper moment for your Excellency to make another effort with the Government of France in this great cause.

Your Excellency well knows with what sincere satisfaction any further steps, on the part of the French Government, to procure the real abolition of the Slave Trade, will be received by the British Government, the Parliament and the Nation.

I am, &c.

(Signed) CASTLEREAGH.

*His Excellency Sir Charles Stuart, K B.*

*&c. &c. &c.*

P. S. I wish your Excellency to consider, whether, after laying before the Minister of Marine the information which I now send, it might not be advantageous for His Excellency to see Sir Charles Mac Carthy, and to satisfy himself, by examination, with respect to the real state of facts.

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*(Inclosure in No. 58, c.)*

Dear Sir,

London, 10th November, 1820.

When I last had the honor of waiting upon you, you requested to be furnished with a statement in writing of the heads of the information which I communicated to you on the subject of the French Slave Trade. The French Minister of Marine, I am aware, declared in the month of June last, in the Chamber of Deputies, and has recently renewed the assurance to our Government, that that trade is now effectually suppressed.

This declaration, however, I fear cannot be supported by facts. The French Slave Trade, I venture to affirm, is at this moment carried on with more activity than at any former period, and under circumstances of cruelty, not less revolting than any by which this traffic had previously been characterized. I proceed to state briefly some of the facts which prove this.

The English squadron stationed on the Coast of Africa during the present year, have fallen in with a number of vessels bearing the French flag, and openly engaged in the Slave Trade.

I have been credibly informed, that the number of vessels which have thus been met, exceeds twenty-five. The correctness of this statement is capable of being easily ascertained. The official letter of Sir George Collier, the Commodore on that station, to the Admiralty, and his official reports, must contain exact and detailed information on this subject.

Besides the vessels found trading for slaves on the African coast, under the flag of France, I understand that Sir George Collier, on lately entering the harbours of the Havannah, found there upwards of thirty slave ships bearing the French flag; and that the period having expired during which Spain was by her treaty with Great Britain, to carry on the trade under her own flag, the merchants of the Havannah were now generally resorting to the use of the French flag, as that which could alone effectually protect them in the contravention of their own Abolition Laws.

Governor Mac Carthy, of Sierra Leone, who is now in this country, assured me that when he left Sierra Leone in July last, no less than five vessels bearing the French flag, were engaged in procuring cargoes of slaves at the River Gallinas, a

place situated about one hundred miles to the south of the colony; and that he had received what he considered to be unquestionable evidence of the fact.

If these statements are correct, and the authority on which they rest seems to admit no doubt of their correctness, then it will follow, that between the months of December, 1819, and the month of August, 1820, not less than from fifty to sixty ships bearing the French flag, were openly carrying on the Slave Trade: and as it cannot be supposed, that more than a certain proportion of the vessels actually engaged in it could have been met by our cruizers, or could have come under the observation of Governor Mac Carthy's informant, the fair inference seems to be, that the evil has attained to an unprecedented degree of enormity; at the very moment when the French Authorities, deceived, doubtless, by the representations made to them, are flattering themselves, and giving assurances to our Government, that the French Slave Trade is extinct.

Nothing more seems necessary to prove the extent of the French Slave Trade: allow me, however, to add a few words on the circumstances of cruelty with which it is conducted.

When I had the honor of an interview with you, I put into your hands two papers containing details on this subject. One was a Sierra Leone Gazette, in which was inserted an account of the state in which some slaves were found by Sir George Collier, on board a French vessel called *La Jeune Estelle*, Olympe Languines, master, belonging to Martinique. The other deserves more particular notice. It was an extract from a periodical work published in Paris in the course of the present year, entitled "Bibliothèque ophthalmologique par M. Guillé, Directeur Général et Médecin en chef de l'Institution Royale des Jeunes aveugles à Paris." To illustrate his observations on ophthalmia, he brings forward the following case.

"Le navire le Rodeur, Capitaine B——, du port de 200 tonneaux, partit du Havre le 24 Janvier 1819, pour la côte d'Afrique, et arriva à sa destination le 14 Mars suivant. Ce navire alla mouiller devant Bonny, dans la Rivière du Kalabar. L'équipage, qui était composé de vingt deux hommes jouit d'une bonne santé pendant la traversée et le séjour à Bonny, qui se prolongea jusqu'au 6 Avril. On n'avait remarqué aucune trace d'ophthalmie parmi les habitants de la Côte, et ce ne fut que quinze jours après s'être mis en mer pour le retour, et lorsque le navire se trouva à peu près sous la ligne, qu'on ressentit les premières atteintes de cette effroyable maladie.

"On s'aperçût que les nègres, qui étaient au nombre de 160 entassés dans la cale et dans l'entrepont, avaient contracté une rougeur assez considérable des yeux: On ne donna cependant pas dans l'origine une grande attention à cette maladie, qu'on crût être occasionnée seulement par le défaut de renouvellement de l'air dans la cale, et par la disette de l'eau, qui commençait déjà à se faire ressentir. On était alors rationné à huit onces par jour; et plus tard il n'en fut distribué qu'un demi-verre."

"D'après l'avis de M. Maignan, Chirurgien du Batiment, on fit monter successivement sur le bord afin de leur faire respirer un air plus pur, les nègres qui étaient demeurés jusqu'alors dans la cale. Mais on fut obligé de renoncer à cette mesure, toute salutaire qu'elle était, parceque beaucoup de ces nègres affectés de nostalgie, se jetaient dans la mer, en se tenant embrassés les uns les autres†."

"Le danger de la contagion, et peut être la cause qui l'entretenait, furent augmentées par une violente dyssenterie, attribuée à l'usage qu'on avait fait de l'eau de pluie. Le premier homme de l'équipage atteint par la contagion, fut un matelot qui couchait sous le pont. Le lendemain un novice fut affecté, et dans les trois jours qui suivirent, le capitaine, et la presque totalité de l'équipage, en furent frappés aussi."

"Les douleurs augmentaient de jour en jour, ainsi que le nombre des aveugles; en sorte que l'équipage déjà saisi de la crainte d'une révolte parmi les nègres, était frappé de la terreur de ne pouvoir diriger le bâtiment pour se rendre aux Antilles, si le dernier des matelots, qui seul n'avait pas été atteint par la contagion, et sur lequel se fondaient toutes les espérances, venait à cesser de voir comme les autres."

"Un pareil événement était arrivé à bord du Leon, bâtiment Espagnol, qui croissait devant le Rodeur et dont tout l'équipage devenu aveugle, avait été obligé de renoncer à diriger le navire, en se recommandant à la charité du Rodeur, presque aussi malheu-

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† A fact which I have from private but authentic information, is omitted in this printed statement, namely, that the captain, in order to deter the slaves from suicide, shot and hanged several of their companions who were seized in the attempt. But these examples produced no effect, and he was obliged again to shut them up in the hold.



reux que lui. Mais les marins qui montaient ce navire n'avaient pu ni abandonner leur bord pour aller sur le bord Espagnol, à cause de la cargaison des nègres, ni recevoir l'équipage de ce navire, le leur étant à peine suffisant pour eux\*."

" Arrivé à la Guadeloupe le 21 Juin, 1819, l'équipage était dans un état déplorable. Parmi les nègres, trente neuf sont devenus aveugles, douze sont borgnes, et quatorze ont eû des taches plus ou moins considérables sur la cornée. Parmi l'équipage, douze Hommes ont perdu la vue. De ce nombre, est le Chirurgien (M. Maignan, à présent en France), qui est resté aveugle sans espoir de recouvrer jamais la vue :— cinq sont devenus borgnes; parmi ceux là se trouve le capitaine; quatre ont de tuis considérables, et des adhérences de l'iris à la cornée†."

One of the most horrid circumstances connected with this transaction, does not appear in the above account. It is the fact, which I understand is capable of the clearest proof, that the 39 slaves who are stated to have become blind in consequence of having been struck with ophthalmia, were thrown overboard as an incumbrance. Had they been landed at Guadeloupe they would have entailed a heavy expence on the pro-

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\* The Spanish ship mentioned above has not been heard of since, and has probably been lost.

† Translation of Statement contained in the above Paper relative to the Vessel *Le Rodeur* of Havre.

The vessel *Le Rodeur*, Captain B——, of 200 tons burthen, sailed from Havre the 24th January, 1819, for the Coast of Africa, where she arrived on the 14th March following, and anchored off Bony, in the River of Kalabar. The crew consisting of twenty-two individuals, continued perfectly healthy during the voyage, and their stay at Bony, which lasted till the 6th April. No trace of ophthalmia had been observed among the inhabitants of the coast, and it was not until a fortnight after setting sail on their return home, and when the vessel had nearly reached the equator, that they felt the first approaches of that dreadful malady.

It was observed that the Negroes, who, to the number of 160 were crowded in the hold and between the decks, had contracted a considerable redness about their eyes. Little attention was however, in the outset, paid to this disease, which was supposed to be occasioned by the want of fresh air in the hold, and by the scarcity of water which even then began to be felt. They were at that time allowed to eight ounces, and subsequently, they only received half a glass per diem.

In pursuance of the advice of M. Maignan, the surgeon of the ship, the Negroes who till then had been confined in the hold, were successively brought upon deck, in order that they might breathe a fresh air; but it became necessary to abandon this salutary measure, because many of them, affected with insunty, leaped into the sea, embracing each other.

The danger, and probably the cause, of the infection were increased by a violent dysentery, attributed to the use of rain water. The first of the crew who was seized with the disorder was a sailor, who slept under the deck. Next day an apprentice was attacked, as were also in the course of the three following days, the captain and nearly the whole of the crew.

The disorder increased daily, as well as the number of those who became blind, so that the crew, in addition to their fears of a mutiny among the Negroes, were in dread of being unable to navigate the vessel to the Antilles, if the only sailor who had escaped the infection, and in whom were centred all their hopes, like his companions, lost his sight.

Such an occurrence had actually taken place on board the *Leon*, a Spanish ship which fell in with the *Rodeur*, every one of whose crew were compelled from blindness, to abandon the navigation of the vessel, and throw themselves upon the compassion of the almost equally unfortunate *Rodeur*. But the crew of the latter, on account of their cargo of slaves, could neither forsake their own ship to go on board the Spaniard, nor could they receive the crew of that vessel, their own affording scarcely accommodation sufficient for themselves.

On the 21st June, 1819, they arrived at Guadeloupe, in the most deplorable condition. Of the Negroes, thirty-nine had become totally blind, twelve had lost one eye, and fourteen were more or less afflicted with spots upon the cornea. Twelve of the crew had totally lost their sight, including the Surgeon (M. Maignan, now in France), who remains blind without hope of recovery, five had lost one eye, including the captain; and four were suffering under webs, and adhesion of the iris to the cornea.

prieters, without the possibility of any return. By throwing them into the sea, not only was this loss avoided, but a ground was laid for a claim on the Underwriters by whom the cargo was insured, which claim I also understand has been allowed by the Underwriters. What especial ground was laid for the claim I have not heard. I suppose it must have been, that in the great want of water which existed on board, it was necessary to throw a part of the cargo into the sea to save the rest.

