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SLAVE TRADE.

PAPERS AND COMMUNICATIONS

RELATIVE TO THE

SLAVE TRADE

AT

The Mauritius and Bourbon, and the Seychelles,

FROM THE TIME OF THEIR CAPTURE TO
THE PRESENT TIME :

1811—1817.

Ordered, by The House of Commons, to be Printed,
20 April 1826.

SCHEDULE.

- N° 1.—Extract of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Isle of France, 8 January 1811. (1 Enclosure.) p. 5
- N° 2.—Extract of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Isle of France, 15 February 1811 - - - p. 6
- N° 3.—Extract of a Dispatch from the Earl of Liverpool, addressed to Governor Farquhar, at the Mauritius, dated Downing-street, 2 May 1811. (In reply to the foregoing) - - - - - p. 7
- N° 4.—Copy of a Dispatch from Governor Farquhar, dated Port Louis, 26 October 1811. (In reply to the Earl of Liverpool's Dispatch of 2 May) - - - p. 8
- N° 5.—Extract of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 14 February 1812 - - - - - p. 9
- N° 6.—Copy of a Dispatch from Governor Farquhar, dated Island of Mauritius, 1 Feb. 1812. In continuation of the foregoing dispatch. (14 Enclosures.) p. 10
- N° 7.—Copy of a Dispatch from the Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 25 January 1813. (Reply to the foregoing) - p. 20
- N° 8.—Extract of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Mauritius, 28 July 1812. (1 Enclosure.) - p. 21
- N° 9.—Extract of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Saint Denis, Bourbon, 1 September 1812. - - - p. 23
- N° 10.—Copy of a Letter addressed by Mr. Peel to Governor Farquhar, dated Downing-street, 1 June 1812. (2 Enclosures.) - - - - - ibid.
- N° 11.—Copy of a Letter addressed by Governor Farquhar to Mr. Peel, dated Bourbon, 5 October 1812. (In reply to the foregoing) - - - - - p. 24
- N° 12.—Copy of a Dispatch addressed by Governor Farquhar to the Earl of Liverpool, dated Port Louis, 10 November 1812 - - - - - ibid.
- N° 13.—Extract of a Dispatch from the Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 29 October 1813 - - - - - ibid.
- N° 14.—Copy of a Dispatch addressed by Governor Farquhar to the Earl Bathurst, dated Port Louis, 20 September 1813. (Reply }
to Earl Bathurst, of the 25 January 1813.) } - - - - - p. 25
- N° 15.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 12 October 1813. (1 Enclosure.) - ibid.
- N° 16.—Extract of a Letter addressed to Governor Farquhar by Earl Bathurst, dated Downing-street, 17 February 1814. (In reply to the foregoing) - p. 26
- N° 17.—Extract of a Dispatch addressed to Earl Bathurst by Governor Farquhar, dated Mauritius, 10 January 1814. (4 Enclosures.) - - - - - ibid.
- N° 18.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 10 January 1814. (1 Enclosure.) - - - - - p. 28
- N° 19.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 22 January 1814. (5 Enclosures.) - - - - - p. 31
- N° 20.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 14 February 1814. (5 Enclosures.) - - - - - p. 42
- N° 21.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 14 February 1814 - - - - - p. 46
- N° 22.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 22 March 1814. (8 Enclosures in continuation of N° 19.) p. 47
- N° 23.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 8 April 1814. (1 Enclosure.) - - - - - p. 84
- N° 24.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 10 April 1814 - - - - - p. 89
- N° 25.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 19 April 1814 - - - - - ibid.

N° 26.—

SCHEDULE.

- N^o 26.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated St. Denis, Bourbon, 17 May 1814 - - - - - p. 89
- N^o 27.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20 June 1814. (1 Enclosure.) - - - - - p. 90
- N^o 28.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20 June 1814. (5 Enclosures.) - - - - - p. 93
- N^o 29.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 1 October 1814. (2 Enclosures.) - - - - - p. 98
- N^o 30.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 3 November 1814 - - - - - p. 99
- N^o 31.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 18 November 1814. (1 Enclosure.) - - - - - ibid.
- N^o 32.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 2 April 1815 - - - - - p. 100
- N^o 33.—Extract of a Dispatch from Governor Farquhar to Earl Bathurst, dated Mauritius, 20 April 1815 (with a Sketch of Madagascar, The Seychelles, Bourbon, &c. and 2 Enclosures.) - - - - - p. 101
- N^o 34.—Extract of a Dispatch from Governor Farquhar to Earl Bathurst, dated Mauritius, 26 July 1815 (2 Enclosures.) - - - - - p. 102
- N^o 35.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 18 September 1815 - - - - - p. 104
- N^o 36.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated 10 September 1816. (5 Enclosures.) - - - - - ibid.
- N^o 37.—Copy of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Colonial Office, 3 January 1817. (In reply to the foregoing) - - - p. 106
- N^o 38.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 12 September 1816. (2 Enclosures.) - - - - - ibid.
- N^o 39.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 20 October 1816. (2 Enclosures.) - - - - - p. 110
- N^o 40.—Extract of a Dispatch from Earl Bathurst to Governor Farquhar, dated Downing-street, 4 August 1817 - - - - - p. 112
- N^o 41.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 1 February 1817. In continuation of N^o 36. (6 Enclosures) ibid.
- N^o 42.—Copy of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 2 June 1817. (In reply to the foregoing) - - - p. 117
- N^o 43.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20 June 1817 - - - - - ibid.
- N^o 44.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 4 July 1817 - - - - - p. 118
- N^o 45.—Copy of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 1 April 1817. (3 Enclosures.) - - - - - ibid.
- N^o 46.—Copy of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated 15 October 1817: In reply to the foregoing. (14 Enclosures.) - p. 121
- N^o 47.—Extract of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 18 November 1817. (3 Enclosures.) - p. 137

The Engraving of *Madagascar, The Seychelles, Bourbon, &c.*
to face page 101.

PAPERS AND COMMUNICATIONS

Relative to the Slave Trade at the Mauritius and Bourbon, and the Seychelles.

—N° 1.—

EXTRACT of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Isle of France, 8 January 1811. (1 Enclosure.)

N° 1.

—“ I AM not prepared to enter so fully as it will be necessary into the state of the Slave Trade at these islands ; there is a great deficiency of labourers in consequence of the strict blockade of these islands, which was kept up during the last few years, so that unless some means be speedily devised for supplying these colonies with hands, they cannot continue in cultivation, but must become deserts. I shall, however, write more fully on this subject, by the vessel which will, I trust in the course of a few days, convey to your lordship a full account of the resources of these colonies, and of the establishments that have been provisionally formed for carrying on the government until His Majesty’s pleasure shall be known.”

“ I have the honour to enclose to your lordship a Return of the Population in the Isle of France.”

Colonie Orientale. Ile de France. Année 1809.

RELEVÉ' du adastre Général de L'Ile de France pour l'Année mill huit cent neuf d'après les recensement fournis par les Habitans.

NOMMES DES QUARTIERS.	ESCLAVES.				TOTAL.	
	Nouvel.	Négresses.	Négrillons.	Négattes.		
Port Louis - {	La Ville - - -	5,298	1,936	1,017	719	8,970
	Fau-bourg de L'Est -	477	241	124	97	939
	Id ^m de L'Ouest -	655	620	262	355	1,892
Pamplemousses - - - {		4,715	2,101	1,115	887	8,818
		475	236	104	96	911
Rivière du Rempart - - {		2,959	1,276	809	681	5,725
		631	257	143	118	1,149
Flacq - - - - - {		3,585	1,395	810	648	6,438
		302	160	95	104	661
Grand Port - - - - {		2,317	1,054	526	510	4,407
		635	273	170	131	1,209
La Savanne - - - - {		1,872	1,011	500	475	3,858
		75	45	23	16	159
Rivière Noire - - - {		2,142	1,075	571	459	4,247
		189	93	56	46	384
Plaines Wilhems - - - {		3,132	1,475	689	541	5,837
		380	204	102	80	766
Moka - - - - - {		1,892	739	436	370	3,437
		95	46	37	15	193
		31,826	14,237	7,589	6,348	60,000

Port Louis, Isle de France, }
1st January 1811, }

L'Administrateur General,
Chauvalon.

— N° 2. —

N° 2.

EXTRACT of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Isle of France, 15th February 1811.

— “ THE subject of Slavery is of itself so important, and as it relates to these colonies, now held under a capitulation, is so peculiarly interesting, that I feel it my duty to make it a particular topic of observation.

“ Although the Slave Trade be done away by the British legislature, as well as by some other nations, yet still slavery is known throughout the world, and forms a special head of law even in some of the British colonies in the East Indies; and it is impossible to conceive how some of those establishments could be upheld without it, where labour of every kind is so dear that the commonest day labourer, who works not the fifth of an Englishman’s work, cannot be had under six or seven Spanish dollars per month; and from that to 15 and 30 and upwards, if an artisan, which, even at 5 s. the dollar, is from 30 s. to 35 s. and up to 3 l. 15 s. and 7 l. 5 s. and upwards per month, while their holidays and feasts take away nearly a quarter of that month’s labour, lost to the employer; and where house servants can scarcely be had or retained, except in a state of slavery. If such be the case in some of the British possessions within the East India Company’s limits, what must I say with respect to the colonies lately belonging to the Dutch in the East Indies, and these colonies late pertaining to the French, but now reduced under His Majesty’s dominion, where slavery is the very soul of their existence, where universal torpor and poverty must reign without it, and where every labourer and domestic servant, and almost every artisan, is a slave.

“ Various causes, such as interruptions by the blockade and our cruisers, to the Madagascar and Mozambique Slave Trade from these islands, and epidemic distempers following a state bordering on famine, which swept off numbers of the blacks within the period of some years past, have increased the prices of slaves and labour, have contributed to stop the progress of extended cultivation and revenue, have compelled many proprietors to leave manufactures at a stand, and lands to run to waste, and to become totally unproductive; so that, without a fresh importation of slaves, and even not reckoning any disastrous visitation in future, these islands, as I am given to understand and have been led to believe, cannot continue in cultivation and produce, but must become deserts.

“ I believe it has generally been agreed, that a British Act of Parliament does not extend to a colony, unless that colony be specially mentioned, either by name or general inclusive words; and that an Act made previously to the acquisition of a colony, and which therefore it could not be in the contemplation of the legislature to bind at the time of passing the Act, will not, generally speaking, bind the colony acquired subsequently to the making of the Act.

“ Besides those general positions, my instructions were to grant these islands, on capitulation, their laws, customs and usages; they have been granted in express terms by the capitulations. Those laws, customs and usages, recognise not only slavery, but the Slave Trade; without that trade, or some other substitute or remedy, these colonies promise shortly to be annihilated; and the inhabitants are likely to be rendered desperate, if the supply of slaves be refused them.

“ Another point occurs worthy particular notice, which is, that notwithstanding the British Slave Act, His Majesty was, I understand, pleased to suffer and sanction the Slave Trade, upon a modified scale, to be continued for the island of Trinidad, or some places in the West Indies.

“ As these matters press for a most speedy decision, I beg leave to request your instructions on the subject generally, with all convenient expedition.

“ While writing on topics of this nature, I deem it proper, in regard to myself, to state, that I am not by any means disposed to be a supporter of slavery; and while political considerations, and my immediate duty, call upon me to forward this communication, I have looked, on the other hand, with the feelings of humanity, upon the Slave, and endeavoured, in every practicable instance, to alleviate the burthens of his condition; to which I must add, that from observation, I am happy
to

to bear this testimony to the character of the inhabitants of the Isles of France and Bourbon, that I believe they are not, by any means, cruel masters. At the same time, however, that I do them this justice, I have judged it proper to order, that where slaves be to be chained for security or punishment, these chains shall not be heavier than are indispensably necessary to secure the person of the slave; and in the event of proprietors transgressing this order, the slaves are to become forfeited to the use of government. By this order, and others of a similar nature, I do not revoke any part of the assurances given to the planters and inhabitants in antecedent proclamations, pursuing the letter of my instructions, and considered indispensably necessary for the tranquillity and prosperity of these colonies, and their attachment to their new government; because the use of chains is still allowed for security and punishment. And as the preservation of the slaves from becoming *Maroons*, or runaways and vagabonds, and keeping them in proper subjection to, and respect for, their masters, embrace every object which can really be beneficial to the proprietors, those measures are insured by chains of the allowed weight; while the principles of Humanity and Christianity upon which the order is founded, conduce to the alleviation of unnecessary burthens imposed upon our suffering fellow creatures. I hope it is unnecessary to assure your lordship, that it will be a prominent feature of my administration to ameliorate, in every possible mode, the fate of these unfortunate beings. It must not be disguised, however, that any sudden alteration, or an ill-timed display of sympathy, might be attended with the worst effects, at a moment like the present, by strengthening the impression which appears to have existed in a considerable degree in these colonies, that the arrival of the English was to be the signal of emancipation, and the release of the slave from all obligation towards his master."

N^o 2.
(continued.)

— N^o 3. —

EXTRACT of a Dispatch from the Earl of Liverpool addressed to Governor Farquhar, at the Mauritius, dated Downing-street, 2 May 1811. (In reply to the foregoing.)

N^o 3.

— "IT would be improper however for me to lose even a single day, in taking notice of that part of your dispatch which respects the Slave Trade.

" I cannot sufficiently express my surprise that you should have supposed it possible that when the Parliament of the United Kingdom had thought proper, upon general principles, to abolish the Slave Trade with respect to all the ancient colonies and established settlements of Great Britain, it could have been in their contemplation that this trade should be suffered to exist with respect to those islands or foreign possessions which the fortune of war might place under His Majesty's dominion. You have been entirely misinformed as to the fact that there is any foreign colony in His Majesty's possession, in which the Slave Trade has been tolerated since the abolition of that trade by Parliament; and I should have thought that it would have occurred to you, that such a distinction would have been not only in direct repugnance to the principles upon which the slave trade was abolished, but that it would likewise have been inconsistent with every consideration which was due to the ancient colonies of the British crown.

" I send you herewith a Copy of the Act for abolishing the Slave Trade; and I desire your particular attention to the provisions of it.

" I am inclined to hope that you will not have suffered any slaves to be imported into the islands under your government, until you shall have received the necessary explanation upon the subject from home.

" If however any importation of slaves shall have been permitted, all the parties concerned in it will be subject to the penalties of this Act; and I must desire that you will give me the earliest and fullest information of every circumstance connected with this business.

" It may be material to add, that the Act of Parliament to which I have referred, as well as the observations which I have made, relate to the trade in slaves and not to the state and condition of slavery within the islands. Although every disposition must exist to mitigate the state of slavery in all the British possessions, as far as circumstances

N° 3.
(continued.)

circumstances will permit, it never has been the object of Parliament to make any great or sudden change in this respect, which would be as inconsistent with the real interests of the slaves themselves, as with what is due to the rights of those who, under the existing laws, have become their masters.

“As it appears to His Majesty’s government to be of the utmost importance that no time should be lost in correcting the extraordinary misapprehension into which you appear to have fallen upon this subject, I shall send several copies of this letter by the East India fleet, which is on the point of sailing from this country.”

— N° 4. —

N° 4.

COPY of a Dispatch from Governor Farquhar, dated Port Louis, 26th Oct. 1811. (In reply to the Earl of Liverpool’s Dispatch of the 2d May.)

The Right Honourable the Earl of Liverpool, &c. &c. &c.

My Lord,

Port Louis, October 26th, 1811.

I HAVE the honour to acknowledge the receipt of your lordship’s dispatch of the 2d May 1811, noticing that part of my letter of the 15th of February, which relates to the Slave Trade; and expressing some apprehension that I may have suffered it to exist, previously to the arrival of the necessary explanations on this subject from home.

I beg leave, in reply, to assure your lordship, that every precaution has been taken on the part of government, to prevent the importation of slaves; and that where attempts have been suspected to have been made for their fraudulent introduction under false pretences, the ships have been seized and duly sent to the Vice Admiralty Court at the Cape of Good hope, for adjudication; and that the property has been held in sequestration by me, to abide the judgment of that court, when the penalties incurred shall be duly enforced.

The only circumstance connected with the transfer of negroes, which has yet occurred, arose out of the capitulation of the French settlements at Madagascar, to Captain Lynne, of His Majesty’s sloop Eclipse, duly authorized to grant terms of capitulation, in conformity to the orders of Vice Admiral Bertie, then commander-in-chief of His Majesty’s squadron in these seas. A list of eight hundred and sixty-three slaves, stated to be the private property of the settlers, was at that time made, signed and delivered by Mr. Sylvan Roux, the French governor and commandant at Madagascar, who capitulated.

This list was required and made with a view of preventing any further acquisition of slaves on the part of the settlers, by commerce with the natives, as well as to preserve to them permanently the property of that description then in their possession.

General Warde having determined on withdrawing the British forces from Madagascar, during the period of his government of Mauritius, the settlers were left at the mercy of the natives, whose unextinguishable hatred to the French, afforded the latter no chance of permanent safety, but by removing with their property and effects to Mauritius and Bourbon.

Repeated applications having been made by the inhabitants, for permission for the settlers to remove hither with their slaves and other property; I demanded the opinion of the judicial assessor, how far such a sanction could be granted in conformity to the provisions of the Slave Act. His official opinion was, that the slaves *bonâ fide* the property of the settlers at Madagascar, at the time of capitulation, as enumerated and described in the list delivered in by the governor, who surrendered, might legally be transferred hither, when it was no longer safe for them to stay at Madagascar.

To put the point beyond the chance of litigation, I also consulted Captain Schomberg, the senior officer of His Majesty’s navy in this port, on the propriety of admitting the transfer of the slaves as requested. Captain Schomberg in return, assured me, that far from throwing any impediment in the way of the proposed measure,

measure, he would do any thing in his power to favour its execution, as it was so arranged, as to put it beyond the power of any individual concerned, to over-reach or abuse it.

With this legal and professional advice, I determined to comply, actuated by a desire of extending to His Majesty's subjects, that protection they were legally entitled to; and I issued a permission in consequence, for the settlers in question, to transfer their slaves to Mauritius and Bourbon.

In order to multiply the means of preventing illicit commerce, and to show the inhabitants, that the most rigorous measures would be enforced on the part of government, to detect and punish any infraction of the law; I placed two of the government schooners at the disposition of the senior officer of the navy, to be employed in cruising round the coast, to prevent slaves being smuggled into these islands, in those places which could not be watched by His Majesty's ships of war: such, and many others unnecessary to be enumerated here, were the precautions adopted on the part of government.

In consequence of the special permission above adverted to, two vessels, L'Eclair and Industry, brought up from Madagascar 335 slaves, of which 217 only agreed in description with those for whom permission had been granted; the remaining 118 therefore appeared to have been embarked for the purpose of being fraudulently introduced into these colonies. On this account, the ships, cargoes, and the whole of the slaves were seized, and the latter landed and put under the charge of the collector of Customs, agreeably to the provisions of the Slave Act, and Orders in Council; and the whole affair was referred to the decision of the court of Vice Admiralty at the Cape of Good Hope.

Your lordship will observe, from the foregoing statement, that every possible step has been taken by this government, to enforce the Slave Act with the utmost rigour; and that the sanction which was granted on the petition of the inhabitants, for the removal of the settlers with their property from Madagascar, could not have been refused, without subjecting to probable destruction those (the slaves as well as their masters) whom I was bound to protect as British subjects.

That an abuse of this permission has been attempted, is extremely probable; but your lordship will see, that the means of detection were adequate to the object, and that the offenders cannot escape with impunity.

I have, &c.

(signed) R. T. Farquhar,

--N° 5.--

EXTRACT of a Dispatch from The Earl of Liverpool to Governor Farquhar, dated Downing-street, 14 February 1812.

—" I AM happy to learn that your particular attention has been directed to the prevention and detection of any violation of the Act of Parliament for the Abolition of the Slave Trade.

" You will perceive by the enclosed Act, which passed in the last Session of Parliament, that the trading in slaves is made a felonious offence, and subjected to the severest penalties.