Another most important fact is this; that the above-named vessel, *le Rodeur*, having returned to Havre, was again fitted out in the present year for the Slave Trade, and the command of her given to the same Captain who had charge of her on her first voyage.

Although the above transaction furnishes a striking illustration of many of the horrors of the middle passage, it is not entirely, or even principally with that view that I have ventured to introduce it. It furnishes moreover a striking proof of the impunity with which such notorious infractions of the French Abolition Laws may be committed. The facts of the case must have been well known to the Authorities at Guadaloupe; they have been for many months known in France, and yet, as far as I have been able to learn, not a single step has been taken, either at Guadaloupe or in France, for bringing the authors of this contravention to punishment. Neither the ship nor the slaves were confiscated in the West Indies, nor has any suit been instituted for that purpose. On the contrary, I understand that the slaves who were not thrown overboard, were sold to the planters of Guadaloupe. The Captain has not undergone that sentence of destitution which the law pronounces upon him. The owners and equippers of the vessel at Havre, have not been called to account, but are allowed to enjoy without question, the fruit of their crimes. Nay, they have fitted out the vessel a second time, under the command of the same Captain, for a similar voyage, now either completed or in progress. Nor could it be said in this case, that there was any deficiency of proof. The Surgeon, I understand, is now in Paris. His eleven blind companions are said also to be, most, if not all of them, accessible. And surely, if ever there was a case which, independently of these facilities of proof, called for the interference of the Government, it is the case of the *Rodeur*, which has now been detailed.

It would be easy to multiply proofs of the infraction of the French Abolition Laws by the Merchants of the great sea-port towns of that country, and particularly of Bordeaux and Nantes. But the Slave Trade is by no means confined to these. It is carried on to a considerable extent even from the Seine. The *Rodeur* is only one of many slave ships which have sailed from Havre; and even from the port of Honfleur, on the opposite side of the river, I am enabled to testify, from my own personal enquiry on the spot, that several expeditions have taken place, some of them very recently. In the year 1819, a vessel called *Les deux Sœurs*, commanded by Mon. Delosmore, was fitted out from that port; she went to Senegal, and took 52 slaves thence to the West Indies. Returning to Honfleur, she was fitted out a second time early in the present year, and committed to the care of a Captain Flaheut. She procured a cargo of slaves on the coast of Africa, which were landed on the small Island of St. Martin; after which she returned to Honfleur on the 29th of last September.

Another vessel, called *la Valentine*, sailed from the same port on the 6th of March, 1820, under the command of Captain Delosmore, formerly of *Les deux Sœurs*, for Senegal, whence she carried to Martinique about 304 slaves. She was expected at Honfleur in the month of October, when it was supposed that both this vessel and *Les deux Sœurs*, would be prepared for fresh expeditions.

Both these vessels were fitted out by out by one M. Collen, a merchant of Honfleur, who is supported in his speculations by a house at Rouen, and another at Paris. A third vessel, named *l'Achille*, is at this moment preparing for the Slave Trade by the same parties, if she has not already sailed.

Another vessel, called *l'Eclair*, the property of Mess. Matthieu of Rouen, has also made a successful slave voyage from the port of Honfleur.

But it is scarcely necessary to pursue this line of minute enquiry because, if the facts stated on the authority of Sir George Collier and Governor Mac Carthy are true, it will require no further evidence to shew that the declarations, made by the Government of France, with respect to the actual suppression of the French Slave Trade, are illusory.

Possibly, however, the declarations alluded to refer exclusively to the French establishments on the coast of Africa, and all that was meant may have been no more than this, that the Slave Trade had at length been put a stop to at Senegal and Goree.

Even however, to this very limited extent, the statement, it is to be feared, ad-

mits of doubt. In the month of June, 1819, the Minister of Marine declared to the Chamber of Deputies, in a speech from the Tribune, "We have suppressed this hateful traffic at Senegal:" and yet it will be found, I fear, that he is mistaken on this occasion, and that, if it has been found necessary by the Slave Traders of Senegal and Goree to take somewhat more pains than formerly, to preserve appearances, there is, nevertheless, no diminution of their traffic. Possibly there may not now be shipments of slaves as formerly, from the very wharfs of Senegal and Goree, without even the slightest attempt at concealment; but the same shipments are made from places removed but a little distance from those settlements, and lying immediately beyond their jurisdiction. I am aware that it is now, and always has been, but a small part of the French Slave Trade which has been actually carried on from Senegal and Goree. Probably nine-tenths of it is carried on from places not subject to the Crown of France. It is therefore idle to talk of its abolition, if by that word is meant its abolition along the ten or fifteen leagues of coast actually belonging to France. This would be the same as if we were to say that we had effectually abolished the Slave Trade, because we exported no slaves from Sierra Leone and St. Mary's. In point of fact, however, the French Slave Trade is not abolished even to this extent. It is admitted, under the sanction of the Minister of Marine himself, in a report made to the Chamber of Deputies on the 29th of June last, that the purchase and sale of slaves to any extent is permitted to the inhabitants of these colonies: "On les vend, on les achète sans violer la loi. Les nègreries de Saint Louis n'ont pu être détruites\*," and in a paper entitled "Réquête présentée à Messrs. les membres composant la Commission pour les Affaires litigieuses concernant la Traite des Noirs†," it is affirmed, that the French Abolition Law prohibits only the carrying of slaves to the French colonies in the West Indies; it does not even forbid their removal from Senegal or Goree. And in proof it is there stated as a notorious fact, that *every day slaves are sold at the colony of Senegal, in order to be transported to Babagney or Gaudiolo, villages situated on the coast at no great distance from Senegal; and that this is a trade authorized and permitted by the laws of the country, and which is carried on constantly.*

Now if this be so, if there be no limit whatever to the purchase of slaves from the interior by the inhabitants of Senegal and Goree; if, as M. Guidicelly affirms in his pamphlet, and he states himself to have been an eye-witness of the fact, the natives are to be seen exposed to sale from day to day in the market-place as cattle in a fair; if depôts of slaves (des nègreries) are regarded as legitimate institutions in these colonies; if moreover, no restraint is imposed by the existing laws of France on the removal of the slaves held in these slave holds, from time to time, as suits the proprietors' convenience, beyond the limits of the colonial jurisdiction, can it be said, with any colour of truth, that the Slave Trade is, in any sense abolished there? Such facilities as these cannot be required for the convenience of the colonists themselves. If all that was wanted was a slave or two for domestic use, to supply the occasional decrease that might occur in their very limited population, there could at least be no occasion for slave-holds. The fact is, that while the purchase of slaves is permitted, the trade must continue. There must be an absolute prohibition of the Slave Trade, in all its modifications, accompanied by effective penalties; before an approach can be made to the consummation which the French Minister states to be already attained.

But in point of fact, is this power of buying and selling their fellow men, which is allowed to be possessed by the colonists of Senegal and Goree, to an unlimited extent, applied to any other purpose than that of supplying domestic servants for their own use? It seems hardly requisite to undertake the proof of this point. It cannot be as the laws now stand, that the power in question should not be abused. Nay, frame what laws you please, if such a power is reserved to persons residing on the Coast of

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\* (Translation.)—They are bought and sold without any violation of the Law; it has been found impossible to destroy the depôts of Slaves at St. Louis.

† (Translation.)—Petition presented to the members of the commission for legal business connected with the Slave Trade.

‡ The paper quoted above, does not, I apprehend, state the French Law correctly. The writer of it appears to have referred only to the *Ordonnance du Roi* of the 8th January, 1817. A law subsequently passed in April 1818, enacts, that all participation by French subjects or ships, under any circumstances, or on any pretext whatever, in any part of the world, or by foreigners within the dominions of France, in the Slave Trade, shall be punished by confiscation of ship and cargo: But the above extract from a report sanctioned by the Minister of the Marine, shews that the generality of the enactment must, in his view, be subject to very large limitations: What these are I cannot pretend to say.

Africa, it must be abused, especially at Senegal and Goree, where no cultivation whatever is carried on by the colonists. But the fact is, that Slaves are there bought for the very purpose of being sold again, and that when circumstances, as at present, render it hazardous to export them directly from the settlements themselves, they are only moved to Babaguey or Gandiole, to Cacher or Cassamanga, to Bissao, or the Cape de Verd Islands, whence they can be shipped without at all compromising the French Authorities.

For the correctness of this statement, I beg to refer to Colonel Mac Carthy, and to the proofs and documents which it is in his power to furnish; only remarking, that the Portuguese Authorities at Bissao and the Cape de Verd Islands, have shown a great eagerness to afford every possible encouragement to the French Contrabandists. Indeed it might be shewn, but that this is not connected with the present subject, that the Governors of the Portuguese settlements on the Coast of Africa are themselves among the principal contrabandists.

Before I quit that branch of the French Slave Trade which is connected with Senegal and Goree, there is one point to which I beg to call your very particular attention.

By means of the settlement of Bathurst, at the mouth of the River Gambia, Great Britain so effectually commands that River, as to be able to prevent Slaves being exported thence by sea. About twenty miles, however, above the British settlement, there is a small place called Albreda, where the French had formerly a factory, and of which they have recently possessed themselves. Of this factory they make use for drawing Slaves from all parts of the River Gambia, which would otherwise be completely freed from the noxious influence of this trade. For although they cannot carry their Slaves out of the River without being stopped by our settlement of St. Mary's, yet this lawful commerce with it not being interdicted, this difficulty is easily obviated. The merchandize with which the Slaves are to be bought, is conveyed to Albreda by vessels in the usual way, but the Slaves when bought, are partly conveyed in small canoes, partly marched overland to Cacheo, or some other place on the shore of the Atlantic, whence they are embarked. Now if the French had really a right to possess Albreda, there might possibly be no remedy which this country could apply to such an evil. But I believe they have completely, by treaty, divested themselves of that right. The Treaty of 1783 has the following articles, viz:—ART. IX. The King of Great Britain cedes in full right, and guarantees to His Most Christian Majesty, the River Senegal and its dependencies, with the Forts of St. Louis, Podor, Galam, Arguin, and Portendie, and His Britannic Majesty restores to France the Island of Goree, which shall be delivered up in the condition it was in when the conquest of it was made.—ART. X. The Most Christian King on his part, guarantees to the King of Great Britain, the possession of Fort James and of the River Gambia.