" I am to request that you will send to this country, the state of the laws in regard to the protection of the slaves from the cruelty and oppression of their masters; and I shall be happy to learn that your influence is exerted in order to secure to them a mild treatment in those cases wherein it is not ensured to them by law. The attention of the legislature has lately been directed to abuses and enormities in some of the West India Islands, which have brought the most signal disgrace upon those who were directly charged with them, and upon others who did not interfere, as it was their duty to have done, for the prevention of the crime and punishment of the offenders."

—N° 6.—

N° 6. COPY of a Dispatch from Governor Farquhar, dated Island of Mauritius,
1 February 1812. (14 Enclosures.)

To the Right Honourable the Earl of Liverpool, &c. &c. &c.

My Lord,

Island of Mauritius, 1st February 1812.

SINCE my last dispatch relating to slaves, under date the 26th of October last, the duplicate of which I have the honour to transmit to your lordship, some further circumstances have occurred which make it my duty to resume the subject.

The dispatch, just alluded to, acquainted your lordship with the permission granted to His Majesty's new subjects at Tamatave, on the evacuation of that post by the British troops, to transfer hither and to the Island of Bourbon, under particular regulations, the slaves *bonâ fide* their private property at the time of the surrender of that settlement, on capitulation with Captain Lynne, of His Majesty's sloop Eclipse, and the reasons for the permission having been granted. It further mentioned the cautions taken by me, in concert with His Majesty's senior naval officer here, to prevent the abuse of that permission and the illicit commerce in slaves. The same communication likewise notified to your lordship, the seizure and detention of two vessels, the Industry and L' Eclair, their cargoes and the blacks found on board, under suspicion of a trade in slaves contrary to law; and that the whole had been referred for adjudication to the court of Vice Admiralty at the Cape.

Every precaution which could be devised, and which the situation of these colonies would allow, having been used by me, in concert with His Majesty's senior naval officer, to check this inhuman traffic, I was in hope that it would not any longer be pursued; and I could not have just cause to believe that any endeavour would be made to infringe the prohibitions.

I have, however, now to acquaint your lordship, that a seizure of seventy-five blacks was lately made at Bourbon, in the attempt surreptitiously to introduce them into that colony as slaves; and that the cause, and the guilty parties if to be found, will be prosecuted either at the Cape or in such other competent jurisdiction as the culprits may be met with.

Another case of an illicit trade in slaves also occurred some time ago, by information given here, that a Mr. John May, then commanding a schooner in the employ of this government, afforded a conveyance for one hundred and one slaves on board that vessel, from Madagascar to Bourbon. Mr. May has since been discharged from the command, and I shall not fail to try every legal means of bringing him to trial for the offence, whenever he may be found within a competent jurisdiction. In the meanwhile, although the fact of Mr. May's violation of his duty to this government, as well as of the laws of his country, is fully and circumstantially established; not having a Prize Court within these islands, the only measure I have been able to take hitherto to evince my horror and detestation of Mr. May's nefarious breach of trust, and to prevent a repetition of such conduct, has been to order him out of these colonies and to forbid his resorting to or residing within the limits of my government.

An additional case of suspected unlawful commerce in slaves, has likewise been acted upon by Captain Lynne, of His Majesty's sloop Eclipse, upon this station, in his late seizure of the Eliza lugger, bound from Tamatave to this port, having on board the private property slaves adverted to in the commencement of this dispatch, under a passport given by the sworn British agent at Tamatave, pursuant to the capitulation for that settlement made by Captain Lynne himself, the subsequent proclamation on the subject, the permission granted by this government, and the measures thereupon taken *in concert with His Majesty's senior naval officer here*, Captain Schomberg.

In this instance it seems that the vessel belongs to parties apparently innocent, and that the proprietors of the slaves are not in fault, as far as I have been able to discern. The sending the vessel and blacks, under all such circumstances, for adjudication to the Cape, struck a violent alarm in the colony, and made the minds
of

of numbers of the inhabitants waver as to the belief of the British faith and reliance on the government here. Impressed as I was, therefore, with the importance of this case in every point of view, I deemed it proper to commence a correspondence with Captain Lynne on the occasion, and, on the representation of the claimants, to write to His Majesty's proctor at the Cape; copies of all which correspondence and letters, I have the honour to forward herewith, for your lordship's full and particular information on the several points connected with the transaction at large.

For further prevention of the abolished trade, I continue to take every means which consideration can suggest. From the commencement of the British rule in these colonies, I have issued repeated orders to awaken the diligence of every officer under my control; and I have on every occasion afforded the assistance of the government schooners to the officers of His Majesty's navy, to enable them to pursue the smugglers employed in this nefarious trade, into the bays, creeks and cranies, which are not navigable by His Majesty's ships and vessels attached to this station.

I beg leave also to assure your lordship, that the motives which have long incited me, as well as other gentlemen, to support human freedom, have never ceased to be the constant care of my government; and I am happy to be able to add, that it has been in my power, by a series of measures, to ameliorate the condition of the slaves of these colonies in general, and to bring into practice a system for their treatment, which must tend to their benefit and comfort, and ultimately, I trust, be productive of material advantage to society in general and the highest interests of humanity.

These proceedings have not passed without evident and *avowed* dissatisfaction, expressed by many; nor without occasional highly coloured representations of the danger to be apprehended from my successive efforts in favour of the slaves. It is consonant, indeed, to the general infirmity of the human mind, that the colonists should take a prejudiced view of their own concerns upon such a subject, and that this prominent new order of things, which they conceive strikes at the root of *their most valuable individual interests*, should, above all other considerable measures of the British government, agitate and ferment their passions; especially in a colony just conquered, where for the last century the most uncontrolled and licentious loose has been given to the pursuit of this inhuman traffic in negroes. I trust, nevertheless, that your lordship will always have occasion to remark my exertions to meet their alarms or their remonstrances, by a prudent though not less obstinate firmness and resistance. A consciousness of my duty to my King and Country, as the chief member of one of His Majesty's governments at this enlightened epoch of the world, as well as my ardent desire to accelerate the civilization of the surrounding African states, will not only induce my perseverance in such a course, but prompt me to fulfil the task with all that cheerfulness and zeal which its tendency to the development of general prosperity, and to the extension of British arts and industry to foreign countries, under my immediate auspices, is calculated to inspire.

I have, &c. &c.

(signed) *R. T. Farquhar.*

(Copy.)

Sir,

Chief Secretary's Office,
Port Louis, 10 Jan^y 1812.

IT will of course, come to your knowledge, that seizures of some vessels and slaves have been made here, under a suspicion of their being contraband, and as such sent to your court for adjudication. If contraband, they must of course be condemned, and the guilty parties concerned, be prosecuted; but if on the other hand, it shall be found that a contraband trade in slaves has not been carried on, but that innocent proprietors of slaves acquired before such proprietors became subjects of His Majesty, have only been removing them hither, from the settlements of Madagascar to the dependencies of this government, in consequence of the British protection having been withdrawn from that part of our territories, his excellency the governor, upon his faith, already pledged to the inhabitants of these colonies, considers himself bound to give them every support which the law will allow, in the maintenance of their just rights, more especially as having so lately become

Enclosure.

N° 6.
(continued.)

become subjects of His Majesty, and as yet unacquainted with the British proceedings in our courts, respecting slavery and slaves; I have therefore, in command from his excellency the governor Mr. Farquhar, to transmit you the several documents herein enumerated, relative to the subject at large, viz. (See below).

And I have further in command from his excellency, to request you will take the proper means to make those documents known to the court, in the several causes therein depending and alluded to, and save the rights of the innocent parties, who might, from their absence, their ignorance, or their poverty, otherwise suffer therein; and for the costs to be incurred this government will be answerable to you.

I have, &c.

(signed) *A. Barry*, Chief Sec^y to Government.

P.S.—IT has been found impossible to take the depositions and to complete the whole of the documents which will be necessary to transmit to you, and the production of which before the court, may be of primary importance; and as a question deeply affecting His Majesty's interests in these colonies, His Excellency trusts you will take such steps as you may judge most proper, to prevent the cause from being proceeded in upon *exparte* evidence.

The earliest possible opportunity will be seized of forwarding you the affidavit and documents in question.

(signed) *A. Barry*, Chief Sec^y to Gov^t.

- (1.)—Minute of His Excellency the Governor; substance of which has been communicated to His Majesty's Ministers of State.
- (2.)—Copy of the Governor's Letter to Captain Schomberg, in reply.
- (3.)—Copy of a Letter from Captain Schomberg.
- (4.)—Public Notification of the Licensed transferred Slaves, under the Capitulation (French).
- (5.)—Copy of Instructions to Mr. Deller, Sworn Agent of Government at Tamatave.
- (6.)—Affidavit of Mr. Deller, sworn before His Excellency the Governor.
- (7.)—Copy of Letter from the Chief Secretary to Government, to Captain Lynne, 5 inst.
- (8.)—Copy of Letter from Mr. Deller to the Chief Secretary.
- (9.)—Copy of License enclosed to Chief Secretary. Signed by Mr. Deller.
- (10.)—Copy of Letter from Captain Lynne, dated Jan. 7, 1812.
- (11.)—Copy of Letter from Chief Secretary to Captain Lynne, in reply.
- (12.)—Copy of Protest, by His Excellency the Governor, to Captain Lynne.
- (13.)—Copy of a Passport granted under similar circumstances, by His Excellency Rear Admiral Stopford.

(Copy.)

Enclosure
(1.)

MINUTE by His Excellency the Governor; substance of which has been communicated to His Majesty's Ministers of State.

THE only circumstance connected with the transfer of negroes, which has as yet occurred, arose out of the capitulation of the French settlements at Madagascar, to Captain Lynne, of His Majesty's sloop *Eclipse*, duly authorized to grant terms of capitulation, in conformity to the orders of Vice Admiral Bertie, then commander-in-chief of His Majesty's squadron in these seas. A list of 863 slaves, stated to be the private property of the settlers, was at that time made, signed and delivered by Mr. Sylvan Roux, the French governor and commandant at Madagascar, who capitulated.

This list was required, and made with a view of preventing any further acquisition of slaves on the part of the settlers, by commerce with the natives, as well as to preserve to them, permanently, the property of that description then in their possession.

General Warde having determined on withdrawing the British forces from Madagascar, during the period of his government of the Mauritius, the settlers were left at the mercy of the natives, whose unextinguishable hatred to the French government, afforded the latter no chance of permanent safety, but by removing, with their property and effects, to Mauritius and Bourbon.

Repeated

Repeated applications having been made by the inhabitants, for permission for the settlers to remove hither, with their slaves and other property, I demanded the opinion of the judicial assessor, how far such a sanction could be granted in conformity to the provisions of the Slave Act. His official opinion was, that the slaves *bonâ fide* the property of the settlers at Madagascar at the time of capitulation, as enumerated and described in the list delivered in by the governor who surrendered, might legally be transferred hither, when it was no longer safe for them to stay at Madagascar.

To put the point beyond the chance of litigation, I also consulted Captain Schomberg, the senior naval officer in this port, on the propriety of admitting the transfer of the slaves, as requested. Captain Schomberg, in return, assured me that so far from throwing any impediment in the way of the proposed measure, he would do any thing in his power to favour its execution, as it was so arranged, as to put it beyond the power of any individual concerned, to over-reach or abuse it.

With this legal and professional advice, I determined to comply, actuated by a desire of extending to His Majesty's subjects that protection they were legally entitled to, and I issued a permission in consequence, for the settlers in question to transfer their slaves to Mauritius and Bourbon.

In order to multiply the means of preventing illicit commerce, and to show the inhabitants, that the most rigorous measures would be enforced on the part of government, to detect and punish any infraction of the law; I placed two of the government schooners at the disposition of the senior naval officer, to be employed in cruising round the coast, to prevent slaves being smuggled into these islands, in those places which could not be watched by His Majesty's ships of war. Such, and many others unnecessary to be enumerated here, were the precautions adopted on the part of government.

In consequence of the official permission above alluded to, two vessels, L'Eclair and Industry, brought up from Madagascar 335 slaves, of which 217 only agreed in description with those for whom the permission had been granted; the remaining 118 therefore appeared to have been embarked for the purpose of being fraudulently introduced into these colonies. On this account, the ships and cargoes, and the whole of the slaves, were seized and landed, and put under charge of the collector of Customs, agreeably to the arrangements made by His Majesty's senior naval officer; and the whole affair referred to the decision of the court of Vice Admiralty at the Cape of Good Hope.

Every possible step has been taken by this government to enforce the Slave Act with the utmost rigour; and the sanction which was granted on the petition of the inhabitants, for the removal of the settlers, with their property, from Madagascar, could not have been refused, without subjecting to probable destruction those (slaves as well as their masters) whom I was bound to protect as British subjects.

That an abuse of this permission has been attempted, is extremely probable; but that the means of detection were adequate to the object, and that the offenders cannot escape with impunity, is obvious; the only danger to be guarded against is, that the innocent may not be promiscuously punished with the guilty.

COPY of the Governor's Letter to Captain Schomberg, dated Port Louis.
Mauritius, 8th August 1811.

Enclosure
(2.)

To Captain Schomberg, R. N. commanding H. M. Ship, Astrea, and Senior Naval Officer on the Mauritius Station.

Sir,

I HAVE the honour to transmit to you a list of the slaves *bonâ fide* belonging to the French colonists of Madagascar, at the time when that island was taken possession of in the name of his Britannic Majesty; and the principal establishment entered into a capitulation with Captain Lynne, which being exactly similar to the one agreed upon on the surrender of the Mauritius, of course secured to the inhabitants the possession of their private property.

Every possible care has been taken in comparing this list, which I confess, considering the length of time that the French inhabitants have been in the habits of settling in that island, does not appear to me to be exaggerated.

The British force having been withdrawn from Madagascar, it is natural that the inhabitants should desire to transfer their slaves to Mauritius or Bourbon, which measure being strictly in conformity with the provisions of the Slave Act, as well as the capitulation, will I presume meet with no difficulty.

To prevent all possible abuse however, and with a view to the utmost exactitude
and

N° 6.
(continued.)

and rigour, on this important point, I propose to send an agent to Madagascar for the express purpose of again verifying this list, and of giving a most correct register and descriptive roll of every individual slave; and I have to request, that you will issue such directions as you may think proper, for allowing the slaves above mentioned to be transferred from Madagascar to the other of His Majesty's possessions in these seas, without any let, seizure, or molestation.

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

(signed) *R. T. Farquhar.*

Enclosure
(3.)

COPY of a Letter from Captain Schomberg.

To His Excellency R. T. Farquhar, Esquire, Governor, &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your excellency's letter of the 8 inst. requesting that I would issue such directions, as I might judge proper, to prevent the negroes, the private property of inhabitants of this island at its surrender, being seized or molested on their passage from Madagascar to this port, under the guarantee of government.

I have in consequence to inform your excellency, that a memorandum relative to the above circumstances, will be left here by me, together with the list of their numbers, &c. &c. at my departure, for the guidance of the captains and commanders of His Majesty's ships who may arrive in my absence; and I make no doubt that they will see the transaction in its proper light, and that they will far from throwing any impediment in the way, do all in their power to assist your excellency in the execution of a measure, which seems so arranged as to put it beyond the power of any individual concerned, to over-reach or abuse it.

I trust it will be considered by the inhabitants, as one of the many attentions shown by this government to their private interests.

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

(signed) *C. M. Schomberg*, Captain and Senior Officer.

H. M. Ship *Astrea*, Port Louis, 9 Aug. 1811.

Enclosure
(4.)

PUBLIC NOTIFICATION of the Licensed transferred Slaves,
under the Capitulation.

AVIS.

SON excellence le gouverneur prévient messieurs les habitans que, sans difficulté, les noirs portés sur l'état ci-annexé et déclarés par M. Silvain Roux, agent commercial, lors de sa capitulation avec la corvette de Sa Majesté l'*Eclipse*, peuvent être introduits en cette colonie ou à l'Isle de Bourbon.

Pour prévenir tous abus, son excellence le gouverneur va envoyer à Madagascar, un commissaire chargé de donner les passeports nécessaires; et afin de libérer le gouvernement des pais qu'il fait à cet égard,—chaque noir, à son introduction dans ces colonies, payera trois piastres effectives, qui seront remises à la Douane.

(par ordre)

A. Barry,

Secrétaire en Chef du Gouvernement.

Port Louis, Ile Maurice, le 10 Août 1811.

Noirs déclarés par Mr. *Silvain Roux.*

Messieurs	Têtes.	Messieurs	Messieurs	Messieurs			
Gemin - -	135	Giguel - -	10	Gardé - -	8	Jassellot - -	8
Leludnec - -	50	Robin - -	15	Lattes - -	15	Noe - -	20
La Gardère - -	80	Cornet - -	12	Lasalle - -	10	La Goardette - -	40
St. Aubert - -	12	Valassara - -	35	Bestet - -	6	Gloud - -	10
Luciany - -	12	Arreuch - -	4	Chardenoux - -	10	Cuvillier - -	6
Petizeau - -	10	Buard - -	40	Hugon Dubois - -	8	Bunard - -	4
Dieu le Fils - -	46	Roussen - -	20	Dufourg - -	6	Girandea - -	8
La Peyre - -	45	Renaud St. } - -	53	Tanrin - -	4	Dazot - -	4
Jn. Rene - -	40	Germain - -		2	Nicole - -	2	Carnoin - -
Guyard - -	8	Thebaud - -	5	Connan - -	12	Silvain Roux - -	40
				TOTAL - -	Têtes d'Esclaves 863		

Approuvé
(signé) *R. T. Farquhar.*

(signé) *Chauvaton*, Administrateur Général.

COPY of Instructions to Mr. Deller, Sworn Agent of
Government at Tamatavy.

To Wm. Deller, Esq.

N^o 6.
(continued)

Enclosure.
(5.)

Sir,

HIS excellency the governor having received a very favourable recommendation of your character and conduct from Captain Collingwood, and as you have volunteered to undertake the commission to Tamatavy, I am directed by his excellency to give you the following instructions for your guidance:—

In the first instance, I have to inform you, that it is a trust of the most important nature which is committed to you; and that his excellency has deemed it necessary that you should take an oath that you will execute that trust with zeal, fidelity, and integrity. You will, after having subscribed the foregoing oath, proceed on board the Kingston transport to Tamatavy, in Madagascar, where you will take upon you the duty of giving the necessary passports for the transport to this island or Bourbon, of the private property slaves who were guaranteed by the capitulation of Madagascar, and of which slaves, N^o 1 is a list. You will observe, that agreeably to enclosure, N^o 2, have arrived, and others may be on their way; you will, therefore, take special care that the proper deductions are made on this account, and that there is no collusion in the transaction. You will examine Mr. Rondeaux, the civil commissary's register, to ascertain this fact the more correctly.

It will be particularly your duty to prevent the smuggling of slaves, and to be cautious that none are secreted in the ships that are to carry up the slaves licensed under the capitulation to be brought to this island.

You will proceed yourself on board every ship or vessel previously to their sailing, in order to muster the licensed slaves; and you will be most vigilant in carrying this part of your instructions into execution, and to represent the danger to all persons concerned, of their carrying any other slaves than those licensed, as above stated.

Having performed the above duties, you will return to Port Louis; and will receive, after the faithful execution of your duty, a reward of 1,000 dollars for your trouble, besides obtaining a recommendation in favour of your services in the estimation of the governor.

You are to write to me by every opportunity, and give me an account of your proceedings; you are not to interfere in any other duties at Madagascar, than those pointed out to you in the above instructions.

The passport should certify that they are the licensed slaves, the number, and to whom belonging, the ship or vessel in which they are embarked; and that there are none others than the said licensed slaves on board.

I am, Sir, your obedient servant,
(signed) *A. Barry,*
Chief Sec^y to Gov^t.

Port Louis,
25th Sept. 1811.

AFFIDAVIT of Mr. Deller, sworn before His Excellency the Governor.

Enclosure
(6.)

I, WILLIAM DELLER, Esquire, do promise and swear, That I will zealously, faithfully and conscientiously, execute the trust reposed in me as commissary, for granting passports to the licensed slaves from Madagascar to this island, under the instructions conveyed to me in the Chief Secretary's letter of the 25th September 1811.

So help me God.
(signed) *W^m Deller.*

Sworn before me, at Port Louis, in the
Isle of Mauritius, this twenty-fifth
day of September 1811.

(signed) *R. T. Farquhar.*

N° 6.
(continued.)

COPY of Letter from the Chief Secretary to Government,
to Captain Lynne, 5th instant.

Enclosure
(7.)

To Captain Lynne, R. N. commanding H. M. Sloop Eclipse.

Sir,

Chief Secretary's Office,
Port Louis, 5th January 1812.

I BEG leave to forward you the enclosed copy of a letter, and of a duplicate passport, which has this moment reached me from Mr. Deller, the accredited government agent at Tamatave.

I consider it incumbent on me to transmit to you these official documents, as a report has been made to this government, that the Eliza lugger has been seized by you, under the suspicion of having contraband slaves on board.

The present state of Mr. Farquhar's health being such as to preclude the possibility of immediate attention to business of any description; I trust, Sir, it may not be deemed intrusive or irregular on my part, to beg to be apprized for his information, whether in the event of its being satisfactorily proved on investigation, that the slaves in question, are not contraband; but that they have been regularly embarked and transferred to this colony in strict conformity to the licence herein transmitted; it is your intention to cause the Eliza to be released, or upon what grounds you may consider her further detention necessary.

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

(signed) *A. Barry,*

Chief Secretary to Government.

P.S.—It not being in my power at the moment to obtain copies of the documents alluded to, Mr. Power, deputy secretary to government, has been good enough to take charge of the originals, and will produce them in person for your satisfaction.

True Copy,
(signed) *David Power,*
Act^s Dep^y Sec^y to Gov^t.

Enclosure
(8.)

COPY of Letter from Mr. Deller to the Chief Secretary.

To Major Barry, Chief Secretary to Government.

Sir,

Tamatavy, Madagascar,
December 24th, 1811.

I HAVE the honour to enclose a duplicate of blacks transported by the chassamarée Eliza; likewise a statement of the number already arrived with these now sent in addition; and have to add, I am only waiting for two vessels more to complete my mission, when, should his excellency the governor have no further request of me at Tamatavy, than the commission I was sent on, I shall embark on board the last vessel that may take up blacks.

I beg leave to enclose an abstract of pay due me by the government brig Minto; should it be convenient to advance the same, shall be much obliged by its being remitted to me at Tamatavy.

I have the honour, &c. &c.

(signed) *W^m Deller.*

COPY of Licence enclosed to Chief Secretary. Signed by Mr. Deller.

DUPLICATE.

BILL OF LADING.

PASSPORT.

THIS is to Certify, That the Number of Licensed Blacks embarked on board the *Chasse-mariée* Eliza, whereof Peter Daugout is Master, are to be conveyed from Tamatave, on the Island of Madagascar, to Port Louis, on the Island of Mauritius, direct; sanctioned by His Excellency the Governor of the Isles of Mauritius, Bourbon and their Dependencies, &c. &c. &c. of private property Blacks who were guaranteed by the Capitulation of Madagascar, to the several Inhabitants whose Names are inserted herein; and that there are no other Blacks Licensed on board the said Vessel before mentioned, but the Number found agreeably with the Passport.

MARKS.	NUMBER: From to	SEXES.		To whom Licensed.	TOTAL NUMBER.
		MALES.	FEMALES.		
E	1 - to - 42	Twenty-two - - 22	Twenty - - 20	Messieurs Gemin -	Forty-two Males. Twenty Females.
T	1 - to - 12	Four - - 4	Eight - - 8	— Cornet -	Four Males. Eight Females.
C	1 - to - 12	Nine - - 9	Three - - 3	— Luciane -	Nine Males. Three Females.
L	1 - to - 10	Seven - - 7	Three - - 3	— Chardenoux -	Seven Males. Three Females.
R	1 - to - 7	Three - - 3	Four - - 4	— Lattes -	Three Males. Four Females.
I	1 - to - 22	Seventeen - - 17	Five - - 5	— Vallasara -	Seventeen Males. Five Females.
F	1 - to - 22	Sixteen - - 16	Six - - 6	— Silver Roux -	Sixteen Males. Six Females.
P	1 - to - 2	Two - - 2	- - -	— Patizean -	Two - - Males.
D	1 - to - 16	Ten - - 10	Six - - 6	— La Guedare -	Sixteen - Ten Males. Six Females.
		Total - - -	145 Blacks.		Blacks - - One hundred and Forty-five.



(signed) *Wm Deller,*
Agent, Tamatave.

Given under my hand and seal, this Twenty-fourth of
December one thousand eight hundred and eleven.

N^o 6.

COPY of a Letter from Captain Lynne, dated January 7, 1812.

To Major Barry, Chief Sec^y to Government, &c. &c. &c.Enclosure
(10.)His Majesty's Sloop, Eclipse,
Port Louis, Jan^y 7, 1812.

Sir,

I REGRET I was from home at the time Mr. Power was good enough to bring the documents, which you mention in your letter; but never having seen, nor even heard of any *sanction* being given to individuals by government, to introduce slaves into this island, until the detention of the vessel in question, I am totally unacquainted with the contents or documents alluded to.

So far from thwarting any intention of government, I shall ever be most happy to lend every assistance in my power, that may tend to the execution of his excellency the governor's wishes; but in the present instance, where I see the good intentions and indulgence of government so grossly abused, it is a duty incumbent on me to check it in the first instance, in order that a stop may be put to such iniquitous proceedings.

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

(signed) *H^y Lynne*, Captain.Enclosure
(11.)

COPY of Letter from Chief Secretary to Captain Lynne, in Reply.

To Captain Lynne, commanding H. M. Sloop, Eclipse, &c. &c. &c.

Chief Secretary's Office,
Port Louis, 9 January 1812.

Sir,

I HAVE laid before the governor a copy of the letter I wrote you on Sunday last, in reference to the seizure of the *Eliza* lugger upon suspicion, (as it was represented to me at the moment) of having contraband slaves on board; the state of his excellency's health, as I then informed you, not admitting of direct communication from himself, on that or any other subject connected with public business.

I have now by his commands to acknowledge the receipt of your letter of yesterday, in answer to mine of the 5th, and to convey to you his sentiments, in reference to its contents, with the least possible delay.

In the first instance I have to express his excellency's astonishment and regret, that you should not have been earlier in possession of every requisite information with regard to the *sanction* on the part of this government, to which you allude, that is to say, the *authority* granted by his excellency the governor, with the express *knowledge and concurrence* of His Majesty's senior naval officer, for the transfer to this colony of such slaves as are *bonâ fide* the private property of the French inhabitants at Tamatave, at the period of its surrender to the force under your command, and guaranteed to them as such, by the articles of capitulation, *which were verbatim the same as granted for Mauritius*.

The sanction *exclusively* given for the transfer of this description of slaves, was generally known, and as notoriously promulgated as public *proclamation* could render it. And if any doubts could have remained upon his excellency's mind, either with regard to the propriety, the validity or the notoriety of the sanction thus solemnly pledged, as applied to the commanders of His Majesty's ships of war upon this station, the accompanying letter from Captain Schomberg, then in command at the Mauritius, must have set his excellency's mind at rest upon those and all other points connected with the subject, conveying as it does the cordial and unqualified approbation of that distinguished officer, to the whole proceeding under consideration, prior to its final adoption on the part of government.

His excellency is indeed persuaded, that on a careful and attentive perusal of the accompanying correspondence, you will yourself, Sir, be fully disposed to admit, that if His Majesty's senior naval officer, or indeed any other individual in these colonies, has remained hitherto ignorant, either of the sanction itself or of its precise nature, operation and extent, it is a circumstance that may be lamented, but cannot in fairness or justice be traced to any want of proper communication, and caution on the part of this government.

Having made these remarks, I have to express the governor's sincere acknowledgments for the assurance you have so handsomely expressed, of a general disposition on your part rather to meet his excellency's wishes upon every proper occasion,

occasion, than to thwart, or impede in any instance, the measures of his administration.

His excellency is also happy to express his high sense of the very fair and honourable avowal, which he has been led to understand you have made, that had the conviction been brought home to your own mind, that the slaves on board the *Eliza*, had been *bonâ fide* private property at the time of the capitulation at Tamatave, you *should not* have considered them as contraband; and that the *Eliza* would in consequence have been permitted to disembark them without hindrance or molestation.

It could be upon this ground and under this specific conviction alone, that his excellency the governor could have been induced to feel a wish that either the vessel or the slaves on board her, should have been protected against seizure or detention.

If Sir, however, in this or in any other instance, it can be proved that any attempt has been made to take advantage of or abuse the good faith and the good intentions of this government, his excellency would naturally be the first to rejoice in its detection, and in the infliction of the full penalty of the law upon those who may have been concerned in its infringement or violation.

That abuse may have prevailed, and that slaves may have been clandestinely introduced into the French islands since the establishment of the British power, his excellency can of course have no doubt. The seizures indeed by His Majesty's navy, as well as those made on shore, seem sufficiently to establish the fact, that attempts are still made to carry on this disgraceful and illicit traffic. His excellency has already received some valuable intelligence on the subject, and will gratefully acknowledge any information which he may receive from yourself, Sir, or from any other quarter, which might tend to discover the delinquency itself, or to point out those who can be legally proved either principals or participators in it; if guilt in the *present instance* in reality exist, as you appear to suspect, the iniquity must assume a deeper shade, from so profligate an abuse of the justice and good faith of the government.

But in proportion as an accusation is grave, or odious in its nature, it becomes the part of every honourable and feeling man to be cautious, that the innocent are not involved in the odium, vexation and disgrace of imputed delinquency.

Without this discrimination between innocence and guilt, to whatever extent either the one or the other may prevail, the sacred bonds of justice must be torn asunder, and situated as we are in these newly acquired colonies, the faith and dignity of the British government, the interests of our common sovereign and of our country, and the fair estimation of the British character in the eyes of foreigners and of the world, must stand compromised by the slightest deviation from these plain and fundamental principles of equity and of law.

These, Sir, are his excellency's feelings and sentiments upon the present occasion, and he is convinced, Sir, that they are also yours.

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

(signed) A. Barry, Chief Secretary.

—COPY of Protest by His Excellency the Governor,
to Captain Lynne.

I, Robert Townsend Farquhar Esq. Governor and Commander in Chief of the Islands of Mauritius, Bourbon and dependencies, Captain General, Vice Admiral, &c. do hereby Protest, in the name of His Majesty's Government in these colonies, against Henry Lynne, Esq. commanding His Majesty's sloop of war *Eclipse*, and others, for all losses, expenses, and damages, that are or may be incurred by the act of seizing and taking possession of, at Port Louis, the *Eliza* lugger, with certain negroes, regularly licensed by this government, with the sanction and approbation of His Majesty's senior naval officer, to be transferred from the British possession at Tamatavy, to the British possessions of the Mauritius and Bourbon, situated in these seas; which said negroes are regularly borne upon the license granted under the hand and seal of the sworn and accredited agent of the British government at Tamatavy, as private property belonging to the inhabitants of these colonies, and guaranteed to them by the articles of capitulation, on the surrender of the settlements of Madagascar, to the force under the said Henry Lynne,

Enclosure
(12.)

N^o 6.
(continued.)

Lynne, Esq.; and I do therefore hereby hold and declare the said Henry Lynne, Esq. and others concerned in the said seizure, to be wholly and entirely responsible, in his and their person or persons and property, for all costs, charges, damages and other consequences, which may arise out of the said seizure, and out of all other acts connected therewith, or dependent thereon.

Given under my hand and seal, at Port Louis, in the Isle of Mauritius, this 10th day of January 1812.

Enclosure
(13.)

COPY of a Passport granted under similar circumstances,
by His Excellency Rear Admiral Stopford.

His Majesty's Ship Scipio, Port Louis, Isle of France,
29 October, 1811.

HIS Excellency, Governor Farquhar, having represented to me that Messrs. Cayoux Brothers, inhabitants of the Isle of France, have requested that I would grant them a passport to permit nineteen slaves, now forming an actual part of their property, to be removed from the Island of Diego Garcia to the Isle of France, in a brig called the Illusion ;—

It is my direction, that in the event of your falling in with the said brig, that you suffer her to perform her voyage as above mentioned, without molestation, provided there is no reason to suspect that any abuse has been made of this passport.

(signed) *Robt Stopford*, Rear Admiral.

To the respective Captains and Commanders }
of His Majesty's ships and vessels off the }
Isle of France, &c. &c. &c.

—N^o 7.—

N^o 7.

COPY of a Dispatch from the Earl Bathurst, addressed to Governor Farquhar,
dated Downing-street, 25 January 1813. (Reply to the foregoing.)

Governor Farquhar.

Sir,

Downing-street, 25 January 1813.

I HAVE the honour to acknowledge the receipt of your dispatch of the 1st February 1812, which has been laid before the Prince Regent.

It affords His Royal Highness much satisfaction to observe, that you are fully impressed with the necessity of exerting the utmost vigilance and activity in detecting those who are engaged in an illegal traffic of slaves in the islands under your government. The resistance with which your efforts have hitherto been met, on the part of the inhabitants and proprietors, is matter of serious regret; but His Majesty's government are convinced that no measure can be so effectual, for suppressing dissatisfaction and complaint, as that of strictly and uniformly giving effect to the provisions of the legislature, and thus removing every hope that the general laws of the empire can be either violated with impunity, or relaxed in favour of any particular colony. I cannot, indeed, avoid indulging the expectation, that the period is not far distant, at which the colonists will be no less eager than the Parent State for the abolition of this trade; and will at length discover, that it is not more in opposition to every dictate of humanity and justice, than to their own true interests.

I have only, in conclusion, to express my approbation of the reference which you made to the Court of Vice-Admiralty at the Cape, for their decision as to the nature of the traffic in which the *Eliza* lugger was engaged at the time of her seizure. It is, on all occasions, most desirable that circumstances of this nature should be fully investigated, in order that the fact of carrying on the Slave Trade, if proved, may be satisfactorily established; or that the persons charged with such an offence may not be undeservedly exposed to so serious an imputation.

I have the honour to be, &c.

Bathurst.

—N° 8.—

EXTRACT of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Port Louis, Mauritius, 28th July 1812. (1 Enclosure.)

N° 8.

— “ APPENDIX, N° 1, is the Official Report of the population, according to the last returns; these, however, appear to be very inaccurate. The annual recensements are so defective, that the administration has not derived from them the utility which might be expected.

“ The annual reports of the last seven years show no increase of population in any class, but a yearly diminution of five per cent. in the numbers of the blacks, arising from the interruption of commerce, neglect of agriculture, and the consequent scarcity of subsistence.

“ The free people of colour form the next class of the population; they are on a different footing from those in our West Indian Settlements, as they enjoy every privilege, power and immunity of the whites. The laws promulgated under the government of general De Cain, were intended, as much as possible, to repress the augmentation of this class.

“ These edicts were, perhaps, inconsistent with a sound policy, which should rather have strengthened this barrier against the enterprizes of the slaves, as it is perhaps the only one which, by a just and liberal extension, may give sufficient security to the white, by forming, as in the Spanish and Portuguese colonies, a population strictly colonial, attached by their interest to government and to the safety of the white population, whose privileges they equally enjoy, and with which they must stand or fall. I have, therefore, hesitated the less to abolish such oppressive exactions as were intended solely to repress the increase of this class of men, that their augmentation may be suffered to keep pace with the progression of the slave population.

“ The slave population of Mauritius and Bourbon consists of Creoles, Caffres, Malays, Hindoos and natives of Madagascar, of which about two-thirds are males. These all differ among themselves, and mostly by strong contrasts in manners and language; a circumstance which must ever prevent any very extensive conspiracy for the recovery of their liberty.

“ The number of this population does not surpass one-third of what would be necessary for the perfect cultivation of these islands; a famine, the consequence of the hurricanes of 1806 and 7, produced a mortality among the slaves, and occasioned a blank which has not yet been filled up; partly from the poverty which it induced, and partly from the blockade which was soon after resumed with unusual severity.

“ The rapidity with which human life is renewed in other countries, which have experienced the desolation of pestilence or famine, cannot be taken as a guide for our hopes here; the excessive disproportion of the sexes must, for a length of time, prevent the recovery of a decayed population, even in a country that possesses every blessing of soil, clime and government.

“ The planters, as might be expected, are inimical to the suppression of the Slave Trade, which they consider as almost the only source by which their prosperity is to be renewed. They now forbode the diminution and extinction of the race, and the desolation of the colony.

“ It has long since been sufficiently proved, that the continuation of the Slave Trade is not at all necessary for keeping up the stock, or even for insuring their gradual multiplication in the British colonies.

“ When the planters are made to depend entirely upon the natural augmentation of their slaves, their numbers will begin to increase; the examples of the American States and the West India Islands are strongly in proof of this assertion.

“ The chief obstacles to their multiplication at present, are the great disproportion of males among the imported slaves, and probably the hard treatment they sometimes meet with. The first obstacle will disappear before one generation is extinguished; and the latter by the prohibition of the commerce which has taken place since the conquest, as it is found to be impossible to replace a disabled slave by purchase.

“ There may in consequence of the Slave Trade abolition, be a retrograde movement in the prosperity of these islands, for some years. Bourbon, at least, will

cease

N° 8.
(*continued.*)

cease to advance with rapidity, as it is a country wholly agricultural, and thinly peopled in proportion to its natural resources, unless means may be devised for the introduction of free labourers.

“ The different French settlements on the coast of Madagascar, and the disastrous history of their failures during the last 120 years, are sufficiently notorious, and should afford a lesson in similar attempts, to avoid those principles that continually led to their extermination.

“ Military force has, in every instance, been resorted to, and divisions sown among the native chiefs, and feuds carefully cherished, for the purpose of weakening the native powers and procuring slaves, a ready market being ever open at the different factories on the coast, for the disposal of the prisoners taken in war; thus, in every contest, the feeling of interest was what animated the zeal of conquest.

“ But no permanent settlement could thus be established; of the thousands of French adventurers who have perished in the factories on the coast, few have fallen in battle with the enemy, who could seldom contest their superiority in the field. On their disputes, the natives generally withdrew their flocks and herds into the interior, where they were defended by the intricacy of the country. The courage of the assailants thus became useless, enterprize impracticable, and their forts were silently dispeopled by disease.

“ The Portuguese, also, have failed in an attempt to civilize Madagascar; but they confined themselves to the introduction of missionaries for the propagation of religion.

“ These repeated failures may perhaps be, in a great measure, attributed to the commerce in slaves. This being abolished, the pacification of the country may be accomplished, and the natives reclaimed from their military habits, by encouraging their industry by the introduction of those new wants which are natural in advancing civilization. The most durable establishment may thus be formed, by the peaceable exertion of industry, and by the introduction of a part of the overflowing population of China and Hindostan.

“ By the choice of cultivators and artizans, instead of a military force, to form the basis of an infant colony, the natives would be led by example to turn their views from war, which has ceased to be profitable from the interdiction of the slave trade, to labour and industry, which must henceforward form the only source of their comforts; thus their lands would be cleared, their minerals explored, the unhealthy marshes of the coast be drained; and their island, one of the most fertile in the world, become equally remarkable for its salubrity.”

Colonie.

ILE MAURICE.

An 1812.

Etat General de la population Esclaves de L'Ile Maurice, pour l'année 1811.

Extrait des Recensemens fournis par les habitans de cette Ile.

POPULATION DES ESCLAVES DANS DISTINCTION D'AGE.

NOMMES DES QUARTIERS.	Nombre d'Esclaves.	Observations.
Port Louis - - - - -	8,500	
Fau-bourg de L'Est - - - - -	898	
D° - de L'Ouest - - - - -	1,867	
Pamplemousses - - - - -	9,517	
Riviere-du-Rempart - - - - -	6,869	
Flacq - - - - -	6,794	
Port-Jud-Est - - - - -	5,755	
Savanne - - - - -	3,678	
Riviere-Noire - - - - -	5,335	
Plaines-Wilhems - - - - -	7,072	
Moka - - - - -	3,469	
Total - - - - -	59,734	

— N° 9. —

EXTRACT of a Dispatch from Governor Farquhar, addressed to the Earl of Liverpool, dated Saint Denis, Bourbon, 1st September 1812.

N° 9.

— “ MY attention continues directed to the prevention and detection of any violation of the Acts of Parliament relative to the Slave Trade; and I have given due publicity to the acts of the legislature on this subject.