By these articles it would appear, that the River Gambia was as effectually ceded to Great Britain, as the River Senegal was ceded to France. And as France would never have permitted us to retain in our hands any of the establishments in the latter River, so neither can she claim a right to retain any upon the former. Besides, Albreda was a dependency, not of Senegal, but of Goree, and it is to be noted, that when the restoration of Goree is stipulated for, the words "and its dependencies," used in the case of Senegal, are excluded. France, it is true, may plead that during the period which elapsed between 1783 and 1792, Albreda continued to be used as a factory or *comptoir* by her traders, but this arose simply from our not having taken possession of Fort James, which had been demolished during the war, and which remained a heap of ruins until four or five years ago, when it was again occupied. Since that time, Governor Mac Carthy has not ceased to remonstrate against the manifest contravention of the Treaty of 1783 (a Treaty which has in no degree been modified by any subsequent convention), which is involved in the occupation of the Factory of Albreda by the French.

It will be obvious from all that has been said, that the abolition of the Slave Trade by France has been as yet a nominal not an effectual measure. I would beg leave to suggest that, to make it effectual, it would be necessary not only to declare in general terms, that Slave Trading of all kinds is forbidden to French subjects, and to all persons residing within the French dominions, but specifically to prohibit the introduction of fresh Slaves from the interior, into the French settlements on the coast. It would be further necessary to extend the penalties of Slave Trading to all descriptions of the crime, where-soever committed, including in the list of offenders, persons fitting out ships with an intention to Trade in Slaves, and persons insuring such property. These Enactments should be embodied into a Law, and not a Royal Ordonnance. How far it would be possible to add to the pecuniary inflictions they may impose, *une peine infamante*, or, if

that were likely to be too strong a measure *une peine correctionnelle*, I of course can have no means of knowing. It is most manifest, however, that such an addition would exceedingly promote the object of the law. It would seem desirable, also, that a system of cruising should be adopted, for the purpose of carrying their laws into effect. Hitherto the range of their cruizers has been limited to the few leagues of coast connected with Senegal and Goree. And if bounties on the Slaves captured were added, this would doubtless tend to quicken the zeal of their public officers of all descriptions.

In the Report made to the Chamber of Deputies on the 29th June last, to which I have already had occasion to allude, there is the following statement, viz.

“Cinquante deux Batimens Francois, Anglois, et Espagnols, ont été l'objet d'information, de condamnation, ou de poursuite.”\*

It would seem necessary to call for such a detailed explanation of the above statement, as would put the British Government in a capacity to prosecute the English violators of the Abolition Laws.

I have also sent the case of another French Slave ship named the Sylph.

I am, &c.

No. 59, c.

*Viscount Castlereagh, to His Excellency Sir Charles Stuart, K. B. &c.*

Sir,

*Foreign Office, December 14, 1820.*

Since the transmission to your Excellency of my despatch containing a resumé of facts, proving the existence and continuance of illicit Slave Trade by His Most Christian Majesty's subjects in the French colonies, the enclosed statements on the same subject have been received, the importance and authenticity of which render it essential, that your Excellency should take these papers into your consideration, when you shall take steps for carrying into execution the instructions contained in my despatch above alluded to.

I am, &c. (Signed) CASTLEREAGH.

His Excellency Sir Charles Stuart, K B.  
&c. &c. &c.

(Inclosure 1 in 59 c.)

*J. W. Croker, Esq. to William Hamilton, Esq. dated Admiralty Office,  
April 15, 1820.*

Sir,

I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Lord Castlereagh, an extract of a letter from Capt. Kelly, of His Majesty's sloop Pheasant, dated in Aura Roads, on the Coast of Africa, the 29th October last, containing intelligence respecting the foreign vessels engaged in the Slave Trade.

I am, &c.

(Signed) J. W. CROKER.

*William Hamilton, Esq.*

\* (*Translation.*)—Fifty-two French, English, and Spanish vessels have been the subjects either of information, confiscation, or pursuit.

*Extract of a Letter from Captain Kelly to Mr. Croker, dated His Majesty's Sloop Pheasant, Aura Roads, Coast of Africa, October 29, 1819.*

I beg leave to communicate for the information of my Lords Commissioners of the Admiralty, the proceedings of His Majesty's sloop Pheasant, under my command, from the date of my last communication of the 20th of August last.

After having completed my water at Sierra Leone, I again proceeded to sea, in order to resume my station in the bights of Benin and Biafra; in my way down between the shoals of St. Ann's and Cape Palucas, I found the coast swarming with fast sailing schooners, which kept us in a continual chace for nearly a fortnight, and although we were enabled to come up but with few of them from their superior sailing, I have the satisfaction to know that some of them quitted that part of the coast from the annoyance and interruption they received from the Pheasant in carrying on their traffic. In standing into Cape Mesurado Bay on the morning of the 31st August, I observed a brig and schooner at anchor. The schooner on discovering us, weighed and attempted to escape, but finding it impossible, she again anchored, and on being boarded proved to be the French schooner l'Elize, of and from Guadaloupe, with twenty-one slaves on board, belong to Messrs Jubert and Ferrant, and commanded by the Sieur Lenant, who was then on shore at Mesurado, collecting the remainder of his slaves for embarkation, in order to quit the coast for Guadaloupe in a few days. I must here remark, that I boarded the same schooner in nearly the same place on the 24th of June last, when the master informed me he was trading for palm oil, ivory, &c. The other vessel proved to be the French brig l'Oscar, of Martinique, and (as the master says), intends to take in oil, ivory, &c.; but I have little doubt when he quits the coast, his cargo will like all the others prove to be slaves. On the 1st of September, off Grand Bassa, I boarded another French schooner from Guadaloupe, called La Thetis, and belonging to the same owners as l'Elize, he had also no cargo on board, and stated his intention of procuring a similar cargo to the brig. Annexed I beg leave to add the number and description of vessels on the Windward coast, which I procured from the master of an English brig, all which he had either spoken or shewn his colours to in passing, between the 17th of August and 10th of September, and of which I some time since forwarded a copy to Captain Strong, of His Majesty's sloop Morgiana, cruizing on that station. I have been more diffuse in my description of these French vessels, in order to shew their Lordships, how deeply the subjects of His Most Christian Majesty are concerned in carrying on this nefarious traffic: the other vessels which appear on the list under Dutch colours, I have reason to think are Americans, having been so informed by the natives. My provisions now getting low I was under the necessity of pushing on to Cape Coast Castle, from whence (after victualling), I again sailed for the Leeward Coast, and finding in my former cruize in the bight of Benin, that from the strong current setting to the E. N. E. few vessels coming from thence could fetch much to windward of Cape Formosa, I deemed it advisable in lieu of shewing myself by running down the coast, to keep a position west of that Cape as far as the Longitude of Lagos, the principal place of slave traffic for the Portuguese vessels coming out of the bight, as the custom of slave ships is now to land their outward cargo, and as soon as they have bartered it all for slaves, to embark them, and sail immediately. I have much satisfaction in reporting, that the result of my arrangement has proved most successful, by my capturing on the 6th of October, the Portuguese brig Volcano, of and from St. Salvador, but last from Lagos, in Benin, with a cargo of 270 slaves: this vessel I have sent to Sjerra Leone for adjudication.

*List of Vessels on the Coast.*

*French Colours.*—At Gallinas, 3; Mina, 2; Cape Monat, 3; Cape Mesurado, 2; Pinamuncy Basso, 1.

*Dutch Colours.*—Grand Bassa, 1; Trade Town 3.

*French Ditto.*—Off Beorby, 1; Half Sapoia, 1.

Off Assurance River 1, did not shew her colours.

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(Enclosure 2 in No. 59 c.)

*Viscount Chetwynd to William Hamilton, Esq. dated Council Office,  
1st December, 1820.*

Sir,

The Lords of His Majesty's Most Honorable Privy Council having had under their consideration a letter from William Delavaud, Esq. Secretary of the Customs, transmitting an extract of a letter from the Collector and Comptroller at Demerara, by which it appears that the Slave Trade is still carried on in the French Islands to a considerable extent, I have it in command to acquaint you, that although the Lords of the Council presume, that the Commissioners of the Customs have made a similar communication to Viscount Castlereagh, their Lordships have nevertheless thought it right to direct, that copies of the above papers should be transmitted to you, to be laid before Viscount Castlereagh, for his Lordship's information.

I am, &c. (Signed) CHETWYND.

William Hamilton, Esq. &c.

*William Delavaud, Esq. to William Buller, Esq. dated Custom House,  
Nov. 28th, 1820.*

Sir,

The Commissioners having received a letter from their Collector and Comptroller at Demerara, dated the 18th of August last, stating, amongst other matters, that the Slave Trade is still carried on in the French Islands to a considerable extent;

I have it in command to transmit to you an extract of the said letter for the information of the Lords of His Majesty's Most Honorable Privy Council.

I am, &c. WILLIAM DELAUDAUD.

William Buller, Esq. &c. &c. &c.

*Extract of a Letter dated Antigua, October 16th, 1820.*

“A French brig with 128 Africans, was seized about eight days ago off this Port. She is called the Louise, of about 120 tons, from Senegal, bound to the Island of Guadaloupe, which this island was taken for by the mate, who had the command, during the confinement of the captain, then very ill on board. She

came down the south side of the Island with French colours flying, and was boarded by Mr. Chipchase, waiter of the customs here, who brought her into Port. After the crew found their mistake, the poor Africans were all sent below, and some of the crew had the temerity to come on shore for refreshments, stating that she was in ballast bound to Cayenne.

The negroes were in a miserable condition when landed, but now they look extremely well, and are generally young, chiefly women, two of whom have infants at the breasts, and one a few days ago was delivered of twins, still-born. Very great care has been taken of them by the collector, who has had them clothed and well fed. I understand that the females will be sent to Trinidad.

The captain went from this to Guadaloupe, and has since returned with directions to abandon the brig, and return with the crew to that Island, where it appears she was going to the celebrated firm of De Lisle and Rancée, who have since disowned any concern with the vessel."

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*Extract of a Letter from Demerara, dated 18th August, 1820.*

From all enquiries we could make of the captain and crew of the sloop Harriott, from Martinique, seized in the river Esequibo, who were interrogated separately, and whose answers concurred in one general result, the Slave Trade is still regularly carried on in the French islands openly, and to a very considerable extent. There are seven or eight schooners regularly employed between the coast of Africa and Martinique, part of the cargoes of which are carried direct to St. Thomas's, and part re-exported from Martinique to Surinam. A complaint has been made by a British ship of war, of one of their schooners which lay full of Slaves in the Bay of St. Pierre; and the Governor in some way interfered, of the result of which the crew of the Harriott was not apprised; but, unless on a representation of that nation, they are allowed to lie in the roads, bring the slaves on shore, and sell and re-load and re-export them without any notice being taken of such proceedings; this circumstance is a breach of the laws of France, and is as detrimental to British interests, as it is to the cause of humanity.