“ I have ever since my arrival in these colonies, done all in my power to better the condition and alleviate the oppressions of the slaves. The laws are strongly in their favour; but with courts of judicature, constituted as those at present in these colonies are, it is difficult to obtain justice. Should your lordship adopt the system proposed in the letter I have had the honour to address to your lordship, on the subject of the judicial establishment, much may still be done for the slaves. I shall transmit to your lordship, a statement of the laws in regard to their protection, as soon as it can be compiled; at present these laws are diffused amongst a mass of others which form the colonial code.”

— N° 10. —

COPY of a Letter addressed by Mr. Peel to Governor Farquhar, dated Downing-street, 1st June 1812. (2 Enclosures.)

N° 10.

Governor Farquhar.

Sir,

Downing-street, 1st June 1812.

BY direction of Lord Liverpool, herewith I transmit to you the copy of a letter from Mr. Barrow, dated the 19th ultimo, with the enclosure therein referred to, representing the very shameful practice of introducing slaves into the Isles of France and Bourbon; and I am to desire that you will make immediate inquiry into the circumstances stated, and that you will communicate the result thereof to me without delay.

I have the honour to be, &c.

Robert Peel.

(Copy.)

R. Peel, Esq.

Sir,

Admiralty Office, 19 May 1812.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Lord Liverpool, the enclosed extract of a letter from Captain Lynne, of the Eclipse sloop, addressed to the Honourable Rear Admiral Stopford, representing the very shameful practice of introducing slaves into the Isles of France and Bourbon.

I am, &c.

(signed) *John Barrow.*Enclosure
(1.)

EXTRACT of a Letter, dated 9th January 1812, received from Henry Lynne, Esq. Commander of H. M. Sloop Eclipse, and Senior Officer at the Isle of France, transmitted by the Secretary of the Admiralty to Robert Peel, Esq.

Enclosure
(2.)

— “ THE shameful abuse of the indulgence granted by government to the inhabitants of this island and Bourbon, is such, that it is high time it should be checked; a list was given of eight hundred and sixty-three slaves at Tamatave, as private property at the time of the capitulation of that colony; whereas I am fully convinced not half that number were in their possession, and I have now certain information of eight hundred and eighty having been introduced into the two islands; notwithstanding which, Mr. Deller, who is styled the accredited agent of government, writes word, that there are three hundred and forty-seven slaves still remaining to be sent from Tamatave.

“ You may rely, Sir, on my using my utmost endeavours to seize and detain them, feeling that I am fully authorized to do so by the Slave Act.”

— N° 11. —

N° 11.

COPY of a Letter addressed by Governor Farquhar to Mr. Peel, dated Bourbon, 5 October 1812. (In reply to the foregoing.)

To R. Peel, Esq. &c. &c. &c.

Sir,

Bourbon, 5 Oct' 1812.

I HAVE the honour to acknowledge the receipt of your letter, dated Downing-street, 1 June 1812, transmitting a copy of a letter from Mr. Barrow and its enclosure, on the subject of the introduction of slaves into the colonies under my government; and requesting that I may communicate the result of my inquiries on the subject, to you, without delay.

I beg leave therefore, as the mode in which this affair may be most easily elucidated, to refer you to my letter to lord Liverpool, dated 1 February last; and I have only to add in reference to the letter of Captain Lynne, that those general assertions are, from their nature, unsusceptible of refutation; the *onus probandi* lays with the person who makes them, and who has every inducement of honour, humanity and interest to prompt him to undertake the task. I have made every effort on the part of my government, to secure the due execution of the laws on the abolition of the Slave Trade, and have every reason to think that those efforts have been completely successful through the whole extent of my government; there is therefore no point at present, for me to direct my inquiries upon.

I have, &c.

(signed) R. T. Farquhar.

— N° 12. —

N° 12.

COPY of a Dispatch addressed by Governor Farquhar to the Earl of Liverpool, dated Port Louis, 10 November 1812.

To the Right Honourable the Earl of Liverpool, &c. &c. &c.

My Lord,

Port Louis, 10 Nov. 1812.

IT has appeared to me, that in the Act of Parliament, intituled, "An Act for rendering more effectual an Act made in the forty-seventh year of His Majesty's reign, intituled, An Act for the Abolition of the Slave Trade," where provision has been made for the transfer of slaves from one island to another in the West Indies, the omission of a similar provision for the islands constituting my government, might be made the source of much litigation, and of harassing processes between His Majesty's navy and the inhabitants of these colonies; I have thought it therefore indispensably my duty to bring the point as early as possible before your lordship, in order that your lordship's explanation may indicate the meaning in which the Act is understood with regard to the Islands of Mauritius, Bourbon, Seychelles and Roderiguez; or that should any thing be wanting to ensure His Majesty's subjects here, the same protection to their property that is granted in the West Indies, such steps might be taken to have it amended as your lordship in your wisdom might deem meet.

I have, &c.

(signed) R. T. Farquhar.

— N° 13. —

N° 13.

EXTRACT of a Dispatch from Earl Bathurst to Governor Farquhar, dated Downing-street, October 29, 1813.

—"I AM aware of the inconvenience which may in some cases arise, from the impossibility, which exists under the present Slave Trade Acts, of removing slaves from one island to another within the limits of your government; but the opportunity which such a power would afford to carry on an illegal traffic, and to introduce fresh negroes into the islands, induces me to decline submitting such a measure to Parliament.

— N° 14. —

COPY of a Dispatch addressed by Governor Farquhar to the Earl Bathurst, dated Port Louis, 20 September 1813. (Reply to Earl Bathurst of the 25 January 1813.)

N° 14.

The Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Port Louis, 20 September 1813.

I HAVE the honour to acknowledge the receipt of your lordship's letter, dated Downing-street, the 25th January 1813; and am highly gratified that my exertions and vigilance in support of the Abolition Acts of the legislature, have met with the approbation of His Royal Highness the Prince Regent.

I have the honour, &c. &c.

(signed) R. T. Farquhar.

— N° 15. —

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 12th October 1813.

N° 15.

— “ MY sole excuse for troubling your lordship with the enclosed documents, and this letter in explanation of them, must be sought in that gratuitous calumny to which I have been exposed in public and in private, from the circulation in England of *ex parte* statements, tending to represent me as an advocate for the slave traffic, so wisely and humanely abolished by the legislature. I feel that on such subjects, where popular feeling is so much engaged, it is my duty, as well as my interest, to keep your lordship apprized of every action or order which may be perverted or misconstrued to my prejudice; conscious that so long as my conduct is irreproachable I shall not look in vain for due support and protection from His Majesty's ministers.

“ On the establishment of a printing press on this island, as a measure of great economy and in conformity to the Ceylon system, I selected a person to superintend provisionally the publication of the gazette; as being well qualified, from education, leisure and literary pursuits, to watch over the interests of religion and morals, and to contribute to conciliate to the new domination the good wishes of the people.

“ In this selection I unfortunately gave this gentleman credit for talents, which it was no discredit for him not to possess, and consequently found that he was incapable of conducting the press to public satisfaction; at the same time I was unwilling to remove him till the person I had appointed should arrive. But some paragraphs of the enclosed paper (A. B.), published without the sanction of government, harmless as they may appear in Europe, were the cause of infinite apprehension and alarm in this island. They were considered by the slaves (the better informed part of whom can read, and eagerly devour every thing touching their own state and condition), as a declaration of government of their approaching liberation from all duty to their masters; and by the planters, as the forerunner of some sudden and violent change in the *system of slavery* within these islands, equally destructive of the real interests of the slaves themselves and the rights of the masters.”

EXTRACT from the Mauritius Government Gazette, dated 2d October 1813.

(A.)

— “ IT is with much satisfaction that we communicate an extract from a dispatch of the Earl Bathurst, to His Excellency the Governor of the Cape, on the same subject as that given in our former number, to His Excellency Governor Farquhar. Slaves—While every friend to humanity must exult to see the system of slavery depressed and interdicted, as Britons we must feel a very proud superiority when we reflect that England has led the way, and shown the enviable example to the world, which at once puts an end to that shameful and nefarious practice.”

(B.)

— “ However, we trust the time is not far removed, when all the nations of the earth shall follow the example of England, and decidedly oppose the horrid policy that has so long existed; when the Æthiopian no longer shall be liable to the tyrannic disposition of his more enlightened fellow creatures.”

— N° 16. —

N° 16.

EXTRACT of a Dispatch addressed to Governor Farquhar, by the Right Honourable Earl Bathurst, dated Downing-street, 17th February 1814. (In reply to Governor Farquhar's Dispatch, 12th October 1813.)

— “ I CAN truly assure you, that no apology on your part was necessary for transmitting to me any documents connected with your opinions on the Slave Trade. I am sensible that accusations have been falsely brought against you on this head, and have been propagated with great activity; and though their falsehood has been sufficiently evinced by the documents already in my possession, yet I cannot but be happy to have in my power additional means of refuting any similar accusation.”

— N° 17. —

N° 17.

EXTRACT of a Dispatch addressed to the Right Honourable Earl Bathurst, by His Excellency Governor Farquhar, dated Mauritius, 10 January 1814. (4 Enclosures.)

— “ IMPRESSED with the necessity of exciting the utmost vigilance and activity in detecting such of His Majesty's subjects in these islands, as may engage in the illegal traffic of slaves, to which, from their situation, there is too much temptation, I have never ceased to direct the attention of the internal colonial police to this subject, with a view of uniformly giving effect to the provisions of the legislature; and it is with satisfaction I have to add, that the most respectable of the colonists, having taken a more enlightened view of their own interests, if not eager for, are at least reconciled to the abolition.

(A.)

“ But to ensure the effectual attainment of this purpose, the internal administration of these islands was not sufficient, unaided by the presence of a naval force, to intercept such vessels as might attempt to land their cargoes in unfrequented parts of the coast. With a view to remedy this defect, I applied on the 7th of July last year, to the naval commander in chief in these seas; and suggested to his excellency such a measure as I conceived would effectually do so.

(B.)

“ The force under his excellency's command, would not admit of such a detachment as I proposed; and these islands being left, towards the latter end of October, by the departure of the Harpy, perfectly clear of any naval force to overawe or check such adventurers, as might, during the hurricane season, take advantage of their absence for pursuing illicit speculations, I felt it my duty again to lay before the naval commander in chief my apprehension, and a detail of the reasons on which they were founded; and I have no doubt but his excellency, from whom I have not yet received a reply, will take every measure in his power for the extinction of this traffic.

(C.)

“ In the mean time, a case of illicit introduction of blacks into this colony, having been reported to me on the first of December, by the collector of customs at Port Louis, I directed the British chief commissary of police, to take the most effectual measures, and exert the utmost vigilance and activity in the investigation of the circumstances of the case, in order satisfactorily to establish the fact; referring to the British judicial assessor and magistrate, and the attorney general for instructions, that all his proceedings might be agreeable to law, and in such form that they would be received as legal grounds of proceeding, either in the colonial tribunals, or, if necessary, in an English court in which the affair might be prosecuted.

(D.)

“ In consequence of these proceedings, a seizure which has been made of thirty blacks, supposed to have been introduced in contravention of the Act, is now under prosecution before the regular colonial tribunals here, and this transaction has been unattended with any popular agitation or alarm in this island.

“ This observation I am obliged to make in justice to the inhabitants, as well as to the officers of customs and police, employed in making and prosecuting this seizure.”

EXTRACT of a Letter addressed to His Excellency Rear Admiral Tyler, Commander in Chief of the Cape Squadron, by His Excellency Governor Farquhar, under date 7th July 1813.

N^o 17,
continued.

Enclosure

(1.)

(A.)

— “THE reason of my reference to your excellency, therefore, on the present occasion, is to learn if it will be in your excellency’s power, or conformable to the instructions of the naval commander in chief at the Cape, to keep such shipping or transports employed at these islands, as will enable me occasionally, on the application of the commander in chief of His Majesty’s forces, to transfer a part of the garrison from the one island to the other, as circumstances may require; or to send such small vessels as may be required, to observe that the laws for the abolition of the Slave Trade are not infringed in the numerous small islands and dependencies which are scattered to the northward of Mauritius and Bourbon.”

“ I beg leave to suggest to your excellency, that two or three quick sailing cutters might be well employed by His Majesty’s naval commander in chief, in exercising such a watchful guard as might intercept or prevent that illicit commerce which the scattered state of our possessions, their propinquity to Slave countries, and the profits arising from the traffic, hold out so many inducements to practise.”

EXTRACT of a Letter from His Excellency Rear Admiral Tyler, to His Excellency R. T. Farquhar, Esq. Governor of Mauritius, &c. &c. dated Admiralty House, Cape Town, 6th August 1813.

Enclosure

(2.)

(B.)

“ MY instructions, or the force under my command, will not permit me to comply with your excellency’s proposal. I am obliged to send the Race Horse, from her defective state, to England, and the Harpy is now the only small vessel under my orders.”

“ I shall transmit a copy of your excellency’s letter to be laid before my Lords Commissioners of the Admiralty.”

(A true Extract.)

To His Excellency Rear Admiral Tyler, &c. &c. &c.

Port Louis, 20th November 1813.

Sir,

IN acknowledging the receipt of your excellency’s letter of the 6th August, I feel it my duty to state to your excellency, that in the total absence of any naval force on this station, all my endeavours for the repression of the Slave Traffic, must be in a great degree frustrated; for the vigilance of the civil and military authorities in the islands of Mauritius and Bourbon, although excited to the utmost exertion, is liable to be eluded in the unfrequented parts of those islands, where every facility exists for disembarking slaves unobserved, or where in case of observation, they can immediately be removed by sea, without the possibility of being pursued. I also wish to observe to your excellency, that there is no person in the Archipelago of Seychelles, capable, or indeed inclined, to repress such a traffic. These islands, and many others in the surrounding seas, which depended on the government of these colonies, during the time of the French sovereignty, are already populous and rapidly improving in cultivation. The uncultivated parts still, however, bear a large proportion to those under cultivation. These reasons, and the facility and cheapness with which slaves can be transported from Madagascar and the West Coast of Africa, *in the absence of any naval means of prevention*, are, to the planters, irresistibly strong; and accordingly I have every reason to think, that during the ensuing months, a most extensive importation of slaves will be attempted, which, under the present circumstances, it is neither in my power to hinder, nor, I fear, afterwards to trace.

Your excellency is pleased to inform me, that you will lay my letter of the 7th of July, on this subject, before the Lords of the Admiralty, soliciting some small vessels of war, such as cutters or luggers, to prevent the evils I now apprehend. I beg to be informed as early as may be, if your excellency has any hopes of my request being attended to, as I shall, for my own responsibility, be obliged to solicit His Majesty’s ministers to direct that some measures may be taken for ensuring the abolition of the Slave Traffic in the whole extent of the islands and colonies committed to my charge.

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

(signed) R. T. Farquhar.

Enclosure

(3.)

(C.)

N° 17,
*continued.*To A. W. Blane, Esq. Chief Commissary of Police, or, in his absence, the
English Assistant.Enclosure
(4.)
(D.)

Sir,

Redit, 1st December 1813, 1 P.M.

I AM directed by his excellency the governor to state to you, that a case of illicit introduction of blacks into this colony, has been this morning reported to him by the collector of customs. His excellency, therefore, commands me not to lose an instant in directing you to take the most effectual measures, and to exert the utmost vigilance and activity in order satisfactorily to establish the fact. You will take special care that all your proceedings herein are agreeable to law, and in due form, and so that they may be received as such, not only in the tribunals here, but in any English court to which reference for decision may be had; and for the strict and regular execution of the above orders, his excellency holds you responsible. You are, of course, aware, that by the colonial laws, the Procureur General, or Attorney General, is responsible for the assistance and advice which it is his duty to afford you in all these cases, and which it is your duty to have recourse to. You will also, if necessary, have recourse to the advice of the judicial assessor and magistrate.

In so grave a case as the present, involving the crime of felony, his excellency commands that all your proceedings may be official and in writing, so that nothing may be left ambiguous or in doubt.

His excellency commands me only to add, that he relies on your zeal and indefatigable exertions in this investigation; and that you will regularly report progress to him, that he may adopt every measure in his power to bring all the persons who may be in any way engaged in this illegal traffic to trial and punishment, as the law directs.

I have, &c. &c. &c.

(signed) T. Hook, Private Secretary.

P.S.—The present seizure having been made by the Custom-house, the offence will be prosecuted by the collector of customs.

— N° 18. —

N° 18.

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst,
dated 10 January 1814. (1 Enclosure.)

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 10 January 1814.

I BEG leave to state to your lordship, that the Josephine, schooner, mentioned in my dispatch to your lordship of this date, as having been seized and detained at St. Paul's, in Bourbon, by the collector of St. Denis, being sent by that officer to Port Louis, for adjudication, and he himself having arrived to prosecute her here, to condemnation, the whole affair was referred by me to His Majesty's judicial assessor and attorney general.

The report of the judicial assessor, speaking for himself, as in copy thereof marked Z. is, that all seizures of vessels, goods, slaves, &c. may be decided by the respective colonial courts of Mauritius and Bourbon, according to the several Slave Acts; and that all proceedings therein and thereon, must therefore be according to their forms and the *lex loci*; and that all the felonies and misdemeanors, declared by the Act of the 14th May 1811, should be tried, as he *thinks*, either in England, or under such a commission, according to the Act of the 11th and 12th William the 3d, as we have not yet received here; the Vice Admiralty court (of which the judicial assessor and chief magistrate is judge or surrogate), not appearing to have, as the commission is construed here, any jurisdiction in such cases.

The above legal opinion, which I have submitted to your lordship, in the words of the judicial assessor, was written out by him, and forwarded to me after that
officer

officer had perused and maturely considered the opinions of the attorney general and of the presidents of the colonial tribunals. I therefore submit it, together with the others, to your lordship, as the result of *all the legal knowledge and counsel* I could obtain in these colonies, and I have laid them before your lordship at the earliest opportunity; entreating to be favoured with your lordship's directions on this subject, on which it is of importance no doubt should exist.

In the mean time, I beg leave to repeat to your lordship, that no effort shall be wanting on the part of this government for carrying the laws into execution, and eradicating any illicit traffic in slaves that may be attempted in these islands.

I may also remark, that the colonial laws for the protection of officers seizing and prosecuting in revenue cases, being the same as exist in France, in the Customs and Exise, are, as far as I can learn, equally, if not more favourable to the officer who seizes or prosecutes, than those Acts of Parliament recited in the eighth section of the Felony Act, of the 14th May 1811.

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

(signed) R. T. Farquhar.

(Copy.)

Port Louis, January 6th, 1814.

ON the subject of the supposed importations of slaves into the Islands of Mauritius and Bourbon, contrary to the Acts of Parliament, and particularly as connected with my consultations on the 1st and 3d of this month.

Enclosure.

As I have noticed much in the general mass of correspondence and opinions in these matters, which might lead to error, and as the minutes or notes of my consultation generally, are not by any means so precise, correct or detailed, as I should have penned them myself, I commit the following sentiments to writing. Haste, I hope will be an excuse for incorrectness in composition and style; in point of law I trust there will not be found any error.

The joint opinion of the attorney-general and Mr. Foisy, I humbly conceive to be much too general and indistinct, as well as erroneous therefore, *in part*; though relative to the slaves prosecuted for condemnation here, and the modes of proceeding in these colonies in general cases, I believe it to be correct.

Messrs. Barbé, Marboise and Lefevre, the presidents, have (as I conceive,) also fallen into the like errors, as above, in their joint opinion, forwarded after the last consultation on the 3d instant.

That the whole subject may be more clearly understood, as to the view I have taken of it, I consider it better to divide the cases of the slaves seized in this island, ashore, and now prosecuted for condemnation, in the court here; from the cases of the slaves said to be seized ashore at Bourbon, and the proceedings there at the time; also to remark upon the three several Acts of the 46th, the 47th, and 51st of the King, separately.