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No. 60, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh, K. G. &c. &c.*  
*dated Paris, December 21, 1820.—Received December 24.*

My Lord,

I am to acknowledge your Lordship's dispatches, conveying the instructions, by which His Majesty's Government deem it expedient, that my endeavours to give effect to the Abolition of the Slave Trade should be regulated.

The notes enclosed had already placed before the French Government the several incidents connected with this question, which had come to my knowledge since the date of the last dispatch I had the honor to address your Lordship respecting the abolition, and had shewn the determination of His Majesty's Ministers to continue to press the measures which I have been so frequently directed to recommend.



In once more addressing Baron Pasquier, it became therefore merely necessary to repeat the arguments which have been often brought forward, supported by new facts and illustrations, forming the mass of information which accompanies your Lordship's dispatches.

I accordingly drew up the note, of which I enclose a copy, and which was transmitted to Baron Pasquier on Tuesday, accompanied by a portion of the papers your Lordship has forwarded to me.

In order to give full effect to the proposition contained in this note, I thought it my duty to press the subject verbally upon the attention of the Duke de Richelieu and Baron Pasquier, at the same time that I requested Monsieur Portal to allow Sir Charles Mc. Carthy to state to him the further particulars connected with the question, which might be necessary to fix the determination of the Cabinet.

The Duke de Richelieu expressed, in the strongest terms, his wish to omit no measure to put down a traffic, which he detests, stating that the positive instructions which have been sent to the Colonial Authorities, and the Maritime Prefects, to this effect, offer the best proof that he is sincerely disposed to concur in every practicable alternative for the attainment of that object, and he said, that though I knew the impracticability of conceding the right of visit, yet that at the first meeting of the Ministers he should call their attention to the subject of the Slave Trade; and that I might depend upon his doing every thing in his power to meet the wishes of His Majesty's Government.

In a conversation which I had with Baron Pasquier, on the following day, he said, that although the Government had not yet sufficiently digested their opinion to give me an answer in writing, their united opinions gave him every reason to think I should be satisfied with the result.

This language appears to have been repeated to Sir Charles Mc. Carthy, by Baron Portal, and to have been accompanied with an assurance, that the maritime force, which is employed for the purpose of preventing the Slave Trade, shall be forthwith increased, and that the limits of their cruising ground shall be extended to those parts of the coast, where Sir Charles Mc. Carthy may think their presence required.

Mons. Portal further announced his intention, to direct the French ships of war, bound to the West Indies, to run down the coast of Africa on their outward voyage for the same purpose.

I have the Honor to be, &c.

(Signed) CHARLES STUART.

Viscount Castlereagh, K. G.

&c. &c. &c.

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(Inclosure 1 in No. 60, c.)

His Excellency Sir Charles Stuart to His Excellency Baron Pasquier,  
dated Paris, May 31st, 1820.

I have received the directions of His Majesty's Government to transmit, for your Excellency's information, the accompanying papers, stating the particulars of the detention of the French vessels, La Marie and La Catherine, employed in the Slave Trade, by a British subject.

I am to acquaint your Excellency, that the officers concerned in their detention have been directed to make a suitable apology for the infraction of the

rights of His Most Christian Majesty's flag, and to send the two vessels to Senegal for the purpose of being restored to the French authorities.

A further communication from the officer in command on the coast of Africa, adds, that the vessels the *Jeanne Estelle* and *Josephie*, have likewise been engaged in this traffic, detailing circumstances of cruelty which it is highly necessary should not be concealed from the knowledge of the French Government.

Under these circumstances, it becomes my duty once more to request your Excellency's attention to this important subject; and to point out, that notwithstanding every assurance, as no vessel of war is employed on the coast for the purpose of checking such mischiefs, this trade is manifestly increasing under the French flag; and that I must hope that the extent and enormity of the abuse will induce the French Government to devise some efficacious means of repressing such illegal practices.

I have the honour to be, &c.

(Signed) CHARLES STUART.

His Excellency Baron Pasquier, &c.  
&c. &c. &c.

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(*Inclosure 2 in No. 60, c.*)

His Excellency Sir Charles Stuart to His Excellency Baron Pasquier, dated Paris, 21st October, 1820.

Sir,

With reference to the communication I had the honour to address your Excellency on the 31st of May, announcing the detention of the French Slave Trade vessels, *La Marie* and *La Catherine*, by His Britannic Majesty's cruizers, I herewith enclose the copies of further communications upon this subject from His Majesty's Colonial Secretary of State.

I have the honour to be, &c.

(Signed) CHARLES STUART.

His Excellency Baron Pasquier,  
&c. &c. &c.

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(*Inclosure 3 in No. 60, c.*)

*His Excellency Sir Charles Stuart, to His Excellency Baron Pasquier, dated Paris, 11th December, 1820.*

(Extract.)

The rights of the two nations (England and France) to these rivers (the Gambia and the Senegal) rest upon the Treaty of 1783, and as the 9th and 10th articles of that Treaty place their respective pretensions to the Senegal and to the Gambia upon precisely the same footing, the altercations which must ensue, if His Britannic Majesty's officers take advantage of the Treaty to bring forward claims to the Senegal, like those brought forward by France to the Gambia, are so obvious, that I can scarcely suppose they will be sanctioned by His Most Christian Majesty's Government.

His Britannic Majesty's Government are consequently entitled to expect that the removal of the French posts from the navigation of that river, will prevent a continued conflict of jurisdiction in that part of the world, which cannot ensure any proportionate advantage to the interests of either Government.

(Signed) CHARLES STUART.

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(Inclosure 4 in No. 60, c.)

Sir,

Paris, 18th December, 1820.

Former communications having fully made known to your Excellency the anxiety of my Court to take every measure which can prevent the Slave Trade, the recurrence to the same subject which results from the inefficacy of the attempts by which it has been hitherto proposed to check this enormous evil, will, I am confident, be viewed by the French Government with that consideration, which Good Faith in the execution of mutual Engagements must reciprocally inspire.

Among the numerous Papers respecting the Slave Trade which have reached His Britannic Majesty's Ministers the accompanying Selection of Statements on the part of credible witnesses will shew that individual interest having rendered the existing Law abroad a dead letter, the Slave-trading Establishments along the Coast of Africa have acquired an extension which the combined and vigilant efforts of both nations will hardly be able to put down, and it is highly probable that all the Territorial and Commercial Questions at issue between the two Governments in that part of the world are to be traced to the continuation of this Commerce.

The good intentions of both Legislatures being thus eluded, and the abolition by France being as yet a nominal, not an effective, measure, my Sovereign relies upon the concurrence of His Most Christian Majesty's Government in devising new precautions which may hasten a radical abolition.

The acknowledgement of a mutual right of search is the most effectual alternative in the opinion of my Court, provided that it be followed by the employment of cruizers on the part of all the Powers which have decreed the Abolition, under a common regulation, offering advantages calculated to stimulate the zeal of the persons employed in that Service. But if such an executive arrangement cannot be concerted between the two Governments without encountering difficulties, which, according to the notions of His Most Christian Majesty's Ministers are quite unsurmountable, I am sure Your Excellency will feel that considerations of good faith as well as good neighbourhood render some Legislative Measure necessary to prove to the world their sincere intention to execute the engagements between the two Governments, which have been the subject of repeated communications to the British Parliament.

The Declaration of His Most Christian Majesty's Ministers, that their serious attention will be directed to this question, renders the present moment suitable to consider the Enactments which are best calculated to effect the abolition, and the experience of my Government upon the Subject enables me, perhaps without indiscretion, to recommend the following points to Your Excellency's attention.

1st.—The Prohibition, in general terms, of Slave Trading in all its branches, to French subjects and to persons residing within the French Dominions.

2d.—The prohibition of the importation of fresh Slaves from the interior to the French Settlements on the Coast.

3d.—The application of the penalties of Slave Trading to all descriptions of persons engaged in the equipment or insurance of ships to trade in Slaves.

4th.—Although the infliction of the severest possible punishment is desirable, the wisdom of the legislature will decide, whether “a peine infamante” or “correctionnelle” against the individuals who are guilty of contravention, is best calculated to ensure the execution of these enactments.

The conciliatory spirit with which the relations between the two Governments are at present conducted, and the interest which my Court attaches to the Abolition, induce me to hope, that after your Excellency has given these suggestions full attention, a sentiment analogous to the feeling of my Sovereign upon all questions of importance to the French Court, will lead to determinations favorable to the wishes, not only of His Majesty’s Government, but of the British Nation in general.

I have, &c.

(Signed) CHARLES STUART.

His Excellency the Baron Pasquier,

&c. &c. &c.

No. 61, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart, K. B. &c.*

*Foreign Office, 1st January, 1821.*

Sir,

In addition to my communications to your Excellency on the subject of the Slave Trade carried on by the French subjects, I transmit to you the copy of a letter from the Under Secretary of State for the Colonial Department, relating to the seizure at Antigua of the French Slave brig Louisa; which information your Excellency will take a proper opportunity of communicating to the Government of His Most Christian Majesty.

I have the honour to be, &c. CASTLEREAGH.

His Excellency Sir Charles Stuart, K. B.

&c. &c. &c.

*(Inclosure in No. 61, c.)*

*Henry Goulburn, Esq. to Joseph Planta, Esq. dated Downing Street,  
December 14, 1820.*

Sir,

Herewith I transmit to you the copy of a letter from Mr. Wyke, collector of the customs at Antigua, dated 12th October last, acquainting Lord Bathurst with the seizure of the French Brig “Louisa,” having on board one hundred and

thirty slaves; and I am directed by his Lordship to request, you will lay the same before Lord Castlereagh, for his Lordship's information; the statement therein contained being such, as to fully confirm the accounts received from Africa, of the Slave Trade being still carried on by the French from Senegal. I am, &c.

(Signed) HENRY GOULBURN.

*Joseph Planta, Esq.*  
&c. &c. &c.

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(In Inclosure in No. 61 c.)