By the Acts of the 46th and 47th, certain *penalties* and *forfeitures* were imposed and inflicted on persons guilty of contraventions, and such *penalties* and *forfeitures* might, and still may, (as I conceive) be sued for, prosecuted and recovered in the courts and tribunals of Première Instance and Appeal, in these colonies; or in other words, *persons* found in *this* island, may be sued and prosecuted in such tribunal and court *here*, for such *penalties* and *forfeitures*; and *persons* found in *Bourbon*, may be sued and prosecuted *there* for such *penalties* and *forfeitures*, (not excluding, however, the right of suing and prosecuting for the same offences, where any of the parties may be found in other jurisdictions competent thereto, nor the same right in more general jurisdictions.)

Certain crimes and offences committed against, or in contravention of the Act of 1811, are however therein and thereby made and styled *felonies* and *misdemeanors*, if committed from and after the 1st June 1811, and certain other dates, according to the places where committed; such *felonies* and *misdemeanors* so committed after the last dates, *I fear*, and *am inclined to think*, cannot be tried in any court or tribunal

N° 18,
continued.

tribunal in this island, nor in Bourbon, nor in any other manner than as described in the 6th section of the Act of 1811, at least if attempted to be tried here I should presume to advise, a stay of execution of the sentence, until express orders on that head from England.

N. B.—It appears to me, therefore, if I be right, that the attorney-general, and Messrs. Barbe, Marbois, Lefevre and Foisy, have confounded the three Acts of Parliament, *persons* and *things*, and the terms *penalties*, *forfeitures*, *crimes*, *offences*, *felonies*, and misdemeanors; and also the term *seizures*, which, in different places particularly, all have very distinct and different meanings one from the other. And it appears to me, likewise, that they have not given attention to the times from when certain acts, (which previously subjected the persons committing them, to pecuniary *penalties* and *forfeitures* only), must be deemed *felonies* and misdemeanors, and be otherwise or elsewhere tried than if committed before those respective times, viz. the 1st June 1811, and other dates, up to the 1st May 1812. I also think that they have not sufficiently distinguished between the cases of the slaves seized here, and now prosecuting here for condemnation, and the party accused; and the case of the slaves said to be seized at Bourbon, and the parties there accused; and it seems to me, for these several causes or reasons, that such their opinions are too general and indistinct, and are therefore in part erroneous. In the rest, in general, I fully agree with them, as follows, viz.

I am of opinion, that all ships, vessels, slaves, or pretended slaves, goods or effects seized here for forfeiture, may be proceeded against for condemnation in the tribunal of First Instance, and court of Appeal here; and so all such seized at Bourbon, may be proceeded against for condemnation in the like tribunal and court at Bourbon.

N. B.—In giving an opinion that such suits and prosecutions may be carried on respectively in the tribunal of First Instance and courts of Appeal here and at Bourbon, I am aware of the case of Walker and others, &c. against Witter, reported the first case in Douglas, and of the cases cited there; especially that of Galbraith *v.* Neville; and although the courts in the colonies be not such courts of record as to allow their judgments to be verified in Westminster Hall, by showing and inspection of the records under *prout patet per recordum*, yet I think them such courts as, under the capitulation, and orders of the Prince thereupon and relative thereto, from time to time received, should have jurisdiction, and should be deemed competent to hear, try and decide, in the cases of the Slave Trade herein, as stated.

As to the mode of proceeding in all such cases, if triable here, I have not a doubt that it should be according to the colonial law and *lex loci*, and that the proceedings stated to have been adopted upon the seizure of the slaves at Bourbon, and under an alleged commission from the lieutenant-governor, were contrary thereto, and to law; and that his excellency the governor acted properly in ordering a stop to be put to such proceedings thereon, as were reported to be going on.

In the *law notes*, sent home for the minister, it was humbly noticed, that the Governor's Vice Admiralty Commission, like the original charter for the Supreme Court in Bengal, was conceived to be too limited in jurisdiction for general purposes; and it was likewise humbly suggested, that a Prize Jurisdiction and Vice Admiralty Court would be desirable here, wherein the seizures of vessels, goods and pretended slaves, might be prosecuted to condemnation; and that the same may be established here at little expense, by the additional commissions being sent to the governor and judicial assessor, as officers already known, allowed and paid, &c.

A remark was also made in the *law notes*, that a power was wanting in the last Slave Act, for the legal transport of slaves from and to these islands, as allowed in the West Indian Islands.

(signed) *John Shaw.*

Judicial Assessor, &c.

— N° 19. —

— N° 19. —

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 22d January 1814. (5 Enclosures.)

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 22d January 1814.

HAVING received yesterday an extract from the minutes of the records of the Court of Appeal, and Criminal Justice of the island of Bourbon, discharging the defendants in a case of alleged slave traffic, of which the enclosed is a copy, and this extract being duly authenticated, although it did not reach me through the official channel; I could not for a moment hesitate to give full credit to its contents, nor to adopt such measures as would repress and remedy their dangerous tendency.

The partiality, injustice or corruption of the judges, who gave and confirmed the judgment of which this record treats, in opposition to the laws of the empire, as well as my repeated injunctions, proclamations and promulgations of the Slave Felony Act, in the official Gazette of these colonies, and in my communications with the attorney general at Bourbon, as well as here, left me no choice but that of suspending them until the pleasure of His Royal Highness the Prince Regent should be known.

This measure became the more obviously my duty, in the present instance, as by the concurrent opinion and advice of all His Majesty's law officers here, these courts are exclusively vested, in the respective colonies, with the trial of such cases of alleged infraction of the slave trade abolition Acts, in which the persons accused may be found at the time in those colonies.

Had such a dangerous sophism remained unnoticed, or had these judges who adopted it as good grounds of judgment, retained their places, the whole course of justice, so far as regards the execution of the abolition laws, must have been totally perverted. It therefore became imperiously my duty to issue the proclamation, of which I enclose a copy for your lordship's information, to vindicate the authority of the laws of the empire.

I have, in the mean time, nominated to the situations in the courts at Bourbon, thus vacated, such persons as I have deemed to possess those qualifications which my instructions designate as requisite for persons in their situation, and for which I had selected their predecessors. Should this choice not be more fortunate than the former, or the present court not consist of better materials, or be actuated by purer motives, they will be at least warned by such an example.

I shall transmit the names of the newly appointed members of the courts, as soon as I shall have learnt their acceptance. I have only to express my anxious hope, that this measure, which is the strongest that has hitherto occurred in my administration of these colonies, may also be considered by your lordship as inevitable and indispensable on my part;—and

I have the honour, &c. &c.

(signed) *R. T. Farquhar.*

(Copy)

A Monsieur Flucker, Assistant Civil Secrétaire du Gouvernement pour les Affaires de Bourbon.

Enclosure
(1.)

Monsieur,

A St. Denis, le 3 Decembre 1813.

J'AI l'honneur de vous adresser pour l'information de l'hon^{ble} lieutenant-gouverneur, les jugements rendus en Première Instance et en Appel, dans l'affaire du débarquement des noirs a St. Joseph.

J'ai l'honneur, &c. &c.

Le Procureur Général.

(signé) *O. Zour.*

EXTRAIT des Minutes du Greffe de la Cour d'Appel et de Justice Criminelle
de l'Isle de Bourbon.

31 Juillet 1813.

—“ AUDIENCE publique du Tribunal Criminel de Première Instance de l'Isle de Bourbon, du trente et un Juillet mil huit cent treize.

“ Le Tribunal Criminel de Première Instance de l'Isle de Bourbon a rendu le Jugement suivant :—

“ Contre le Procureur du Roi, Plaignant,—Et Loneq, père, Lamarre, Gédéon Fontaine dit Bellerive du Rempart, Bonjardien, Denis le Breton, Loneq fils, et le nommé François, Accusés.

“ Vû 1°—Le réquisitoire en plainte du procureur du Roi contre les Sieurs Loneq père, Lamarre, Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Denis le Breton, Loneq fils, et le nommé François, tendant à ce qu'ils soient décrétés d'ajournement personnel, et à ce soit permis de faire informer sur les faits de la dite plainte, circonstances et dépendances ; le dit réquisitoire daté du six Janvier dernier.

“ 2°.—Toutes les pièces mentionnées au dit réquisitoire, au pied duquel est le jugement faisant droit à celui en date du dit jour neuf Janvier dernier.

“ 3°.—L'original de signification du dit jugement faite au dit Loneq Marcy père, et Loneq Marcy fils, avec assignation pour le Jeudi quatre Février suivant, par exploit de l'huissier Huard, en date de vingt et un Janvier dernier, duement enregistré.

“ 4°.—L'original de signification du dit jugement faite aux dits Sieurs Denis le Breton, Montcherry Carron, et au nommé François, esclave de la nommée Aimée, libre de St. Paul, et au service de Montcherry Carron, avec assignation pour le douze Février, par exploit de l'huissier Parmentier, en date vingt sept Janvier dernier duement enregistré.

“ 5°.—L'ordonnance pour assigner témoins, en date du neuf Janvier dernier, au pied de laquelle est l'original d'assignation donnée à sept témoins pour le quatorze Janvier, par exploit de l'huissier Huard, en date du même jour, duement enregistré.

“ 6°.—Le cahier d'information commencé à St. Denis, le quatorze Janvier mil huit cent treize, et close à St. Joseph le vingt huit Février suivant, au pied duquel est l'ordonnance de seoir la procédure communiquée au procureur du Roi, en date du huit Mars dernier, dans laquelle dite information vingt huit témoins ont été entendus.

“ 7°.—L'original de la signification du dit jugement fait au Sieur Louis Gédéon Fontaine dit Bellerive du Rempart et Bonjardien, avec assignation pour le cinq Février, par exploit de l'huissier Henry, en date du dix neuf Janvier dernier, duement enregistré.

“ 8°.—La signification du dit jugement au Sieur Lamarre, absent de cette isle, et sans domicile connu, dans les formes de droit avec assignation pour le quatre Février, par exploit de l'huissier Huard, assisté de deux témoins, en date du vingt un Janvier, duement enregistré.

“ 9°.—La signification du dit jugement faite au dit François, avec assignation pour le quatre Février suivant, par exploit de l'huissier Huard, en date du vingt un Janvier, duement enregistré.

“ 10°.—Les interrogatoires des dits François et des Sieurs Bellerive du Rempart, Bonjardien, Denis le Breton, Carron et le nommé Loneq fils, en date des vingt un et vingt deux Janvier, cinq et douze Février dernier.

“ 11°.—Autre ordonnance pour assigner témoins, en date du douze Février dernier.

“ 12°.—L'original d'assignation donné à cri public aux Sieurs Loneq Marcy père, et Lamarre, a comparaitre pour le premier Mars suivant, par exploit de l'huissier Huard, assisté de témoins, en date du vingt Février dernier, duement enregistré.

“ 13°.—Les originaux d'assignations données à vingt un témoins, par exploit de l'huissier Henry, en date des vingt deux et vingt trois Février dernier, duement enregistrés.

“ 14°.—Le réquisitoire du procureur du Roi, en date du dix-sept Avril dernier, aux fins de régler le procès à l'extraordinaire.

“ 15°.—Le jugement faisant droit au dit réquisitoire et adjudicatif de ses conclusions, en date du vingt un du même mois.

“ 16°.—L'ordonnance délivrée le même jour, aux fins d'assigner les témoins pour être récolés, au pied de laquelle sont les originaux d'assignations données aux dits témoins, par exploit des huissiers Henry et Caty, en date des quatorze et vingt quatre Mai dernier.

17°.—Le

“ 17°.—Le cahier contenant le récolement de vingt six témoins dans leurs dépositions, en date des vingt un Mai et jours suivants.

“ 18°.—Le cahier contenant le récolement de six des accusés présents en leurs interrogatoires, en date du trente un Mai.

“ 19°.—Le cahier contenant la confrontation de douze témoins avec le Sieur Gédéon Fontaine dit Bellerive du Rempart, en date du premier Juin et jours suivants.

“ 20°.—Le cahier contenant la confrontation de trois témoins au Sieur Montcherry Carron, en date du onze Juin et jours suivants.

“ 21°.—Le cahier contenant la confrontation de deux témoins au nommé François, en date du dit jour vingt un Juin.

“ Oui Monsieur Duparc, président du tribunal en son rapport

“ Oui Monsieur le procureur du Roi en ses conclusions écrites et motivées qu'il a déposées sur le bureau.

“ Ouis les accusés en leurs diverses interrogatoires subis à la barre.

“ Oui Tourgouilhet avoué et défenseur de Fontaine dit Bellerive du Rempart et Loneq fils.

“ Oui également Thomas Desrieux pour Bonjardien et pour le nommé François.

“ Oui enfin Greslan pour Montcherry Carron et Denis le Breton.

FAITS DE LA CAUSE.

“ Il s'agit en fait qu'un bâtiment dont le nom se trouve inconnu au proces, mais armé par Loneq père, et commandé par Lamarre, a été expédié de S^{te} Luce, Isle de Madagascar, ayant à son bord des noirs et négresses du pays, et s'est présenté devant l'Isle de Bourbon.

“ Que rendu devant le quartier St. Joseph, ce bâtiment a eu connaissance, à la pointe du jour, d'un navire qui courrait sur lui; que le capitaine Lamarre fit aussitôt mettre la pirogue à la mer, et y embarqua les noirs et négresses de Madagascar, avec un marmite, un blanc, un Manillois, et autres matelots.

“ Que le bâtiment, qui s'était approché de celui commandé par Lamarre, s'étant éloigné, il fut fait signal à la grande pirogue de revenir; mais elle continua néanmoins à gagner la terre du côté de Barry, et la mer étant ce jour très mauvaise, cette pirogue fut renversée dans les lames.

“ Que le blanc, qui est reconnu pour se nommer Ferry, un jeune noir créole nommé Marcelin et d'autres se noyèrent; mais qu'aidés par des personnes qui étaient accourues au lieu du naufrage, et notamment par Montcherry Carron, Tranquile Maillot dite Desnefes son épouse, Hildevert Le Breton, Montin Déjaux, la femme Bruno Hoarau, le nommé François, et autres, tous les noirs et négresses venant de Madagascar et le Manillois furent sauvés.

“ Que le chef d'arrondissement s'étant rendu au lieu du naufrage, fit conduire à son emplacement par son fils Gédéon Fontaine dit Bellerive du Rempart, onze noirs et négresses provenant de ce naufrage, mais que cinq seulement de ces individus furent déposés et vus par les habitans sur cet emplacement, le dit Gédéon Fontaine dit Bellerive du Rempart déclarant que les autres s'étaient enfuis.

“ Que les cinq individus furent ensuite conduits chez le commissaire civil du quartier St. Joseph et delà à St. Denis; que le lendemain du naufrage la femme Tranquile Maillot dite Desnefes conduisit, et de très grand matin et avant le jour, chez Préfontaine Mercier, un jeune noir accompagné du nommé François.

“ Que quelque temps après cet événement Edmond Smith, habitant de St. Joseph, revenant chez lui pendant la nuit, fit rencontre dans son chemin de deux noirs non francises et les conduisit chez Bonjardieu, habitant du voisinage, le priant de les garder jusqu'à ce qu'il eut pu s'informer à qui les noirs pourraient appartenir.

“ Que le dit Edmond Smith ayant entendu dire que ces noirs étaient la propriété de la femme Loneq vint la trouver et sur sa demande, il lui promit de les faire conduire à St. Leu, où elle devait les faire prendre.

“ Que ces noirs ayant été rendus par Bonjardien, ont été amenés à St. Leu chez Denis Le Briton, beau-père du dit Edmond Smith, chez qui Loneq fils, vint les réclamer, et les vendit au dit Denis Le Breton.

“ Que peu après ces deux mêmes noirs furent réclamés à Denis Le Breton, comme faisant partie de ceux naufragés à Barry, et furent conduits à St. Denis pour être réunis aux cinq envoyés de St. Joseph.

“ Que le procureur du Roi, en raison de ces faits, a rendu plainte contre Loneq père, et Lamarre, le premier comme propriétaire, et le second comme capitaine du navire qui avait exporté ces esclaves de Madagascar, et lesquels à l'aide de la pirogue avaient été introduits en cette isle, comme aussi contre Gédéon Fontaine dit

N^o 19,
continued.

dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Loneq fils, Denis Le Breton, et le nommé François, comme auteurs, fauteurs, et complices de l'introduction de noirs esclaves en cette isle, en contravention des réglemens de sa Majesté qui abolissent la Traite dans ces colonies, à requis qu'il fût informé, et que décret d'ajournement personnel fût décerné contre les prévenus.

“ Qu'en conséquence de cette plainte, dont il a été donné acte, il a été permis d'informer et les accusés ont été décrétés d'ajournement personnel.

“ Que Loneq pere, et Lamarre étant absents, la contumace a été instruite contre eux.

“ Que les accusés présents ayant subis l'interrogatoire, et l'information ayant été faite le procès a été réglé à l'extraordinaire et il a été ordonné en ce qui touche les accusés contumaces qui le récolement vaudrait confrontation à leur égard;—qu'en exécution de ce jugement il a été procédé aux récolement et confrontation.

“ Que le procès étant instruit, l'audience publique a été fixée au vingt sept de ce mois jour auquel le rapport du procès a été fait.

“ Que le procureur du Roi a donné ses conclusions tendant à ce que déclarant la contumace bien et duement acquise contre Loneq père, et Lamarre, les déclarer ainsi que Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Denis Le Breton et Loneq fils, duement atteints et convaincus d'avoir favorisé l'introduction de noirs en cette colonie, pourquoi les condamner chacun à la peine de déportation pendant sept années;—condamner en outre Bellerive du Rempart a restituer deux jeunes noirs et une jeune négresse dont il s'est emparé, ou a en payer la valeur;—condamner également Montcherry Carron a rendre et restituer un jeune noir dont il s'est emparé ou a en restituer la valeur;—condamner les susdits accusés aux dépens solidairement un d'eux seul pour le tout; et à l'égard du nommé François le discharger de l'accusation portée contre lui.

“ Qu' à la dite audience du vingt sept il a été procédé aux derniers interrogatoires de Gédéon Fontaine dit Bellerive du Rempart, Bonjardien, Denis le Breton, et Loneq fils, après quoi l'audience a été continuée au trente de ce mois.

“ Que le dit jour il a été procédé à l'interrogatoire de Montcherry Carron et de François, après quoi les Défenseurs des Accusés ont été entendus en leurs conclusions et moyens de défense.

“ Que les principaux moyens par eux employés reposent sur la non-publication de l'Acte qui défend la Traite dans ces isles, et encore sur ce que les accusés n'ont point introduit ni aidé à introduire les esclaves mentionnés au procès, mais les ont aidés dans un cas de détresse.

“ Qu' il a été ordonné qu'il serait délibéré.

LE TRIBUNAL APRES EN AVOIR DELIBERE;—

“ Considérant qu' étant formé une exception péremptoire, il doit y être statué avant tout.

“ Qu'a cet égard il est de fait constant que les Isles de Maurice et Bourbon se sont rendues au forces de Sa Majesté Britannique sous capitulation, et que par une disposition de cette capitulation les loix, réglemens, usages, et religion, sont maintenus.

“ Que la Traite des Esclaves dans les colonies Françaises était alors permise, et que pour déroger à cet usage, qui par le sens de la capitulation paraissait maintenu, il fallait une notification et promulgation d'une loi prohibitive, principe que la tribunal du Cap a consacré dans une circonstance semblable.

“ Qu' à la vérité le bill de Sa Majesté a été inséré à la Gazette de L'Isle Maurice du 10 Juin 1812, N^o 24; mais que cette gazette ne concerne que cette colonie qui quoique ne faisant qu' un seul gouvernement avec Bourbon, est censée faire un département particulier pour ce qui concerne la justice, ayant des Tribunaux de Première Instance et d'Appel distincts.

“ Que si depuis, ce bill a été inséré a la feuille de Bourbon, il ne l'a pas été en entier, ni revêtu des signatures légales—que par conséquent il n'avait pas acquis la force de loi.

“ Qu' enfin si l'avis inséré à la feuille de Bourbon portant que les avis du gouvernement copiés dans la Gazette de Maurice seront considérés comme officiels pour l'Isle de Bourbon, cette annonce ne peut avoir d'effet rétroactif, et elle ne peut avoir d'exécution que du jour où elle a été publiée pour la première fois qui est le premier Decembre 1812.

“ Considérant enfin que la défense de la Traite qui était permise en ces isles lorsqu'elles ont été conquises par Sa Majesté Britannique, n'ayant été également connue que postérieurement au naufrage de la pirogue arrivé à St. Joseph le vingt un

Octobre

Octobre mil huit cent douze, il en résulte que les tribunaux ne peuvent considérer comme ayant contrevenu à la loi ceux qui ont dû ignorer l'existence de cette loi prohibitive, puisqu'elle n'était pas promulguée, et que les avis donnés étaient postérieurs au naufrage de cette pirogue, ce qui reçoit son application pour les habitans de cette isle accusés au procès, et à plus forte raison à l'égard de Loneq père, et Lamarre qui sont absents de ces isles depuis fort longtemps.

N° 19,
continued.

D'APRES CES MOTIFS;—

“ Le tribunal déclare la contumace bien et duement instruite contre Loneq père, et Lamarre; faisant droit sur l'exception péremptoire proposée, déclare le procureur du Roi non recevable en toutes ses demandes fins et conclusions contre Loneq père, Lamarre, Gédéon Fontaine dit Belerive du Rempart, Bonjardien, Denis le Breton, Loneq fils, et le nommé François; en conséquence décharge les dits Loneq père, Lamarre, Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Denis Le Breton, Loneq fils, et le nommé François, de l'accusation contre eux portée par le procureur du Roi; les dépens du procès supportés par le gouvernement, ce qui sera exécuté nonobstant et sans préjudice de l'appel.

“ Ainsi jugé et prononcé à l'audience publique du Tribunal Criminel de Première Instance de l'isle de Bourbon, séant Messieurs Boulay Duparc, président, Jacques Constant Meunier, juge suppléant, et Joseph Auguste Senneville avoué, pour empêchement de plus ancien, le trente et un Juillet mil huit cent treize.”

(signé) “ Duparc, Meunier, Senneville et Dutrevon fils.

(Pour expédition.)

(signé) “ L. Geslin, Greffier.”

(Translation.)

To Mr. Fluker, Civil Assistant Secretary to Government, for the Affairs of Bourbon.

Enclosure,
(2.)

Sir,

St. Denis, 3rd December 1813.

I HAVE the honour to transmit to you, for the information of the honourable Lieut. Governor, the judgments delivered in the Courts of First Instance and of Appeal, in the matter of the landing of negroes at St. Joseph.

I have the honour, &c. &c.

The Attorney General.

(signed) Ozour.

EXTRACT from the Minutes of the Register of the Court of Appeal and Criminal Justice of the Island of Bourbon

31st July 1813.

— “ Public Audience of the Criminal Tribunal of First Instance of the Island of Bourbon, of the thirty-first July one thousand eight hundred and thirteen.

The Criminal Tribunal of First Instance of the Island of Bourbon has delivered the following Judgment:—

The King's Attorney, Plaintiff, *versus* Et. Loneq, father, Lamarre, Gideon Fontaine called Bellerive du Rempart, Bonjardin, Denis le Breton, Loneq, son, and Francois, the Accused Parties.

“ Considering, 1st.—The requisition, by way of charge of the King's attorney, against Messieurs Loneq, father, Lamarre, Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Denis le Breton, Loneq, son, and Francois, to the end that they be personally summoned, and for this object, that leave be given to institute inquiries respecting the facts of the said charge, its circumstances and dependencies; the above requisition bearing date the 6th January last.

“ 2nd.—All the documents mentioned in the said requisition, at foot of which is the judgment, admitting the requisition of the 9th January last alluded to.

“ 3rd.—The original of the notification of the said judgment, which was made to the aforesaid Loneq Marcy, father, and Loneq Marcy, son, with a summons for Thursday, 4th February following, which was served by the officer of justice, Huard, under date of 21st January last, and duly registered accordingly.

“ 4th.—The original of the notification of the said judgment, which was made to

N° 19.
continued.

to the before mentioned Messrs. Denis le Breton, Montcherry Carron, and François, a slave of the free woman of colour named Aymée, in the service of Montcherry Carron, with a summons for the 12th February, which was served by the officer of justice, Parmentier, under date 27th January last, and duly registered accordingly.

" 5th.—The order for summoning witnesses, dated 9th January last, at foot of which is the original summons issued to seven witnesses for the 14th January, by the officer Huard on the same day, and duly registered accordingly.

" 6th.—The document of information commenced at St. Denis, the 14th January 1813, and finished at St. Joseph, the 21st February following, at foot of which is the order to enter upon the proceedings communicated to the King's attorney, under date 8th March last, in which said information twenty-eight witnesses have been heard.

" 7th.—The original of the notification of the said judgment made to Mr. Louis Gideon Fontaine called Bellerive du Rempart, and Bonjardin, with a summons for the 5th of February, which was served by the officer of justice, Henry, under date the 19th January last, and duly registered accordingly.

" 8th.—The notification of the said judgment made to Mr. Lamarre, absent from this island, and having no residence known, in the legal forms with a summons for the 4th February, which was served by the officer of justice, Huard, aided by two witnesses, under date the 21st January, and duly registered accordingly.

" 9th.—The notification of the said judgment made to the named François, with a summons for the 4th February following, which was served by the officer of justice, Huard, under date the 21st of January, and duly registered accordingly.

" 10th.—The interrogatories of the named François and Messrs. Bellerive du Rempart, Bonjardin, Denis le Breton, Carron and Loneq, son, under date the 21st and 22nd January, 5th and 12th February last.

" 11th.—Another order to summon witnesses, under date 12th February last.

" 12th.—The original of the notification given by the public crier to Messrs. Loneq Marcy, father, and Lamarre, to appear on the first of March next, which was effected by the officer of justice, Huard, aided by witnesses, under date the 20th February last, and duly registered accordingly.

" 13th.—The originals of the notifications given to twenty-one witnesses, which were served by the officer of justice, Henry, under date the 22nd and 23rd February last, and duly registered accordingly.

" 14th.—The requisition of the King's attorney, under date the 17th April last, to the end that the trial might be carried on out of the ordinary course.

" 15th.—The judgment assenting to the said requisition, and determining upon the conclusions in it, under date the 21st of the same month.

" 16th.—The order delivered on the same day, for the purpose of summoning the witnesses, that their evidence might be read to them, at foot of which order are the originals of the summons given to the said witnesses, which were served by the officers of justice, Henry and Caty, under date the 14th and 24th of May last.

" 17th.—The document containing the reading over of their evidences to twenty-six witnesses, under date the 21st of May and following days.

" 18th.—The document containing the reading over to six of the accused parties present, their interrogatories, under date the 31st of May.

" 19th.—The document containing the confrontation of twelve witnesses with Mr. Gedeon Fontaine called Bellerive du Rempart, under date the 1st of June and following days.

" 20th.—The document containing the confrontation of three witnesses with Mr. Montcherry Carron, under date the 11th of June and following days.

" 21st.—The document containing the confrontation of two witnesses with the named François, under date the said 21st day of June.

" Heard Mr. Dupare president of the tribunal, in his report.

" Heard the King's attorney in his written conclusions, and the grounds of the same, which documents he has laid upon the table of the court.

" Heard the accused in their last interrogatories taken at the bar.

" Heard Tourgouilhet the defending counsel of Fontaine, called Bellerive du Rempart, and of Loneq, son.

" Heard also Thomas des Rieux on the behalf of Bonjardin, and of the named François.

" Lastly, Heard Greslan on behalf of Montcherry Carron and Denis le Breton.

FACTS OF THE CAUSE.

N° 19,
continued.

“ The fact in question is, that a vessel, the name of which is unknown at the trial, but which was armed by Loneq, father, and commanded by Lamarre, has been dispatched from St. Luce, island of Madagascar, having on board negro men and women of that country, and made its appearance before the Island of Bourbon.

“ That on arriving before the quarter of St. Joseph, this vessel learned at break of day, of another vessel that was in chase of it; that captain Lamarre immediately ordered the long boat to be put out to sea, and placed in it the negro men and women of Madagascar, with a scullion, a white man, an inhabitant of Manilla, and other sailors.

“ That the vessel which had approached the one commanded by Lamarre, having gone off, a signal was made for the large boat to return; it continued however to near the land in the direction of Barry, and there being on that day a very heavy sea, the boat was upset by the waves.

“ That the white man, whose name is found to have been Ferry, a young creole man of colour, named Marcellin, and others, were drowned; but that by the assistance of persons who had hastened to the place of shipwreck, and particularly of Montcherry Carron, Tranquile Maillot, called Desneffes, his wife, Hildevert Le Breton, Montin Dejaux, the woman Bruno Hoarau, the named François and others, all the negro men and women coming from Madagascar, and the native of Manilla, were saved.

“ That the chief of the district, having repaired to the place of shipwreck, had eleven negro men and women, out of this shipwreck, brought to his habitation by his son Gedeon Fontaine called Bellerive du Rempart; but that only five of those negroes were lodged at the habitation, and seen by the inhabitants; the said Gedeon Fontaine called Bellerive du Rempart, declaring that the others had fled.

“ That the five individuals were afterwards conducted to the civil commissary of the quarter of St. Joseph, and thence to St. Denis; that on the day after the shipwreck, the woman Tranquile Maillot, called Desneffes, took to Prefontaine Mercier a young negro, accompanied by the named François, at a very early hour in the morning, and before day-light.

“ That some time after this event, Edmund Smith, an inhabitant of St. Joseph, whilst returning at night to his house, met on his way two negroes who had no indications of being French negroes, and took them to Bonjardin, who resided in the vicinity, requesting he would take charge of them until he were enabled to ascertain who was the owner of those negroes.

“ That the said Edmund Smith, having heard that those negroes were the property of the woman Loneq, came to her, and upon her application promised to have them taken to St. Leu, where she intended to have them taken up.

“ That those negroes, having been restored by Bonjardin, were conducted to St. Leu, to the house of Denis Le Breton, father-in-law of the said Edmund Smith, where Loneq, son, came to claim them, and sold them to the said Denis Le Breton.

“ That shortly afterwards, the said two negroes were demanded of Denis Le Breton, as being part of those shipwrecked at Barry; and they were taken to St. Denis, to be added to the five sent from St. Joseph.

“ That, in consequence of these facts, the King's attorney has preferred a charge against Loneq, father, and Lamarre; the first as owner, the latter as captain of the vessel that had exported those slaves from Madagascar, who were introduced into this island by means of the long boat; as also against Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Loneq, son, Denis Le Breton and the named François, as authors, abettors and accomplices of the introduction of negro slaves into this island, in contravention of His Majesty's regulations, which abolished the Slave Trade in these colonies; and has required that proceedings be instituted, and a decree of personal summons be pronounced against the accused.

“ That in consequence of this charge, of which act has been given, permission has been given to institute inquiries, and the accused have been directed to be served with summons for their personal appearance.

“ That Loneq, father, and Lamarre being absent, a decree of contumacy has been directed against them.

“ That the accused who are present having undergone the interrogatory, and the information having been completed, the trial has been settled to take place out of the ordinary course; and with respect to the accused under pain of contumacy, it has been ordered, that the reading to the witnesses their evidence, shall be deemed,

in

N° 19,
continued.

in their case, as tantamount to a confrontation ;—that in execution of this judgment, the reading of evidence and the confrontation have been proceeded upon.

“ That the case being prepared for trial, the public audience has been fixed for the twenty-seventh of the same month, on which day the report of the trial has been made.

“ The King’s attorney has handed in his conclusions, tending to have it pronounced that the contumacy being well and duly established against Loneq, father, and Lamarre, they, as well as Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Denis Le Breton, and Loneq, son, are properly charged with, and convicted of, having favoured the introduction of negroes into this colony ; and that they be therefore condemned individually to the punishment of transportation for seven years ;—that the court do moreover condemn Bellerive du Rempart to restore two young negroes and a young negro woman, of which he has taken possession, or to pay the value of them ;—also condemns Montcherry Carron to give back and restore a young negro he had seized, or to pay his value ;—and condemns the above accused parties to pay the costs, one individual for all ; and with respect to the named François, discharges him of the accusation.

“ That at the said audience of the twenty-seventh, the last interrogatories of Gedeon Fontaine called Bellerive du Rempart, Bonjardin, Denis Le Breton and Loneq, son, were proceeded upon ; after which the audience was continued on the thirtieth of this month.

“ That, on the said day, the interrogatory of Montcherry Carron and of François has been proceeded upon ; after which, the counsel for the accused have been heard in their conclusions and means of defence.

“ That the principal means which they employed, rest upon the non-publication of the Act which forbids the Slave Trade in these islands ; and further, upon the circumstance that the accused have neither introduced nor assisted in introducing the slaves mentioned at the trial, but have afforded help in a case of distress.

“ That it was determined that deliberation should be held.

“ THE TRIBUNAL, AFTER HAVING DELIBERATED ACCORDINGLY ;—

“ Considering that a peremptory objection having been raised, it is necessary to decide upon it before proceeding any further.

“ That in this respect, it is a well-known fact that the islands of Mauritius and Bourbon, surrendered to His Britannic Majesty’s forces under a capitulation ; and by a clause of that capitulation, the laws, regulations, usages and religion, are maintained.

“ That the Slave Trade in the French colonies was then allowed ; and to derogate from this usage, which the spirit of the capitulation appeared to maintain in force, it was necessary to notify and promulgate a prohibitory law, which principle has been recorded by the tribunal of the Cape, under a similar circumstance.

“ That, indeed, His Majesty’s bill has been inserted in the gazette of the island of Mauritius, of the 10th June 1812, N° 24 ; but that this gazette only applies to that colony, which, though forming one government with Bourbon, is understood to be a separate department in what relates to justice, having distinct Tribunals of First Instance and of Appeal.

“ That if, subsequently, this bill has been inserted in the Bourbon paper, it has not been wholly so, nor has it had the legal signatures affixed to it ; that, consequently, it had not acquired force of law.

“ Lastly, that the advertisement inserted in the Bourbon paper, bearing that the advertisements copied in the Mauritius Gazette, shall be considered as official for the island of Bourbon, cannot have a retro-active effect, nor be carried into execution, except from the day on which it has been published for the first time, namely, the first of December 1812.

“ Considering, finally, that the prohibition of the Slave Trade, which was allowed in these islands when they were conquered by His Britannic Majesty, not having been legally known until subsequently to the shipwreck of the boat, which happened at St. Joseph on the twenty-first of October eighteen hundred and twelve, it follows that the tribunals cannot consider the law to have been infringed by those who must have been ignorant of that prohibitory law, since it had not been promulgated ; and the advertisements issued were subsequent to the shipwreck of the boat, which bears application to the inhabitants of this island, who are accused on the trial, and more especially to Loneq, father, and Lamarre, both long absent from those islands.

The foregoing Motives considered ;—

N° 19,
continued.

“ The tribunal declares the act of contumacy duly and properly directed against Loneq, father, and Lamarre; and allowing the propriety of the peremptory objection proposed, declares the King's attorney non-admissible in all his demands, objects, and conclusions, against Loneq, father, Lamarre, Gedeon Fontaine called Bellerive du Rempart, Bonjardin, Denis le Breton, Loneq, son, and the named François; in consequence discharges the said Loneq, father, Lamarre, Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Denis le Breton, Loneq, son, and the named François, from the accusation brought against them by the King's attorney; the expenses of the trial to be borne by the government, which is to be duly executed notwithstanding, and without prejudice of appeal.

“ So it has been adjudged and pronounced, at the public audience of the Criminal Tribunal of First Instance of the Island of Bourbon; present, Messrs. Boulay Duparc, president, Jacques Constant Meunier, supplementary judge, and Joseph Auguste Senneville, counsellor, in the absence of a senior to him, the thirty-first of July eighteen hundred and thirteen.

(signed) “ *Duparc, Meunier, Senneville, and Doutrevou, Son.*”

(A true Copy.)

(signed) “ *L. Geslin, Registrar.*”

(Copy.)

EXTRAIT des Régistres du Greffe de la Cour d'Appel de l'Isle de Bourbon, du vingt-sept Novembre mil huit cent treize.

—“ ENTRE Monsieur le Procureur Général d'une part, et Loneq père, Lamarre, Louis Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Loneq fils, Jean Baptiste Denis le Breton, le nommé François, créole esclave de la nommée Aimée libre, prévenus d'être auteurs, fauteurs, complices ou adhérents de l'introduction de plusieurs noirs de traite au lieu dit Barry, quartier St. Joseph, d'autre part.

Enclosure,
(3.)

“ Ouï Monsieur Le Villan des Rabines, vice président de la cour, en son rapport; M. Ozoux, aîné, procureur général, en ses différentes conclusions qu'il a fixées par écrit, Ricard pour Bonjardien, et comme substituant, Th' Desrieux pour le nommé François, Greslan pour Louis Gédéon Fontaine dit Bellerive du Rempart, Jean Baptiste Denis le Breton, et Montcherry Carron, et Arnoux pour Loneq fils;—

“ Et vu le procès criminel instruit à la requête du ministère public, contre Loneq père, Lamarre, Louis Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Jean Baptiste Denis le Breton, et le nommé François, créole esclave de la nommée Aimée libre, prévenus d'être auteurs, fauteurs, complices, de l'introduction de plusieurs noirs de traite au lieu dit Barry, quartier St. Joseph.

“ La cour, après avoir délibéré, adoptant comme moyens au fond les motifs exprimés au jugement rendu au Tribunal Criminel en Première Instance, le trente et un Juillet dernier, faisant droit sur l'appel interjetté par le procureur du Roi, du dit jugement, dit qu'il a été par i-celui mal jugé et bien appelé, en ce qu'il déclare le dit procureur du Roi non recevable en toutes ses demandes, fins et conclusions; en même temps qu'il décharge d'accusation Loneq père, Lamarre, Louis Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Denis le Breton, Loneq fils, et le nommé François, esclave de la nommée Aimée libre; et mandant quand à ce, décharge purement et simplement d'accusation les dits Loneq père, Lamarre, Louis Gédéon Fontaine dit Bellerive du Rempart, Montcherry Carron, Bonjardien, Jean Baptiste Denis le Breton, Loneq fils, et le nommé François: le dit jugement au résidu sortissant d'effet, sans dépendre sur l'appel au profit des ci-dessus dénommés; ceux faits à la requête du procureur général supportables par le gouvernement.

(Pour Extrait.)

(signé) “ *L. Geslin, Greffier.*”

(Translation.)

N° 19,
*continued.*Enclosure,
(4.)

EXTRACT from the Entries in the Register of the Court of Appeal of the Island of Bourbon, of the 27th November 1813.

—“ BETWEEN the Attorney General on the one part; and Loneq, father, Lamarre, Louis Gedeon Fontain called Bellerive du Rempart, Montcherry Carron, Bonjardin, Loneq, son, Jean Baptiste Denis Le Breton, and the named François, a creole slave of the free woman of colour named Aimée, charged with being authors, abettors, accomplices or assistants, in the introduction of several negroes, intended for sale at the place called Barry, quarter of St. Joseph, on the other.

“ Heard Mr. Levillan Desrabines, vice-president of the court, in his report; Mr. Ozoux the elder, attorney-general, in his several conclusions, which he has laid down in writing; Ricard for and on the part of Bonjardin, Thomas Desrieux for the named François, Greslan for Louis Gedeon Fontaine called Bellerive du Rempart, Jean Baptiste Denis Le Breton, Montcherry Carron, and Arnoux for Loneq, son;

“ Referred to the criminal procedure instituted at the solicitation of the public minister, against Loneq, father, Lamarre, Louis Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Jean Baptiste Denis Le Breton, and the named François, a creole slave belonging to the free woman of colour, named Aimée, accused of being authors, abettors, accomplices of the introduction into the place called Barry, in the quarter of St. Joseph, of several negroes intended for sale.

“ The court after having deliberated, adopting for basis the motives expressed in the judgment delivered at the Criminal Tribunal of First Instance, on the 31st July last, pronouncing on the appeal thrown in by the King's attorney, against that judgment, says that he has formed wrong conclusions, though he was justified in appealing, and accordingly declares the said King's attorney to be non-admissible in all his demands, objects and conclusions; at the same time discharging from the accusation, Loneq, father, Lamarre, Louis Gedeon Fontaine called Bellerive du Rempart, Montcherry Carron, Bonjardin, Denis Le Breton, Loneq, son, and the named François, a slave of the free woman of colour, named Aimée. And deciding thereupon, purely and simply, discharges from the accusation the said Loneq father, Lamarre, Louis Gedeon Fontaine, called Bellerive du Rempart, Montcherry Carron, Bonjardin, Jean Baptiste, Denis le Breton, Loneq, son, and the named François. The said judgment however, taking effect, without any costs upon the appeal to the profit of the above mentioned; those incurred at the suit of the attorney-general to be borne by the government.