*Mr. Wyke, Collector of the Customs at Antigua, to Earl Bathurst, dated  
St. Johns, Antigua, 12th October, 1820.*

My Lord,

I have the honor to inform your Lordship of the seizure of a French brig, *Louisa*, with 130 slaves on board, by an officer of this survey, on the morning of the 4th, having arrived off the harbour from Senegal, bound to New Orleans, (as stated by the Captain,) but from circumstances, there is little doubt of her destination being Guadeloupe. On the morning after the arrival of this vessel in our port, and the Crown officer's opinion of the legality of the seizure having been taken, I disembarked the Africans, and immediately attended to their comforts, by having a good and convenient lodging prepared for their reception; and I have the honour to acquaint your Lordship, that there were some few of these unfortunate beings ill, and others very weak and feeble from their long confinement on ship board and mode of treatment, when landed; but I am happy to say, from the care and attention paid to them since their coming on shore, that the sick have nearly recovered, and the others in a weak state have been wonderfully improved; and, I will not fail, my Lord, to pay every possible attention to these Africans; and as soon as their situation will let it be advisable, to follow strictly His Majesty's Orders in Council, for properly indenting them to such persons as may be satisfied will attend to the wishes of his Majesty's Government on this head. I did not fail to clothe the Africans immediately upon their getting on shore; and as soon as I am able to indent them, I shall have the honor of making an official return thereof to your Lordship. On the other side I take the liberty of describing the sexes, &c. for your Lordship's further information.

I have the honour to be, &c.

*Africans.*—33 men—66 women—6 boys from 12 to 15 years old—17 girls from 12 to 16 ditto—6 ditto, ditto, 9 to 11—2 infants.

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No. 62, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, January 1, 1821. Received January 5.*

My Lord,

I am to acknowledge your Lordship's Despatch, containing the further documents which have reached His Majesty's Government, and refer to infrac-

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tions of the law prohibiting the Slave Trade, by vessels under the French flag. In the letter, of which I enclose a copy, I have requested Baron Pasquier to add these papers to the mass of information which has already been placed before the French Government, and to lose no time in coming to the determination, which the apparent impunity hitherto enjoyed by the offenders certainly requires.

An interview with Baron Portal on the same day, gave me an opportunity of hearing the opinion of that Minister; and I had the satisfaction to find, that he did not contest the truth of the statements which had been laid before the Government, although he assured me, that he had heartily co-operated in furthering the efforts of my Court to effect the abolition.

He asserted, that more than forty prosecutions had been already instituted against persons implicated in transactions which come under the provisions of the French Law; but that the agreements, particularly the insurances effected with foreigners, who are chiefly British subjects, *sous seing privé*, which it is almost impossible to bring to light, are so extremely common, that it is to be feared these prosecutions are in many instances likely to fall to the ground.

Monsieur Portal assured me, that in the mean time, there had been no relaxation of vigour, in pressing forward the executive arrangement in his department of the service, to prevent the trade; that orders had been dispatched to the Admiral in the West Indies, directing him to send a ship of war down to the Havannah, for the express purpose of intercepting the slave vessels destined to that port, and that instructions had been drawn out for the guidance of the Administration of Senegal, grounded upon the suggestions of Governor McCarthy, for the employment of the cruisers on that station, which he hoped would prove to my Government the sincerity of his wishes to forward this object.

I have, &c.

(Signed)

C. STUART.

Viscount Castlereagh, K. G.

&c. &c. &c.

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(Inclosure in No. 62, c.)

Paris, 27th December, 1820.

Sir,

Since I had the honour to address to your Excellency my note dated the 18th December, containing an abstract of the information which has been conveyed to His Britannic Majesty's Government respecting the continuance of the illicit Trade in Slaves, on the part of his Most Christian Majesty's subjects in Africa and the West Indies, the further documents I enclose\* having been received from official and authentic sources, it is right that they should be annexed to the mass of papers, upon which I have founded the representations, under the consideration of the French Government, as I flatter myself, that the infractions of the law which are thus brought to light, will lead to the adoption of measures, calculated to attain the object which the two Governments have the most at heart.

I have, &c.

(Signed)

C. STUART.

His Excellency Baron Pasquier,

&c. &c. &c.

\* These Documents form the Inclosures already given in No. 59, c.

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No. 63, c.

*His Excellency Sir Charles Stuart, to Viscount Castlereagh; K. G. &c. &c.*

*dated Paris, January 11, 1821. Received Jan. 14th.*

My Lord,

In obedience to the directions contained in your Lordship's despatch of the 1st January, the note, of which I enclose a copy, has been addressed to the Baron Pasquier, stating the circumstances which led to the detention of the Slave ship the Louise, by order of the local authorities in the Island of Antigua.

I have the honor to be, &c.

Viscount Castlereagh, K. G.

(Signed)

CHARLES STUART.

&c. &c. &c.

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(Inclosure in No. 63, c.)

Paris, January 9, 1821.

Sir,

I have the honor to transmit your Excellency the enclosed copy\* of a letter, announcing the detention of the Slave ship the Louise under French colors, in the Ports of Antigua, on her way from Senegal to Guadaloupe.

The disembarkation of 133 Africans of both sexes leaves no doubt of the Traffic in which this vessel has been engaged; and this fact may be added to the numerous infractions of the French Law, to which it has been my duty to call your Excellency's attention.

I rely, however, upon your Excellency's assurances, that such abuses will be remedied.

I have the honor to be, &c.

His Excellency the Baron Pasquier,

(Signed)

CHARLES STUART.

&c. &c. &c.

\* This letter forms the Inclosure already given in No. 61 c.

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No. 64, c.

*Memorandum received from His Excellency The Duke De Cazes dated on the 12th February, 1821.*

La France a franchement fait usage de toutes les ressources qu'elle trouvait dans la forme de son administration, pour créer des moyens propres à faire cesser la traite des noirs.

Des ordonnances publiées, des lois rendues en 1817 et 1818, ont prononcé la confiscation des bâtiments qui se livreraient à ce trafic, et l'interdiction

du capitaine qui les commanderait. En 1819 une commission spéciale présidée par un Conseiller d'état et composée de magistrats choisis dans la Cour de Cassation, la Cour Royale et le Tribunal de première instance de Paris, et d'un Officier Général de la Marine, a été établie pour examiner toutes les actions judiciaires à intenter, à suivre ou à soutenir en France, dans l'intérêt public, en matière de contravention aux dispositions qui prohibent la Traite des Noirs.

Le Ministre de la Marine n'a cessé depuis cinq ans de poursuivre en toutes occasions les expéditions illicites. Dans cet espace de temps il a été saisi par les soins de l'autorité française, un grand nombre de bâtiments fraudeurs, dont une partie a été condamnée et confisquée. Un état des diligences, poursuites, instances et condamnations qui ont eu lieu jusqu'à la fin du mois d'Avril 1820, a été transmis à Lord Castlereagh par M. Le Comte de Caraman le 17 Juin dernier. Parmi les bâtiments saisis il s'en est trouvé plusieurs appartenant à des sujets de Sa Majesté Britannique.

Au mois de Septembre 1819, le capitaine de Vaisseau *Baron de Mackau*, fut envoyé au Sénégal avec la mission de vérifier sur les lieux les imputations qui étaient sans cesse dirigées contre l'administration de cette colonie. Au retour de cet officier il fut fait par M. le Ministre de la Marine, sur le résultat de sa mission, un rapport qui a été communiqué à Lord Castlereagh, en même temps que l'état ci-dessus mentionné, et par lequel le Gouvernement Anglais a dû voir que tous les bâtiments indiqués comme s'étant effectivement livrés à la traite depuis le 25 Janvier, 1817, avaient été poursuivis ou condamnés, par suite des dispositions prohibitives de la Traite des Noirs.

Les navires le *Narcisse* de St. Malo, et l'*Auguste* de Marseille, avaient été signalés par les Journaux Anglais, au commencement de 1820, comme ayant débarqué des noirs de traite aux Antilles Françaises. Le Ministre de la Marine s'est empressé d'ordonner une enquête pour s'assurer de l'exactitude des faits. Elle a eu lieu de la part des autorités de la Martinique, qui ont mis dans leurs recherches tout le soin et toute l'activité que l'on devait attendre de leur zèle, et il en est résulté que le débarquement annoncé était entièrement contourné, et que la cargaison des navires désignés se composait d'objets entièrement licites.

Le Gouvernement Français n'a pas mis moins de zèle à la répression de la traite à l'isle de Bourbon, et les nombreux documents transmis par M. de Caraman à Lord Castlereagh le 17 Juin dernier auront donné au Gouvernement Anglais des preuves non équivoques des efforts des Administrateurs Français dans cette colonie pour concourir à ce but.

Lois, ordonnances, instructions ministérielles, mesures publiques, particulières, tout a donc été mis en usage. Si les résultats n'ont pas toujours été aussi complets qu'on devait l'espérer, ils ont du moins été plus satisfaisans que ne semblaient l'indiquer les rapports transmis aux autorités Anglaises. Il est de fait que les expéditions frauduleuses faites par les sujets français sont devenues beaucoup plus rares, et que le zèle des autorités françaises ne s'est point démenti. Il est probable que plusieurs expéditions de ce genre se seront faites sous pavillon français, et c'est ce qui aura donné en Angleterre l'idée que c'étoit en France que se commettoit le plus grand nombre d'infractions aux lois contre la traite. Au surplus, de nouvelles mesures ont été successivement ajoutées à celles qui avaient été précédemment adoptées.

Plusieurs agens subalternes qui ne mettaient point assez de sévérité dans l'exécution des ordres de répression, ont été renvoyés du service.

Une flotille destinée à explorer les rivières sur la côte d'Afrique a été organisée. Elle contribuera puissamment à empêcher le trafic des noirs.

La station navale d'Afrique a été renforcée, composée de fins voiliers et munie d'instructions qui lui indiquent les points de croisière reconnus comme devant être occupés. Elle éclairera les côtes de manière à rendre impossible,



ou du moins extrêmement difficile, tout embarquement ou débarquement illicite.

La station des Antilles a été également renforcée en raison des moyens dont le département de la Marine a pû disposer.

Enfin le Gouvernement Français a ordonné à ses agens dans les établissemens de St. Louis et de Gorée de promouvoir et de favoriser autant que possible le système des engagements volontaires d'Africains, et de se modeler à cet égard sur ce qui se pratique à Sierra Leone.

*Londres, ce 12 Fevrier, 1821.*

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*(Translation of No. 64, c.)*

*Memorandum received from His Excellency the Duke de Cazes, dated the 12th February, 1821.*

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France has frankly employed all the resources which were to be found in the form of her government, in order to enact measures conducive to the abolition of the Slave Trade.

Ordonnances, which were published, laws which were enacted in 1817 and 1818, have decreed the confiscation of vessels engaged in that Traffick, and the suspension from command of the Captains of the said vessels. In 1819 a special commission, presided by a Counsellor of State, and composed of magistrates chosen from the Court of Cassation, the Royal Court, and the Tribunal of First Instance at Paris, and of a General Officer of the Marine, was appointed to enquire into all judicial proceedings, intended to be instituted or carried on in France on the part of the public, in cases of infractions of the measures prohibiting the Slave Trade.

During the last five years the Minister of Marine has not ceased to prosecute, on all occasions, instances of illicit traffic. In the course of that period, there have been seized by means of the French Authorities, a considerable number of vessels illegally engaged, and some of them have been condemned and confiscated.

A statement of the prosecutions, suits, inquiries, and condemnations which had taken place up to the end of April 1820, was transmitted to Lord Castlereagh by the Count de Caraman, on the 17th June last, and amongst the vessels so seized will be found many belonging to British subjects.

In the month of September, 1819, the *Baron de Machau*, captain in the Navy, was sent to Senegal, for the purpose of ascertaining upon the spot, the truth of the accusations which were repeatedly brought forward against the administration of that colony. On the return of this Officer, a report was drawn up by the Minister of Marine of the result of this enquiry. This report was communicated to Lord Castlereagh at the same time with the statement above referred to, and the English Government will have perceived from it, that all the vessels pointed out as being actually engaged in the Trade since the 23th January 1817, had been either proceeded against or condemned under the measures prohibiting the Slave Trade.

The ships *le Narcisse* of St. Malo and *l'Auguste* of Marseilles, were pointed out by the English Journals, in the beginning of 1820, as having landed slaves for sale in the French Antilles. The Minister of Marine lost no time in causing an enquiry to be set on foot into the truth of the facts stated. This enquiry was carried on by the Authorities at Martinique, who displayed in the investigation all the care and activity which was to be expected from their zeal: and the result proved, that the reported landing of slaves was wholly unfounded; and that the cargoes of the ships abovenamed consisted entirely of lawful merchandize.

The French Government has not been less zealous in repressing the Slave Trade in the Isle of Bourbon, and the numerous documents transmitted by M. de Caraman to Lord Castlereagh on the 17th of June last, will have afforded to the English Government unequivocal proofs of the efforts made by the French Authorities in that colony, in furtherance of that object.

Laws, ordinances, ministerial instructions, public and private measures, every thing has thus been had recourse to. If the results have not always been so complete as might be hoped, they have, at least, been more satisfactory than the statements transmitted to the English Authorities seemed to indicate. The fact is certain, that illegal adventures on the part of French subjects have become much less frequent, and that the zeal of the French Authorities has been verified. It is probable that many adventures of this description have been carried on under French colours, and it is this circumstance which has caused the idea to prevail in England, that it was in France that the greatest number of violations of the Laws against the traffic were committed. New measures have moreover been successively added to those which had been previously adopted.

Several inferior agents who had not been sufficiently strict in the execution of the measures of repression, have been dismissed the service.

A flotilla has been organized for the purpose of exploring the rivers on the coast of Africa. This will contribute greatly to prevent the traffic in Slaves.

The naval forces on the African station have been reinforced by fast sailing vessels furnished with instructions describing the cruising ground to be occupied. They will scour the coasts in such a manner, as to render any illegal embarkations or disembarkations impossible, or at least extremely difficult.

The station of the Antilles has also been reinforced, so far as it has been in the power of the Marine Department.

Finally, the French Government has given orders to its agents in the establishments of St. Louis and Goree, to promote and favour as much as possible the system of voluntary engagements on the part of Africans, and to guide themselves in this respect by the observed practice at Sierra Leone.

*London, February 12, 1821.*

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No. 65, c.

*His Excellency Sir Charles Stuart to Viscount Castlereagh, K. G. &c. &c.  
dated Paris, February 19, 1821.—Received February 22d.*

Extract.

“ My endeavours to press upon the Baron Pasquier the necessity of giving me a decisive answer upon the different representations I have lately had occasion to bring forward respecting the Abolition of the Slave Trade, have caused His Excellency to tell me, that all the information which the Minister of the Colonial Department has been able to collect upon the subject, has been transmitted to the French Ambassador in London, for the purpose of being carried to the knowledge of his Majesty’s Ministers.”

(Signed) CHARLES STUART.

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No. 66, c.

*Viscount Castlereagh to His Excellency Sir Charles Stuart K. B. &c.*

Sir,

*Foreign Office, 23d. March 1821.*

The memorandum, a copy of which I herewith transmit to your Excellency, stating the measures which have been taken by the French Government and their Colonial Authorities, for the prosecution and punishment of cases of Slave Trade,

was delivered in by the Duke de Cazes, a few days previous to His Excellency's departure for France.

Your Excellency will perceive that in one part of this memorandum, allusion is made to certain ships bearing the British flag, and stated to be engaged in this traffic. On a reference to the papers inclosed in M. de Caraman's note of June last, it appears that all the vessels so referred to, and which your Excellency will observe bear french names, have been proceeded against and condemned in the Colonies; but the allusion here made by the French Ambassador, and several other intimations which have at different times been thrown out to your Excellency, of the occasional employment of British Capital in Slave Trading, and of insurances on slave ships being effected in England, lead me to request that your Excellency will urge the French Government to furnish you with the details of any cases of this sort, which may at any time have come, or which may in future come to their knowledge, and you will be pleased immediately to transmit such information to me.

On vague reports and loose charges generally thrown out, and which they have no distinct grounds for believing, it is impossible for the British Government to take any step; but if they can be furnished with precise and accurate information of the existence of a Slave Trade carried on with British Capital, or of any encouragement or protection being afforded thereto by British Subjects, it would be their most anxious desire, as it is their bounden duty, to use their utmost endeavours for the prosecution and punishment of the offenders.

I am, &c.

(Signed)

CASTLEREAGH.

*His Excellency Sir Charles Stuart, K. B.*

&c. &c. &c.

# **Class D.**

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## **CORRESPONDENCE**

WITH THE

***UNITED STATES OF AMERICA,***

RELATIVE TO

# **THE SLAVE TRADE.**

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*Presented to Parliament by Command of His Majesty. 1821.*

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J Harrison, Printer, Lancaster-court, Strand.



## Class D.

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# CLASS D.

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## P A P E R S

RELATIVE TO

# ***THE SLAVE TRADE.***

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No. 1, d.

*The Right Honourable Charles Bagot to Viscount Castlereagh, dated  
Washington, April 7, 1819.—Received May 15th.*

Extract.

I have the honor to transmit, inclosed, the copy of an Act, passed in the last Session of Congress in addition to the Acts prohibiting the Slave Trade.

(Signed) CHARLES BAGOT.

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*(Inclosure in No. 1, d.)*

*An Act in addition to the Acts prohibiting the Slave Trade.*

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, whenever he shall deem it expedient, to cause any of the armed vessels of the United States to be employed to cruise on any of the coasts of the United States, or territories thereof, or of the coasts of Africa, or elsewhere, where he may judge attempts may be made to carry on the Slave Trade by citizens or residents of the United States, in contravention of the acts of Congress prohibiting the same, and to instruct and direct the commanders of all armed vessels of the United States, to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be intended



for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of colour, in violation of any of the provisions of the act, entitled "An act in addition to an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," or of any other act or acts prohibiting the traffic in slaves, to be proceeded against according to law: And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall seize, take, or bring, the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof: And the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy. Provided, That the officers and men to be entitled to one half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of colour, found on board of any ship or vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of colour, to the marshal of the district into which they are brought, if into a port of the United States, or, if elsewhere, to such person or persons as shall be lawfully appointed by the President of the United States, in the manner hereinafter directed, transmitting to the President of the United States, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of colour, that he may give directions for the disposal of them. And provided further, that the commanders of such commissioned vessels, do cause to be apprehended, and taken into custody, every person found on board of such vessel, so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against, in due course of law, in some of the districts thereof.

Sec. 2. And be it further enacted, That the President of the United States be, and he is hereby, authorised to make such regulations and arrangements, as he may deem expedient, for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of colour, as may be so delivered and brought within their jurisdiction: And to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents, for receiving the negroes, mulattoes, or persons of colour, delivered from on board vessels, seized in the prosecution of the Slave Trade, by commanders of the United States' armed vessels.

Sec. 3. And be it further enacted, that a bounty of twenty-five dollars be paid to the officers and crews of the commissioned vessels of the United States, or revenue cutters, for each and every negro, mulatto, or person of colour, who shall have been, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive them: And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such officers and crews, or their agent, the aforesaid bounty, for each person delivered as aforesaid.

Sec. 4. And be it further enacted, That when any citizen, or other person, shall lodge information, with the attorney for the district of any state or territory, as the case may be, that any negro, mulatto, or person of colour, has been imported therein, contrary to the provisions of the acts in such case made and provided, it shall be the duty of the said attorney forthwith to commence a prosecution, by information; and process shall issue against the person charged with holding such negro, negroes, mulatto, mulattoes, person, or persons of colour, so alleged to be imported contrary to the provisions of the acts aforesaid: And if, upon the return of the process executed, it shall be ascertained, by the verdict of a jury, that such negro, negroes, mulatto, mulattoes, person or persons of colour, have been brought in, contrary to the true intent and meaning of the acts in such cases made and provided, then the court shall direct the marshal of the said district to take the said negroes, mulattoes, or persons of colour, into his custody, for safekeeping, subject to the orders of the President of the United States; and the informer or informers, who shall have lodged the information, shall be entitled to receive, over and above the portion of the penalties accruing to him or them by the provisions of the acts in such case made and provided, a bounty of fifty dollars, for each and every negro, mulatto, or person of colour, who shall have been delivered into the custody of the marshal; and the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, the aforesaid bounty, upon the certificate of the clerk of the court for the district where the prosecution may have been had, with the seal of office thereto annexed, stating the number of negroes, mulattoes, or persons of colour, so delivered.

## 3

Sec. 5. And be it further enacted, That it shall be the duty of the commander of any armed vessels of the United States, whenever he shall make any capture under the provisions of this act, to bring the vessel and her cargo, for adjudication, into some of the ports of the state or territory to which such vessel, so captured, shall belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States.

Sec. 6. And be it further enacted, That all such acts, or parts of acts, as may be repugnant to the provisions of this act, shall be, and the same are hereby, repealed.

Sec. 7. And be it further enacted, that a sum not exceeding one hundred thousand dollars, be, and the same is hereby, appropriated to carry this law into effect.

H. CLAY, Speaker of the House of Representatives.

JAS. BARBOUR, President of the Senate, pro tempore.

March 3, 1819. Approved—JAMES MONROE.

## No. 2, .d

*Viscount Castlereagh to Richard Rush, Esq. Envoy Extraordinary and Minister Plenipotentiary from the United States of America at this Court,*

*Foreign Office, 11th November, 1819.*

The undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honor to transmit to Mr. Rush, by command of the Prince Regent, copies of addresses which were presented by both Houses of Parliament, at the close of the last session, to His Royal Highness, which His Royal Highness has to request Mr. Rush will lay before the President, with an intimation that it is the Prince Regent's earnest desire to enter, without delay, into discussion with the Government of the United States, upon the important object to which these addresses refer,—and in the successful accomplishment of which the common feeling and reputation of both States are equally and deeply involved. It has occurred to the Prince Regent's Government, that the difficulties which have hitherto operated to prevent the adoption by two Governments of a common system of concert and prevention, as directed against the illicit Slave Trade, could be most satisfactorily examined, by selecting Washington for the seat of deliberation: under this impression, the undersigned has delayed to transmit to Mr. Rush the addresses in question, till he could accompany them with some proposition to be conveyed to the Government of the United States, for giving practical effect to the views of Parliament.