(A true Copy.)

(signed) “ *L. Geslin*, Registrar.”

(Copy.)

PROCLAMATION.

Enclosure,
(5.)

In the Name of His Majesty George III. of the United Kingdom
of Great Britain and Ireland, King.

HIS Excellency R. T. Farquhar, esq. governor and commander in chief of the Islands of Mauritius, Bourbon and Dependencies, captain general and vice admiral, &c. &c. &c.

It was with as much surprise as indignation, that his excellency the governor received (yesterday only, and by means of a private communication) an extract from the minutes of the records of the court of Appeal and Criminal Justice of the island of Bourbon, dated the 27th of November 1813, confirming a judgment of the criminal Tribunal of First Instance, of the 31st of July of the same year, which extract is preceded by a letter from his Majesty's attorney-general in that island, forwarding the said extract, on the 3d of December last, to Major Fluker, acting secretary at Bourbon, for the information of his honour the lieutenant-governor.

It results from the contents of this extract, that the following individuals, viz. :— Loneq, senior, L'Amarre, Louis Gedeon, Fontane commonly called Bellerive du Rempart, Montcherry Carron, Bonjardins, Jean Baptiste, Denis Le Breton, and François, the latter a creole slave, the property of Aimée a free man of colour, had been arraigned by the law officers of the crown, before the tribunals of the island of Bourbon,

Bourbon, charged with being authors and accomplices in the crime of having, on the 21st day of October 1812, introduced several negroes, as slaves, into that island, at a place called Barry, district of St. Joseph.

That the persons thus accused having objected, as their principal means of defence, in form of peremptory exception, that the Act of Abolition, by which such importation of slaves had been prohibited, had never been published in the island of Bourbon; the Tribunal of First Instance, eager to adopt an opinion so favourable to all who might wish to act in contravention of the laws of the realm, declared that the island having surrendered in consequence of a capitulation, by which the conservation of its laws, &c. was stipulated for, and the right of trading in slaves having been then in existence, this right could not be derogated from, but by a PROMULGATION IN THE PARTICULAR DEPARTMENT OF BOURBON, OF THE GENERAL LAW OF THE EMPIRE, which prohibits that trade; and the tribunal moreover acknowledging at the same time, that *the promulgation took place in the official Gazette of Government for these colonies, on the 10th of June 1812*, nevertheless declared that such promulgation could not be considered as official for the island of Bourbon, *although constituting a part of the same government*, because, adds the tribunal, each of the two islands has its own courts of judicature.

By aid of such dangerous subtleties, the Tribunal of First Instance admitting the validity of the exception adduced as peremptory, acquitted the parties accused of the charges brought against them, at the instance of his Majesty's attorney, and condemned the government in payment of costs.

It further results, that his Majesty's attorney in the Court of First Instance, having appealed from this judgment, and his Majesty's attorney-general having prosecuted the appeal before the superior criminal court of justice of the island of Bourbon; heard the Court of Appeal, after having in its sittings of the 27th of November 1813, Mr. Le Villan Desrabines, vice-president of the court, in his report, adopting the same motives which were considered valid in the Court of First Instance, confirmed the said judgment, purely and simply, acquitting the parties accused of the charges brought against them, and condemning the government in payment of the costs occasioned by the appeal of his Majesty's attorney-general.

His excellency having maturely deliberated upon these facts, is of opinion, that the judges, who gave and confirmed the decision alluded to, have, in the discharge of their functions, been guilty of "prevarications," so much the more flagrant and reprehensible, that they arrogated thereby the power of establishing a jurisdiction contrary to the laws of nations, and those of Great Britain, and so favourable to the principals and abettors of an odious and most justly abolished traffic; that the conclusion deducible from such assumptions would be, that the Slave Trade might be still carried on in the island of Bourbon with impunity.

From the moment the islands of Mauritius, Bourbon, and their dependencies were annexed to the British dominions, the Slave Trade was *ipso facto* abolished therein, upon the sole principle of this prohibited traffic being in opposition to the laws of the realm.

And even if there had been occasion for any express promulgation to this effect, the first proclamation of his excellency on the 28th of December 1810, immediately on assuming the government, confirmed and fully explained by his subsequent one of February 1811, with regard to the trade of these colonies, and the privileges granted to the inhabitants, would be sufficient; as in these proclamations it is distinctly stated, that his Majesty's new subjects in these colonies, are to enjoy the same commercial advantages which his natural-born subjects legally do or may hereafter enjoy, and that they shall receive the same protection; but it is therein *expressly stated, that they are subject to the same restrictions.*

It would be absurd to suppose that his Majesty and the Parliament have not the right to make, from time to time, new laws for these colonies, or to alter, abrogate or annul the former ones, in whole or in part, as did, before the conquest, the former French legislature. It would be still more absurd to infer, that because his Royal Highness the Prince Regent, in the name and on the behalf of his Majesty, has been graciously pleased to confirm the laws which existed at the time of the capture, those laws should silence the laws of the empire, which prohibit the Slave Trade in every part of his Majesty's dominions.

His excellency, in maintaining the former, will enforce a due respect for the latter; and for the accomplishment of this object has determined:—

N° 19,
continued.

Article 1st.

That all the judges of the two courts of judicature at Bourbon, who gave and confirmed the judgment in question, shall be suspended, until the pleasure of his Royal Highness the Prince Regent shall be made known, upon the report of his excellency the governor to his Majesty's ministers, upon the subject of the misconduct of the judges at Bourbon.

Article 2d.

The ex-president of the Tribunal of First Instance, Mr. Boullé Dupart, as well as the other sitting judges on that occasion, who are no longer members of the courts of justice, shall not be allowed to serve his Majesty in any public capacity, until the pleasure of his Royal Highness the Prince Regent shall be known.

Article 3d.

His excellency the governor commands the attorney-general of the island of Bourbon, to see that the orders herein contained, be forthwith carried into effect.

The above to be read, published and entered upon the registers of the several courts of judicature of the islands of Mauritius and Bourbon.

R. T. Farquhar.

(By order of his Excellency.)

Port Louis, Mauritius,
22d January, 1814.

C. Telfair,
Act^s Chief Sec^y to Gov^t.

—N° 20.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 14th February 1814. (5 Enclosures.)

To the Right Honourable Earl Bathurst, Principal Secretary of State for War and Colonies, &c. &c. &c.

My Lord,

Mauritius, 14th February 1814.

N° 20.

I HAVE the honour to transmit to your lordship the official papers connected with a further seizure of negroes on this island, on the 8th instant, on receipt of which, I directed the attorney-general to take every necessary step for enforcing the rigid execution of the abolition laws. I shall keep your lordship duly advised of all particulars connected with the prosecutions on this subject.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

(signed) *R. T. Farquhar.*

(Copy.)

To F. Rossi, Esq. Acting Deputy Secretary to Government, &c. &c. &c.

Sir,

Police Office, Port Louis, 9th February 1814.

Enclosure,
(1.)

I HAVE the honour to report to you, for the information of his excellency the governor, that yesterday afternoon, about three o'clock, Mr. Bund, my assistant, upon information given at this office, by William Milner, one of the men attached to the signal tower of Port Louis, seized in a shop in the bazar, eight new slaves, and brought them to this office. They were claimed by a Mr. Le Chartier, an inhabitant of Grand Port, who accompanied them, and who stated as will appear in his declaration, that he bought them, with one other which was at his house yesterday, from one Mr Matthieu, who has been long since pointed out to me as a person dealing very extensively in new negroes. Having been informed, that Mr. Le Chartier had purchased more than nine of these negroes, I asked him the question in positive terms, after closing his declaration; when, after some hesitation, he told me

me he had bought eighteen for the sum of 2,500 dollars. The ten others I desired him also immediately to point out, and sent Mr. Bund with him for that purpose, who, in the course of half an hour, returned with eleven instead of ten.

In the mean time, I had sent for Mr. Matthieu, whose declaration was taken by Mr. Saucet, one of the police officers, in the presence of Mr. Bund. Of this I likewise enclose a copy, by which it will appear to his excellency, that instead of nine or eighteen negroes, he sold twenty-one to Mr. Le Chartier; that instead of having received 2,500 dollars for eighteen, he received only 1,800 dollars for the twenty-one, that he did not know the names of these negroes, although he afterwards states, that he has had them a considerable length of time in his possession. That he had bought them from different persons, although to-day he produces to me a general bill of sale of twenty-three negroes, none of whose names are specified, dated only on the 24th of December 1813, and signed by only one person now at Madagascar.

Although this may not be considered a sufficient proof of these negroes being new negroes, yet from their state of body, from their not being able to speak a word of French, from their own concurring statement of having been only between two or three months (or as they say moons) in the colony, from their further statement of having been moved to Port Louis, in small numbers, at different times, and always in the night, and from the contradictions in the declarations of Messrs. Matthieu and Le Chartier, I have no doubt, in my own mind, of the said negroes having been recently introduced into this colony, in violation of the Act of Parliament.

I request you will be pleased to submit this letter to his excellency the governor, and communicate to me his commands on the subject.

I have the honour to be, Sir, your most obedient servant,

(signed) *Arch^d W^m Blane,*
Chief Com^r of Police.

(A true Copy.)

(Copy.)

AUJOURD'HUI huit du mois de Février 1814, à 3 heures de relevé est comparu devant nous Archibald William Blane, commissaire en chef de la police générale; le Sieur Jacques Le Chartier, habitant au quartier du Grand Port, qui accompagnait huit jeunes noirs nouveaux arrêtés par notre assistant ce jour, au bazar dans une boutique appartenant au Sieur Julien Thomé, qui en réclamant ces huit noirs, nous a dit et déclaré qu'il a acheté les dits noirs et un autre qui fait neuf, du dit Sieur Matthieu il y a environ trois mois, étant au Port; qu'il lui a dit à cette époque: Garder les Mr. Matthieu, je m'arrangerai avec vous, à mon prochain voyage au Port. Qu'il y a environ six jours que lui déclarant est arrivé au Port, et qu'aujourd'hui même en réglant ses comptes avec le dit Sieur Matthieu, en a fait l'acquisition finale, à raison de cent quarante piastres chaque; mais que jusqu'à ce moment lui déclarant n'a point reçu le billet de vente, ni les noms de ces noirs: que quand à lui déclarant, il ne sait point s'il y a dix ans, cinq ans, ou combien plus que trois mois que ces noirs sont dans la colonie, mais qu'il les a achetés parce qu'ils étaient des noirs galleux, qui valent mieux pour les habitans que les noirs avec la peau lisse. Et plus n'a déclaré, mais ajoutant le déclarant que tout ce qui est dit ci-dessus est la vérité, et a signé avec nous, dont acte.

(signé) *Arch^d W^m Blane.*

(signé) *Le Chartier.*

Ayant ensuite demandé au déclarant s'il n'en a pas acheté davantage, après quelques moments il nous a déclaré qu'il en a acheté dixhuit, dont six négresses et douze noirs, jeunes et vieux, pour la somme de deux mille cinq cents piastres, et que les dix autres sont chez lui déclarant dans la Rue Moka, dont nous avons ordonné la comparution de suite, au bureau dont acte.

(signé) *Arch^d W^m Blane.*

(signé) *Le Chartier,*

Le Comm^e de la Police Générale.

(Pour Copie conforme.)

(signé) *Arch^d W^m Blane,*

Dep^e Secret^e du Gouvernem^t par interim.

(Pour Copie conforme.)

ADJOURD'HUI

N° 20,
continued.

Continuation
d'instruction com-
mencée par
M. Blane sur des
esclaves vendus par
Le Sieur Mathieu
au Sieur Chartier.

AUJOURD'HUI huit Février mil huit cens quatorze cinq heures de relevée, par suite d'une instruction commencée par Mr. Blane, commissaire en chef de la police générale, ce jour à trois heures, et de son ordre, a été continuée la dite instruction par nous Pierre Henry Saucet, officier de police sous-signé.

Avons interpellé le Sieur Pierre Mathieu, commissionnaire, présent au bureau, de reconnaître ou non, huit noirs Mozambiques, trouvés dans le bureau, et arrêtés au bazar, sur un Sieur Chartier, habitant au Grand Port, et d'ordre de Mr. Bünd, assistant Anglais du commissaire-général.

Le Sieur Mathieu a répondu les reconnaître pour les noirs livrés aujourd'hui au dit Sieur Chartier, auquel il les avait vendus avec treize autres il y a trois ou quatre jours pour prix et somme de dix huit cens piastres en sa promesse verbale de payement étant en compte de fournitures réciproques dont il devait régler avec le dit Sieur Chartier avant son départ pour son habitation.

A lui demandé s'il sait le nom de ces noirs; dit qu'il les ignore; qu'il ne s'en souvient plus.

A lui demandé de qui il tient les dits noirs; a dit qu'il les tient de divers, et anciennement, et que nous devons nous ressouvenir que lors des déclarations ordonnées par son excellence au sujet des travaux à faire aux rues, il nous en a fait une, ou il s'est déclaré commissionnaire d'une plus grande quantité.

A lui représenté six noirs et cinq negresses de même caste livrés à Mr. Bünd, assistant par le Sieur Chartier, en son domicile momentané au Port, lequel dit Sieur Chartier, lui a dit les tenir du dit Sieur Mathieu, sur quoi le sus-dit Sieur Mathieu, nous a dit et déclaré qu'il reconnaissait les onze esclaves sus-dits sans se ressouvenir de leurs noms; qu'il font partie de ceux vendus au dit Sieur Chartier pour la somme de dix huit cens piastres déjà exprimée; qu'il s'en rapporte à ce qu'il a dit dans sa déclaration à nous donnée en dix huit cens douze, sur les esclaves qu'il possédait soit en propre soit en commission dont il a donné recensement et payé l'imposition ordonnée.

Dont acte avons signé avec le Sieur Mathieu et Sieur Doublé, officier de police présent.

(signé) *Saucet.* (signé) *Doublé.* (signé) *Mathieu.*

A l'instant est comparu Sieur Jacques le Chartier, habitant, lequel a dit à propos de la différence du nombre à lui vendu par le Sieur Mathieu, qu'il a en effet acquis du dit Sieur Mathieu, vingt-une têtes d'esclaves, mais que les deux manquans sont une negresse et un noir moribonds qu'il a fait mettre chez un chirurgien, pour être traités; dont acte, et a signé avec nous.

(signé) *Saucet.* (signé) *Le Chartier,*
Le Commissaire de la Police Générale.

(Pour Copie conforme.)

(signé) *Arch^d W^m Blane,*
Dep^c Secret^e du Gouvernem^t par interim.

(Pour Copie conforme.)

Enclosure,
(3.)

THIS day, eighth of the month of February 1814, at three o'clock in the afternoon, appeared before us, Archibald William Blane, chief commissary of the general police, Mr. James Le Chartier, inhabitant of the quarter of Grand Port, who accompanied eight young negroes, recently stopped by our assistant at the bazar this day, in a shop belonging to Mr. Julian Thomé; who in claiming back these eight negroes, has said and declared to us, that he bought the said negroes and another, making together nine, of the said Mr. Mathieu, about three months ago, when at the Port; that he told him at the time, Keep them Mr. Mathieu; I shall settle with you on my next journey to the Port. That about six days ago, he, the deponent, arrived at the Port, and that this very day, in settling his accounts with the said Mr. Mathieu, he made the final purchase of them, at the rate of one hundred and forty dollars each; but that up to this moment, he, the deponent, has not received the note of sale, nor the names of those negroes: as for himself, the deponent, he does not know whether those negroes are in the colony ten years, five years, or how much longer than three months; but that he purchased them because they were scabby negroes, who are better for the inhabitants than the smooth-skin negroes. And he has declared no further; the deponent adding, however, that all the above said is the truth, and he has signed with us—of which this act is drawn up.

(signed) *Arch^d W^m Blane.*

(signed) *Le Chartier.*

Having

Having afterwards inquired of the deponent, if he has not bought any more, after the lapse of some months, he has declared to us, that he has purchased eighteen, six of which are negro women, and twelve negroes, young and old, for the sum of two thousand five hundred dollars; and that the other ten are at the house of him, the deponent, in the Rue Moka, whose immediate appearance at the office has been directed by us—whereof this act is drawn up.

(signed) *Arch^d W^m Blane.*

(signed) *Le Chartier,*
The Commissary of General Police.

(A true Copy.)

(signed) *Arch^d W^m Blane,*
Act^s Dep^y Sec^y to the Government.

(A true Copy.)

THIS day, eighth of February eighteen hundred and fourteen, at five in the afternoon, in continuation of a proceeding instituted by Mr. Blane, chief commissary of the general police, at three o'clock this day, and by his order, the said proceeding has been continued by us, Peter Henry Saucet, the officer of police undersigned.

Continuation of proceeding commenced by Mr. Blane, respecting slaves sold by Mr. Mathieu to Mr. Chartier.

Have summoned Mr. Peter Mathieu, a commissioner, present at the office, to recognize or not, eight Mozambique negroes, found in the office, and stopped at the bazar, from a Mr. Chartier, an inhabitant of the Grand Port, and by order of Mr. Bund, an English assistant commissary general.

Mr. Mathieu has replied, that he recognized them for the negroes delivered this day to the said Mr. Chartier, to whom he had sold them, with thirteen others, three or four days ago, for the price and sum of eighteen hundred dollars, on his verbal promise of payment; having an account with him of articles mutually furnished to each other, for which he was to come to a settlement with the said Mr. Chartier previously to his departure for his habitation.

He was asked, if he knew the names of these negroes; he replies that he does not, that he has forgotten them.

He was asked, from whom he had had the said negroes; he said he held them from various persons, a long time back; and that we must recollect, that on the occasion of the declarations ordered by his excellency, with respect to the works to be carried on in the streets, he made us one, in which he declared himself to be a commissioner for a greater number.

He was shown six negroes and five negro women, of a similar cast, delivered to Mr. Bund, an assistant, by Mr. Chartier, in his temporary residence at the Port, which said Mr. Chartier told him he held from the said Mr. Mathieu; whereupon the aforesaid Mr. Mathieu stated and declared to us, that he recognised the eleven named slaves, without recollecting their names; that they were part of those sold to the said Mr. Chartier for the sum of eighteen hundred dollars already mentioned; that he refers to what he told in his declaration, given to us in eighteen hundred and twelve, respecting the slaves he possessed, whether as his own property or by commission, of which he furnished an account and payed the prescribed tax.

Whereof this act is drawn up; we have signed with Mr. Mathieu and Mr. Doublé, an officer of police, who was present.

(signed) *Saucet.*

(signed) *Doublé.*

(signed) *Mathieu.*

At this moment appeared Mr. James Chartier, an inhabitant, who stated, on the subject of the difference in the number sold to him by Mr. Mathieu, that he has in reality purchased of the said Mr. Mathieu twenty-one head of slaves; but that the two missing ones are a negro woman and a negro in a sickly condition, whom he has placed under the care of a surgeon, in order to be attended to—whereof this act is drawn up, and he has signed with us.

(signed) *Saucet.*

(signed) *Le Chartier,*
The Commissary of General Police.

(A true Copy.)

(signed) *Arch^d W^m Blane,*

(A true Copy.)

Act^s Dep^y Sec^y to the Government.

N° 20,
continued.

(Copy.)

To A. W. Blane, Esq. Chief Commissary of Police, &c. &c. &c.

Chief Secretary's Office, Port Louis,
9th February 1814, 5 o'clock P.M.

Sir,

Enclosure,
(4.)

I AM directed by his excellency the governor, to acknowledge the receipt of your letter of the 9th February 1814, with its two enclosures, this instant received, relative to a seizure made by your assistant *yesterday*. Referring to his excellency's orders on a similar subject under date the 1st December last, and to your reply, his excellency desires that you will consult and be guided by the attorney general, in the judicial proceedings to be adopted herein according to law, and agreeably to your duty **FORTHWITH** on all such occasions.