The undersigned has lately had the honor of acquainting Mr. Rush, that Mr. Stratford Canning had been selected by the Prince Regent to replace Mr. Bagot, as his Envoy Extraordinary and Minister Plenipotentiary in America: As that gentleman will proceed to his mission early in the spring, and will carry with him full instructions on this subject, the undersigned has to request Mr. Rush will invite his Government, on the part of the Prince Regent, to enter as soon as may be after Mr. Canning's arrival, upon the proposed discussion.

Upon a subject so deeply interesting to humanity, the Government of the United States can never require any other impulse than that of its moral principles, to awaken it to exertion; but whatever aid good offices can contribute to smooth the way for an amicable and advantageous proceeding on such a matter, the undersigned is convinced will be supplied by Mr. Rush's zeal and enlightened

attachment to the success of the great cause which this enquiry involves, and in this view the communication is strongly recommended to his support and protection.

The undersigned, &c.

(Signed) CASTLEREAGH.

*Richard Rush, Esq.*  
*&c. &c. &c.*

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No. 3, d.

*Richard Rush Esq. to Viscount Castlereagh, K. G. &c. &c.*

*London, November 16, 1819.*

The undersigned Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honor to present his compliments to Lord Castlereagh, and to acknowledge the receipt of his note of the 11th of this month.

The copies of the addresses to His Royal Highness the Prince Regent from both Houses of Parliament, at the close of the last Session, respecting the Slave Trade, which, by command of His Royal Highness, came enclosed in his Lordship's note, with a request that they might be laid before the President, the undersigned will lose no time in transmitting to the Secretary of State with that view. The intimation of its being the earnest desire of the Prince Regent to enter without delay into discussions with the United States upon the important subject to which these addresses refer, and in the successful accomplishment of which the two nations have a common interest, will, the Undersigned is persuaded, be met by his Government in the same spirit of elevated benevolence which has given birth to the desire in the mind of His Royal Highness.

The Undersigned cannot avoid expressing his acquiescence in the opinion, that difficulties which have hitherto operated to prevent a system of concert against the illicit Slave Trade, between the two Governments, are most likely to be satisfactorily examined by selecting Washington as the seat of deliberation. If, happily, they are of a nature to be removed, it is by such a transfer of the scene of a new endeavor, that the best hopes may be formed; and it is hence with a peculiar satisfaction that the Undersigned learns, that Mr. Canning, when proceeding in his mission to the United States, will carry with him such full instructions upon the whole subject, as may prepare him for entering upon the interesting duty of giving effect to the views of Parliament. The Undersigned will not fail to make known this intention to his Government, by the earliest opportunity that he can command.

Upon a subject so universally interesting to humanity, Lord Castlereagh has justly inferred that the Government of the United States can never require any other incentive than that of its own moral impulse to awaken it to exertion. But if, upon the present occasion, it needed any other, the Undersigned must be permitted to say, that it would be abundantly found in the friendly and enlarged spirit of this renewed overture from the Government of the Prince Regent, and in the liberal justice rendered to the early and steadfast efforts of the United States in the cause of abolition, by the addresses in question from both Houses of the Parliament of the Realm. Following up their uniform policy in this great cause, never tired in adopting new expedients of prohibition where new

evasions have pointed to their necessity, the Undersigned feels happy in being able to state, feeling sure that the information cannot be otherwise than acceptable to the unwearied and useful zeal of his Lordship in the same cause, that besides the law of April 1818, of which the Undersigned had the honor to speak in his note of the 21st of December of that year, a subsequent act of Congress, of date so recent as last March, has raised up additional means for the extirpation of the baleful traffic. By this act the President is specially authorized to employ armed vessels of the United States to cruize upon the Coast of Africa; and other new provisions are enacted, intercepting and punishing such delinquent citizens as may be found, forgetful of the denunciations of their Government not less than of their own moral duties, abandoning themselves to the enormity of this transgression. It is well known that the sentiments of the President, are in full and active harmony with those of Congress in the beneficent desire of putting a stop to this deep-rooted and afflicting evil. With such pledges before the world, the Undersigned cannot err in confidently anticipating, that the fresh proposals of the Government of His Royal Highness will be promptly taken up at Washington, under the deepest convictions of their importance, and every anxious desire for a favorable result, that can be made compatible with the constitution, and other essential interests of the Republic.

The Undersigned is happy to embrace this occasion of renewing to Lord Castlereagh the assurance of his distinguished consideration.

(Signed) RICHARD RUSH.

*Viscount Castlereagh, K. G.*

*&c. &c. &c.*

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No. 4, d.

*Viscount Castlereagh to the Right Honorable Stratford Canning, &c.*

*Foreign Office, August 7, 1820.*

Sir,

You will receive inclosed the copy of a note, with its answer, which I addressed in November last to Mr. Rush, relative to the abolition of the Trade in Slaves.

I also send you such ample information on the important subject to which this note relates, as may prepare you, when at Washington, to bring the whole of this question under the deliberate consideration of the American Government.

The Proceedings had upon the question of the Slave Trade at Aix la Chapelle, at Paris, and in London, in furtherance of the engagements taken by the European Powers at Vienna, will put you fully in possession of what has appeared to His Majesty's Government the most efficacious system of repression of the illicit Trade in Slaves, as also of the various modifications of this system, devised by them to meet the objections which were felt and brought forward by particular States, to the arrangements as first taken with this view, in the Treaties concluded with Spain and Portugal. The Treaty with the Netherlands localizes and also limits to a given and equal number of vessels on each side, the exercise of the powers which the Treaty sanctions, and the discussions with the French Government, especially at Paris, though not leading to any result, afford the further expedient of rendering the experiment temporary, as well as still more locally restrictive.

I do not know that it is possible to add any further argument, either to enforce the necessity of the adoption of this system, or to relieve it from objection. If the American Government cannot be induced to concur with that of Great Britain in a common system of Maritime Police, on the Coast of Africa, to be directed to an object of such permanent importance, I see no other course left for us to pursue, than to invite them to point out in return, how in their judgment the evil is to be cured,---for we must hope that so enlightened a State is not prepared supinely to acquiesce in the continued existence of so flagrant an immorality.

As soon as you have sounded the American Government upon this question, you will report to me the result, and you may rely upon receiving from me every aid and assistance in the prosecution of your discussions: Whenever you have a prospect of coming to an agreement with the Government of the United States, which may admit of being reduced into a Conventional shape, a suitable full Power shall be transmitted to you, enabling you to sign a Treaty in due form, upon a subject which your Court regards as one of the very highest importance.

I am, &c.

(Signed) CASTLEREAGH.

*The Right Hon. Stratford Canning,*  
&c. &c. &c.

No. 5, d.

*The Right Honorable Stratford Canning to Viscount Castlereagh, K. G. &c. &c.*  
*dated Washington, October 28th 1820.—Received 29th November.*

Extract.

Since I had the honour of writing to your Lordship, I have again spoken on the subject of the Slave Trade to Mr. Adams. He received me for this purpose at the Department of State a few days after I had been presented.

The President, he said, was desirous of entering into the views of His Majesty's Government respecting the African Slave Trade, but at the same time felt strongly the impediments which stood in the way of concluding any formal and satisfactory agreement of the nature proposed between Great Britain and the United States.

Mr. Adams proceeded from this statement to urge the difficulty of mixed commissions with the American Constitution, and the inconveniencies which, in this country, would infallibly attend on any admission of the right of search, from its supposed connection with the question of impressment.

After much argument upon these two points, Mr. Adams concluded by saying, that as soon as a convenient opportunity could be found after the approaching Union of Congress, the whole subject would be taken into deliberation, and if any less exceptionable plan were then devised, that a communication would be made to me, of which it would afford him pleasure to be the organ.

At this point, My Lord, the business is likely to remain till after Christmas, and I hasten to apprise your Lordship of what has passed, that I may be

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furnished in time with instructions, calculated, as far as the case will allow, to meet any proposal which may be anticipated under present circumstances, as at all likely to proceed from the American Ministers.

(Signed) STRATFORD CANNING.

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No. 6, d.]

*Viscount Castlereagh to the Right Honorable Stratford Canning, &c.*

*Foreign Office, December 9th, 1820.*

Extract.

I have read with considerable interest the statement of your conversations with Mr. Adams on the subject of the Slave Trade, but I do not think it necessary for me at present to give you any further instructions upon the subject, than to recall your attention to the contents of my former despatch, and to request from you, when you may be able to obtain it, a full communication of what system the American Government are prepared to pursue for the suppression of this evil, if they do not find it convenient to take a part in the one, which, by his Majesty's commands, you have proposed for their adoption.

As soon as I receive this information from you, I shall be enabled to send you precise instructions, and full powers if necessary, for the completion of the business.

I am, &c.

(Signed) CASTLEREAGH.

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No. 7, d.

*The Right Honorable Stratford Canning to Viscount Castlereagh, K. G. &c. &c. dated Washington, December 30th 1820.—Received 31st January 1821.*

Extract.

“ Since I last had the honor of addressing your Lordship, the House of Representatives, on the motion of Mr. Mercer, a member from Virginia distinguished for his zeal against the African Slave Trade, has passed a resolution for soliciting from the Government a communication of its correspondence with foreign Courts on that important subject.

On learning this circumstance, I took an early opportunity to call on Mr. Adams. He informed me, that besides the correspondence between your Lordship and Mr. Rush, a statement of what had passed between us respecting the proposed concert of measures for the more effectual suppression of the Slave Trade, was shortly to be laid before Congress.

He suggested at the same time, whether, under these circumstances, I should not find it consistent with your Lordship's instructions, to repeat to him in writing the proposals which I had already made verbally, in the name of His Majesty's Government.

With the wish thus expressed by Mr. Adams, I thought it right to comply, especially as I still found him unprepared to make known to me the definitive sentiments of his Government on the points submitted to their consideration.

Enclosed is the copy of a note which I therefore addressed to him on the 20th inst."

(Signed) STRATFORD CANNING.

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(Inclosure in No. 7, d.)

*The Right Honourable Stratford Canning to John Quincey Adams, Esq.*

*Washington, December 20th, 1820.*

The Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, took an early opportunity after his arrival in the City of Washington, to inform Mr. Adams, that, in pursuance of Lord Castlereagh's note dated the 11th November 1819, communicating to Mr. Rush an address of both Houses of Parliament relating to the African Slave Trade, he was instructed to bring that important question again under the consideration of the American Government, in the hope of its being found practicable so to combine the preventive measures of the two countries, as materially to accelerate the total extinction of an evil, which both have long united in condemning and opposing.

Mr. Adams will find no difficulty in recollecting the several conversations which have passed between him and the Undersigned on this subject; he will remember that the last of those conversations, which took place towards the close of October, was terminated with an assurance on his part, that the proposals of the English Government would be taken into full deliberation, as soon after the meeting of Congress as the state of public business would allow, with a sincere disposition to remove any impediments which appeared, at first sight, to stand in the way of their acceptance.

An interval of considerable length having elapsed since that period, the Undersigned is persuaded that Mr. Adams will shortly be at liberty to communicate the definitive sentiments of his Government on a subject, which is of too deep and too general an importance not to engage the attention and benevolent feelings of the United States.

In this persuasion, the Undersigned does not conceive it necessary, on the present occasion, to go over the various grounds which formed the matter of his late communications with Mr. Adams.

Notwithstanding all that has been done on both sides of the Atlantic for the suppression of the African Slave Trade, it is notorious that an illicit commerce, attended with aggravated suffering to its unhappy victims, is still carried on; and it is generally acknowledged, that a combined system of maritime police can alone afford the means of putting it down with effect.

That concurrence of principle in the condemnation and prohibition of the Slave Trade, which had so honorably distinguished the Parliament of Great Britain and the Congress of the United States, seems naturally and unavoidably to lead to a concert of measures between the two Governments, the moment that such co-operation is recognized as necessary for the accomplishment of their mutual purpose. It cannot be anticipated that either of the parties, discouraged by such difficulties as are inseparable from all human transactions of any magnitude, will be contented to acquiesce in the continuance of a practice so flagrantly

immoral, especially at the present favorable period, when the Slave Trade is completely abolished to the north of the Equator, and countenanced by Portugal alone to the South of that line.

Mr. Adams is fully acquainted with the particular measures recommended by His Majesty's Ministers, as best calculated, in their opinion, to attain the object which both parties have in view; but he need not be reminded, that the English Government is too sincere in the pursuit of that common object, to press the adoption of its own proposals, however satisfactory in themselves, to the exclusion of any suggestions equally conducive to the same end, and more agreeable to the institutions or prevailing opinions of other nations.

The undersigned embraces this opportunity to offer Mr. Adams the assurance of his high consideration.

(Signed) STRATFORD CANNING.

To John Quincey Adams, Esq.  
&c. &c. &c.

No. 8, d.

*The Right Honorable Stratford Canning to Viscount Castlereagh, K.G. &c &c.*  
*dated Washington, January 2d, 1821.—Received 31st January.*

Extract.

“ I have the honor to enclose herewith the copy of a note which I received yesterday evening from Mr. Adams, in reply to mine of the 20th ultimo, respecting the African Slave Trade. Your Lordship will share the concern which I feel in finding that the American Government continues to decline acceding to the engagements contracted between His Majesty and the Courts of Lisbon, Madrid, and Brussels, for the more effectual suppression of that inhuman traffic. But I sincerely hope that the counter-proposal contained in the latter part of Mr. Adams's note, for the purpose of establishing a system of co-operation, grounded on common instructions, between His Majesty's cruisers and those of the United States employed on the African coast, may be found worthy, on examination, of being carried into effect.”

(Signed) STRATFORD CANNING.

(Inclosure in No. 8, d.)

*John Quincey Adams, Esq. to the Right Honorable Stratford Canning, &c. &c.*

*Department of State, Washington, 30th Dec. 1820.*

Sir,

I have had the honor of receiving your Note of the 20th instant, in reply to which I am directed by the President of the United States to inform you, that, conformably to the assurances given you in the conversation to which you refer, the proposals made by your Government to the United States, inviting their accession to the arrangements contained in certain Treaties with Spain, Portugal, and the Netherlands, to which Great Britain is a reciprocal contracting party, have again been taken into



the most serious deliberation of the President, with an anxious desire of contributing, to the utmost extent of the powers within the competency of this Government, and by means compatible with its duties to the rights of its own citizens and with the principles of its national independence, to the effectual and final suppression of the African Slave Trade.

At an earlier period of the communications between the two Governments upon this subject, the President, in manifesting his sensibility to the amicable spirit of confidence with which the measures, concerted between Great Britain and some of her European Allies, had been made known to the United States, and to the free and candid offer of admitting the United States to a participation in those measures, had instructed the Minister of the United States, residing near your Government, to represent the difficulties resulting, as well from certain principles of international law of the deepest and most painful interest to these United States, as from limitations of authority prescribed by the People of the United States to the legislative and executive depositories of the national power, which placed him under the necessity of declining the proposal. It had been stated that a compact, giving the power to the Naval Officers of one nation to search the merchant vessels of another for offenders and offences against the laws of the latter, backed by a further power to seize and carry into a foreign port, and there subject to the decision of a tribunal composed of at least one half foreigners, irresponsible to the supreme corrective tribunal of this union, and not amenable to the controul of impeachment for official misdemeanors, was an investment of power, over the persons, property, and reputation of the citizens of this country, not only unwarranted by any delegation of sovereign power to the National Government, but so adverse to the elementary principles and indispensable securities of individual rights, interwoven in all the political institutions of this country, that not even the most unqualified approbation of the ends to which this organization of authority was adapted, nor the most sincere and earnest wish to concur in every suitable expedient for their accomplishment, could reconcile it to the sentiments or principles, of which, in the estimation of the people and Government of the United States, no consideration whatever could justify the transgression.

In the several conferences, which, since your arrival here, I have had the honor of holding with you, and in which this subject has been fully and freely discussed between us, the incompetency of the power of this Government, to become a party to the institution of tribunals organized like those stipulated in the conventions above noticed, and the incompatibility of such tribunals with the essential character of the constitutional rights guaranteed to every citizen of the Union, has been shewn by direct references to the fundamental principles of our Government, in which the supreme, unlimited, sovereign power is considered as inherent in the whole body of its people, while its delegations are limited and restricted by the terms of the instruments sanctioned by them, under which the powers of legislation, judgement, and execution, are administered, and by special indications of the articles in the constitution of the United States, which expressly prohibit their constituted authorities from erecting any judicial courts, by the forms of process belonging to which American citizens should be called to answer for any penal offence, without the intervention of a grand jury to accuse, and of a jury of trial to decide upon the charge.

But, while regretting that the character of the organized means of co-operation for the suppression of the African Slave Trade proposed by Great Britain, did not admit of our concurrence in the adoption of them, the President has been far from the disposition to reject or discountenance the general proposition of concerted co-operation with Great Britain to the accomplishment of the common end, the suppression of the trade. For this purpose armed-cruisers of the United States have been for some time kept stationed on the coast, which is the scene of this odious traffic; a measure which it is in the contemplation of this Government to continue without intermission. As there are armed British vessels, charged with the same duty, constantly kept cruising on the same coast, I am directed by the President to propose, that instructions, to be concerted between the two Governments, with a view to mutual assistance, should be given to the Commanders of the vessels respectively assigned to that service, that they may be ordered, whenever the occasion may render it convenient, to cruize in company together—to communicate mutually to each other all information, obtained by the one, and which may be useful to the execution of the duties of the other, and to give each other every assistance which may be compatible with the performance of their own service, and adapted to the end which is the common aim of both parties.

These measures, congenial to the spirit which has so long and so steadily

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marked the policy of the United States, in the vindication of the rights of humanity, will, it is hoped, prove effectual to the purposes for which this co-operation is desired by your Government, and to which this Union will continue to direct its most strenuous and persevering exertions.

I pray you, Sir, to accept the assurance of my distinguished consideration.

(Signed) JOHN QUINCEY ADAMS.

*The Right Honorable Stratford Canning,*  
&c. &c. &c.

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No. 9, d.

*Viscount Castlereagh to the Lords Commissioners of the Admiralty.*

*Foreign Office, 13th March, 1821.*

My Lords,

It appearing by a despatch recently received from Mr. Stratford Canning, His Majesty's Minister in the United States, that with a view to the more effectual prevention of the Slave Trade on the coast of Africa, the American Government are willing to give instructions to their vessels cruizing upon that coast, as similar as circumstances will allow, to those under which our vessels are at present acting, I have to acquaint your Lordships, that I intend to transmit copies of these instructions to Mr. Canning for the above purpose, and that it is His Majesty's pleasure that an additional instruction be forthwith addressed to the respective commanders of His Majesty's vessels employed in the suppression of the Slave Trade, to use their best endeavours to co-operate as far as may be in their power with such American ships as may be placed on the coast of Africa for the same purpose.

I have the honor, &c.

(Signed) CASTLEREAGH.

*To the Lords Commissioners of the Admiralty,*  
&c. &c. &c.

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No. 10, d.

*Viscount Castlereagh to the Right Honorable Stratford Canning, &c.*

*Foreign Office, March 25, 1821.*

Sir,

Your several despatches, reporting the progress of your discussions with the Government of the United States upon the subject of the Slave Trade, having been laid before the King, His Majesty has been graciously pleased to approve of the zeal and intelligence with which you have endeavoured to give effect to the instructions you were charged with upon this most important subject.

In referring to Mr. Adams' note of the 30th December last, His Majesty's Government have perceived, with the deepest regret, the inability avowed by the

American Government, to contract mutual engagements for the suppression of the illicit Trade in Slaves, of the effectual character which you were directed to propose to them. The counter-proposal which you have transmitted from the American Secretary of State, will, I fear, be in its operation wholly inefficient as to the object, and can never be considered in the light of a substitute for that system which was proposed by His Majesty's Government, and which is founded upon the principle of rendering the ships of war of the several maritime nations, when cruizing on the coast of Africa, one common force for the protection of its population against this most inhuman traffic.

The King my Master, however, true to those benevolent principles which invariably actuate his Councils upon this subject, and anxious to co-operate with the Government of the United States in whatever may in the slightest degree mitigate this great evil, is ready to avail himself, even of this very limited opening to a concert between the two Powers.

In this view you will receive herewith copies of the several instructions under which the British naval force, stationèd in those seas for the extinction of the Slave Trade is now directed to act. You will lose no time in communicating these papers for the information of the American Government: and though I cannot but express my conviction, that the measure proposed will tend but little to further the object we have in view, yet, you will acquaint them that an additional instruction will be immediately sent to the British vessels on the coast of Africa, to co-operate by every means in their power, with such American ships as shall be employed in those seas for the extinction of the traffic.

I send you a copy of the letter in which I have signified to the Lords of the Admiralty His Majesty's pleasure upon this subject.

(Signed) CASTLEREAGH.