I have the honour to be, Sir, your most obedient humble servant,

(signed) *F. Rossi*, Act^e Dep^t Sec^r to Gov^t.

To Monsieur Virieux, Procureur General, &c. &c. &c.

Chief Secretary's Office,
Port Louis, 9th February 1814.

Sir,

Enclosure,
(5.)

I AM commanded by his excellency the governor, to enclose to you, copy of a letter addressed to the chief commissary of police for your information and guidance, in order that you may take due notice of the charge, and take care that the Slave Trade Abolition Laws be carried most rigorously and promptly into execution, in this as in all other instances of alleged infraction of them.

His excellency most ardently hopes and expects that by your zeal, activity, abilities and firmness, the charge may be thoroughly investigated; and that, if the fact be established, all those concerned in this infamous traffic, in violation of the laws of the empire, shall be dealt with as the Felony Act directs.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) *F. Rossi*,

Acting Deputy Secretary to Government.

— N° 21. —

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 14th February 1814.

To the Right Honourable Earl Bathurst, &c. &c. &c.

Mauritius, 14th February 1814.

My Lord,

N° 21.

BY my former dispatches your lordship will have observed, that the courts here consider themselves competent to try persons, accused of the crime which is made felony, by the Slave Act of May 1811, and that such prosecutions are actually in progress.

Your lordship will also have observed by them, that the British judicial assessor intends to advise the suspension of execution in the case of condemnation taking place, until orders shall be received from England, as to the competency of these tribunals to try the felony.

Should your lordship deem it proper to send out a commission for these islands, similar to that which I understand has been sent to Ceylon, my active and zealous exertions will be as intensely devoted as a judge or commissioner, as they have been as governor, to extinguish this detestable traffic, and to bring all persons concerned to justice. In this case, while I express my ardent desire to become more
immediately

immediately and ostensibly instrumental in carrying into effect the benevolent intentions of the legislature in the Abolition Laws, it is my duty to state to your lordship, that I am advised it is contrary to one of the fundamental laws of these colonies, that the governor should sit as judge on the life, property, or liberties of the inhabitants; but this law is, of course, like all others existing at the capitulation, subject to the determination of the sovereign or legislature.

Should it be deemed advisable to send out a commission of the nature alluded to, I venture to submit a few names for the formation of such a bench, without expense to government.

The governor, if the objection above stated be overruled.

Mr. Shaw, the judicial assessor.

Mr. Christie, English judge in the court of appeal at Mauritius.

Major Barry, chief secretary to government, on leave of absence.

Sir Robert Barclay, collector of internal revenues.

Mr. Telfair, acting chief secretary.

Doctor Burke, chief medical officer.

Mr. Stokes, late collector of inland revenues.

Mr. Razer, R. N. harbour master.

Major Leitch, judge advocate to the forces.

Mr. Forisy, King's attorney in the land court and French jurisconsulte.

It remains for me only to submit, that at all events it appears desirable that the inhabitants in the colonies, suspected of a breach of the Slave Abolition Laws *on shore*, should be tried for the felony *within the colonies*; as a contrary conduct or rule might subject half the planters to be forced from their homes to a foreign country, without any legal proof of guilt.

I have the honour, &c.

(signed) R. T. Farquhar.

—N° 22.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 22d March 1814. (8 Enclosures in continuation of N° 19.)

To the Right Honourable Earl Bathurst, K. G. &c. &c. &c.

My Lord,

Mauritius, 22d March 1814.

I HAVE the honour to enclose to your lordship a memorial, which the judges of the courts of Appeal and First Instance, whom I have suspended from judicial functions at Bourbon, by my proclamation of the 22d* January, wish to be presented to His Royal Highness the Prince Regent, and which they have requested me to forward. I have also annexed the documents to which the memorial refers, and subjoined the proceedings of the courts of Bourbon, which led to the judgment on which the suspension of the present memorialists was grounded.

N° 22.

* *Vide* Governor Farquhar's Dispatch to Earl Bathurst, dated 22 January last.

As the object of this memorial is to remonstrate against their suspension, which I considered as absolutely indispensable, it is my duty to offer some remarks upon its contents.

A circumstantial refutation of each article they have adduced will, I trust, be considered unnecessary, when I have submitted to your lordship's consideration those undoubted facts and incontrovertible truths, which evince the purity of the motives, and the justice of those principles, which have actuated me, in adopting the measure the memorialists complain of.

In putting it in execution, I have acted with all possible forbearance. I have not definitively revoked their quality of judges, much less have I pronounced on the crime of which they appear guilty. I have merely put a stop to that course of proceeding, which would subvert the fundamental laws of the empire; and I have done so by removing those persons who could no longer be continued, without extending impunity to the most daring violations of the law.

N° 22,
continued.

Had this, indeed, been an isolated case, involving no fundamental principle, and affording no precedent injurious to the public interest, I should have limited the interference of government to an appeal to His Majesty in council, that the reversal of their decisions, by the highest authority, might trace their line of conduct for the future; but the affair in question was of a very different nature. Had I not suspended the judges for their decision of the 27th November, it would have been an admission on the part of this government, that no antecedent violation of the laws, which abolish the Slave Trade, could be punished, or even brought to trial; and, notwithstanding the universal notoriety of the abolition laws in every part of Bourbon, the judges of that colony, acting conformably to the maxims they had just adopted and professed, as fundamental rules of jurisprudence, would have continued to acquit all transgressors of those laws, who might be brought before them. This must have been an inevitable result of any measure short of the one I adopted; whereas I have by it ensured the effectual enforcement of this act of the legislature, which admits of no exceptions, and in which all the countries subject to the dominion of Great Britain are expressly comprehended.

The apprehensions expressed by the memorialists, that the course of justice is arrested by their suspension; that persons worthy of the confidence of the public would refuse to accept the places they have vacated; and that should such even accept, their conduct would inspire the public with distrust instead of reverence and regard: these are the exaggerated and unfounded prognostications of people who feel their own fall, more than the injury their judgment has done to justice. In fact, the court of First Instance has never ceased to dispense justice. The arrangements noticed in my letter to your lordship, of the 18th of November last, had provided a president for that court, who did not sit on that trial, and, of course, has unremittingly continued in the exercise of his judicial functions. The newly named Court of Appeal, also, consists of individuals eminent in public estimation, for soundness of judgment, knowledge of the law, and firmness and integrity in the dispensation of it.

The memorialists complain that I should have suspended them, merely in consequence of a copy of the decisions of the 31st July and 27th November 1813, transmitted to me through a private channel; yet they do not pretend that this copy of the sentences differed, in any respect, from the authenticated minute delivered by the clerk of the records.

It was the silence observed on this subject in the official communications from Bourbon which was calculated to excite all my solicitude, and to call for promptitude and decision. The copy which I had received was clothed with every signature of the courts; and, although withheld in the official channel, left no room for hesitation as to its authenticity. No advantage, therefore, could have resulted from deferring the step I took; but, on the contrary, the greatest inconveniences, could any doubt have been suffered for a moment to exist; for similar prosecutions were going on in the courts here, and such a sentence would not fail to have been cited to elude the application of the law.

There are, in the proceedings of the judgment subjoined, many circumstances which the memorialists have passed over unnoticed, but which throw much light upon the subject.

The conduct of La Marre, the master of the vessel therein accused, shows that, at much hazard, he attempted the clandestine introduction of the negroes; that he was most anxious to escape from search; consequently, that he was thoroughly aware of the nefarious nature of the prohibited trade, and that detection would expose him to the severest punishment.

The conduct of the inhabitants of the coast where the negroes were wrecked, shows their fear of violating the abolition laws; for being unable to have their testimony recorded by the magistrate of their district, they proceed, without delay, to the nearest magistrate in the adjoining district, to give in their depositions, and to clear themselves of being suspected as accomplices in the offence.

The Abolition Acts, therefore, and the penalties by which they are enforced, were perfectly known, even in these remote parts of the colony, to all the inhabitants. The magistrates and officers of government in all departments, were still more minutely acquainted with them. The instructions given, on the 28th of October 1812, through the lieutenant-governor, carrying the provisions of the Act into execution, by prosecuting offenders, demonstrate that the laws on this subject were too well known to admit of a question arising, whether their violation was punishable by the
colonial

colonial tribunals, which is strongly evinced by the ex-officio prosecution of the attorney-general.

This officer, to whom the maintenance of the laws and prosecution for offences are specially committed, reminds the magistrates and police-officers under his direction, in his letters of the 30th of October 1812 and 18th of November, that the severity of the Abolition Law is such, that any public officer neglecting to carry it into execution, would be compromised as an accomplice in its infraction; and recalls their attention to the orders of government of the 3d January 1812, addressed to all the civil authorities of the island, stating, in the strongest language, their duties in preventing and detecting any violation of the Abolition Laws, and leaving no doubt as to his obligation to prosecute offenders upon the Act.

It appears, therefore, that the officers of government, the magistrates, the police, the planters, traders and other inhabitants, entertained no doubt of the trade being prohibited in these colonies, and the delinquents would inevitably be prosecuted upon and incur the penalties of the Abolition Acts.

When the King's attorney is charged with the examination of the affair of La Marre, above adverted to, he proposes some observations as to the application of the law to the case before him. It appears, he observes, that La Marre endeavoured to introduce slaves into the colony clandestinely; and he acknowledges that the Act of Parliament prohibits the Slave Trade in all the possessions of His Britannic Majesty. He admits that the provisions of that Act were recited in the Bourbon gazettes of the 6th and 20th June 1812, such as Rear-Admiral Stopford notified them officially to his excellency the governor, who caused them to be thus published; but he is of opinion that, notwithstanding this publicity, the inhabitants of Bourbon cannot be presumed to have a legal knowledge of it.

The attorney general of that island, in forwarding this letter and grounding his opinion on the same motives, proposes to refer the affair to the courts of judicature at Mauritius, under the impression that the Act of Parliament must have been published there, with such municipal formalities as were supposed to be requisite to render the law susceptible of execution. These letters being communicated to me officially from Bourbon, my orders were immediately returned on the 27th of November, directing the attorney general to prosecute at Bourbon those persons implicated in the Slave Traffic attempted by La Marre; and that, if any official notification were necessary, the insertion of the Act in the gazette of the Island of Mauritius, of the 10th June 1812, was sufficient.

This affair was in consequence brought forward as a criminal offence; and the inquiry into the proofs being finished, conformably to their nature, the King's attorney required that the prosecution should be carried on "à l'extraordinaire," the form employed when the offence is of a nature to subject the offender to severe punishment. The tribunal granted this requisition, deciding that there were grounds for carrying on the proceedings in this manner.

Accusations were therefore preferred against Long senior, for having purchased the negroes at Madagascar, and against La Marre, the master of the vessel in which they were carried; both of these persons were absent.

Different inhabitants also were accused of having favoured the attempt to introduce these negroes; and they pleaded in defence, that the Abolition Law had not been published at Bourbon—that they could not, therefore, be amenable to it—and further, that supposing they could be tried upon that law, they could not be considered as accomplices, as they had merely descended to the beach to save persons who were shipwrecked.

On this the tribunal declared, that it was unnecessary to enter into the justification of those accused, as there existed a principal reason to prevent the judges from deciding in conformity to the Act of Parliament. This reason consisted in the legal nature of the Slave Trade, previous to the surrender of these colonies; and that after the conquest a solemn publication of the Abolition Acts, giving legal cognizance of them to the inhabitants, was necessary to prohibit it in these islands, by name; that, in the various publications which had taken place, some formality was wanting to constitute the communication of what they alleged to be a legal knowledge of that law; consequently, that there existed not, up to that day, any law which prohibited the Slave Trade in these colonies, and that, of course, there could be no violation of that prohibitive law. Thus, the person who purchased the negroes, the master of the vessel who transported them, though clandestinely attempting to transgress a law which they were evidently acquainted with, were

N° 22,
continued.

acquitted, as were the inhabitants accused of concealing the negroes thus introduced, in defiance of the law; nor did they notice that concealment, which was a proof of guilt.

The result is, that the tribunal having at first recognized that there existed a crime, consisting of a breach of the Abolition Laws, extending equally to all the possessions of the crown—and that this crime was of so deep a dye as to subject the delinquents to a criminal prosecution; at last, in opposition to their own judgment, decreed, that there has been no crime because there has been no breach of a law, which had not been published with the requisite municipal formalities.

To bring the whole of this affair into one view it is merely necessary to remark, that the arguments contained in the letters of the King's attorney and attorney general, dated the 3d and 4th of November 1812, in the motives of the sentences of the 31st of July and 27th of November 1813, and in the Memorial which I now transmit your lordship, may be reduced to the following proposition:—that the Abolition Act, not being entered in the records of the court of Bourbon, cannot have the force of law in that colony, and, consequently, that the inhabitants having no legal knowledge of the Act of Parliament, it cannot bind them, nor can they be prosecuted or punished by virtue of it.

In refutation of these allegations, it will be sufficient to observe, that according to the French constitution, by which these colonies were regulated at the conquest, the recording of a law in the courts of judicature is not a formality necessary to give it authority, publicity or validity. In France, the promulgation by the chief of the government, renders the law susceptible of execution, and no sooner is the time fixed for its promulgation expired, than the law is carried into effect.

As to the colonies under the French government, the decree which regulates the power of their administrators, enables the captain general to make regulations for the mode of government and interior police. The colonial Préfet and Commissary of justice are also empowered, each in their particular province, to make provisional regulations, and all these are to be entered on the records of the courts of judicature; but these authorities have no power of legislation, as to general laws, whether civil or criminal; they are allowed to propose them only, and transmit their views and projects to the minister. Such are the basis of colonial legislation, as established by the French law.

The memorialists argue that the laws enacted by the legislature, and promulgated by the sovereign, are not applicable to the colonies, until the governor have deliberated on their adoption, decided that their application is necessary, and decreed that they shall be promulgated and executed in the colony, and for this purpose be registered in the courts; and they quote the decree of government of the 13 Pluiose an 11. which lays down the new mode for the government of these colonies. This formality is therein prescribed for the regulations made by the governor, colonial Préfet and Commissaire de justice; but it does not subject the laws emanating from the legislative power, to the formality of being recorded in the colonial courts of judicature.

Previous to the Revolution, indeed, in order to give a law the character of authenticity, the ancient constitution of France required the registration in due form, in the higher courts of the kingdom; but this privilege is formally abrogated in the present system of the legislation of the French empire.

But even the statements of the memorialists, as connected with the practice of general De Caen, on the general laws of the empire being recorded in the courts of judicature, will be found erroneous. The form of the mandate he employed, demonstrates that it was merely the decree and particular regulation which he had made for the colonies, which he ordered to be recorded. It appears therefore, that the general laws of the empire are binding by their promulgation from the sovereign; but that the local and municipal laws are subject to the formality of registration to give them effect.

For a proof of this, it is only necessary to look to general practice. Even the decree of government of the 13 Pluiose, an 11, which the memorialists quote, and which I have above adverted to, has never been registered in the courts. The decree of the 3 Germinal, an 11, re-establishing the tribunals of the colonies on the same footing as in 1789, was not sent to the courts; and if we go still farther back, the ordinances of the French monarchy, by which the courts of justice were guided in these islands, were never recorded, nor entered in their respective registry; the ordinance of 1667, and several laws declaratory of it, in civil proceedings; the ordinances of 1670, on criminal proceedings; the ordinance upon donations, wills,

wills, &c. to which may be added, their common law, called the "Coutume de Paris," which forms the principal part of the civil law in these colonies, have never undergone the formality of registration; and notwithstanding, have been invariably followed, applied and cited in the decisions of the court. Even the code noir, or special law for the trial of slaves, was for many years observed and made applicable to that population, previous to its registration at Mauritius. Even the civil and commercial code, by which these colonies are governed, has never been entered upon the records of the courts of judicature. The decrees of the local government, alone, containing particular provisions with regard to the colonies, are promulgated by being addressed to the courts of justice and subjected to the formality of an entry on their records.

The Acts of Parliament, abolishing the Slave Trade, which were sent me by lord Liverpool, extended to all the possessions of the crown, and the last particularized by name those of Mauritius and Bourbon. My duty, therefore, was not to deliberate if these Acts were applicable, in whole or in part, to these colonies, or if they were susceptible of modification, addition, or exception. To give them authority, they required no resolution of mine, ordering them to be carried into effect; nor could I admit that they required to undergo any formality to render them susceptible of the fullest execution. It was sufficient that the nature and existence of the Act should be fully and extensively promulgated and made known to every inhabitant of these islands; and the measures which I adopted to that effect, leave no doubt of the universal notoriety it obtained.

It appears then, that the memorialists have laboured under a misconception, in the meaning they have attempted to give to the decree of 1st Brumaire, an 14, which they cite in their memorial.

In fact, the prohibition of the Slave Trade has been known in these islands, from the moment of their capture, and the Acts of Abolition have been recognized as binding on the colonies, so that whatever traffic of this nature has been carried on, was secretly and clandestinely, until the memorialists thought proper to decide that the Act of Parliament not having been entered on their records, there existed no prohibition—no offence—and no punishment for this inhuman and revolting traffic.

In concluding, I beg leave to draw your lordship's attention to an observation, which presents itself so naturally to any person acquainted with these islands, that it is difficult to conceive how it could have escaped the notice of the memorialists.

They state, that a decree of the 1st Consul, 30 Floreal, an 10, establishes the Slave Trade in the French colonies; that this decree is one of the existing laws, preserved by the capitulation. It was made to supersede the decree, 16 Pluviose, an 2, which suppressed slavery in the French colonies. According to the system the memorialists lay down, the decree of the 30 Floreal, an 10, to have the force of law, should have been promulgated legally, that is to say, agreeably to their opinion it should have been published at a sitting of the court of judicature, and recorded and deposited in their registry. Will it not excite surprise to find, that not one single formality which they allege as indispensable, has ever been complied with; that, therefore, agreeably to their own system, the law establishing slavery does not exist; and that the law of the 16th Pluviose, an 2, which suppresses slavery through all the colonies of France, having never been abrogated by what they call legal promulgation, was actually the existing law at the capture of Bourbon, for the decree of the 1st Consul authorizing slavery, was never sent either to the governor of Bourbon, or the courts of judicature in that island; it never was recorded there, nor deposited in their registry.

This could be a sufficient refutation, even on the grounds they themselves have pretended to argue. What motives then can be attributed for such conduct. The inhabitants of these islands acted upon that decree, re-establishing the slave traffic—not from any official or legal knowledge they had obtained of it; not from any communication from the minister; not from any insertion in official papers or bulletin de Loix, but from the casual notice of it in a foreign newspaper. Can it therefore be pretended that an Act of Parliament transmitted by His Majesty's ministers, in the name of the Sovereign, repeatedly published and promulgated in the most authentic manner in both islands, shall not have the same validity to abolish, as the decree of the 30th Floreal, which never was officially received, recorded or promulgated, had to re-establish that odious traffic.

Having thus refuted on their own grounds, the allegations of the memorialists, I shall state in as few words as possible, the measures I adopted, officially, from

N° 22,
continued.

the moment of the conquest, to give the fullest effect to the measures of the legislature.

On the 5th December 1810, two days after the capitulation of Port Louis, in order to prevent any illicit trade, a proclamation was issued, stating that “une nouvelle proclamation indiquera dans quelques jours quelles seront les conditions et le cas ou l'on (c'est a dire ou le gouvernement), pourra accorder des permissions de commerce.” This prevented the merchants from entering into any speculation, without the permission of government, and the British flag from being employed to protect and cover a prohibited traffic.

In pursuance of that proclamation, another was made on the 28th of the same month (December), in the 5th article of which, it is declared, “tous les habitants de cette Isle peuvent et pourront jouir des mêmes privileges de commerce dont jouissent et jouiront *legalement*, les autres sujets de Sa Majesté Britannique.” In February following, viz. 1811, my proclamation states, that “Les negocians de l'Isle jusqu'a ce que la volonté de Sa Majesté soit connue pourront continuer leur commerce sous les mêmes loix qui servent de réglemeut au commerce dans les limites de la Compagnie, &c.” And again, “Ces régles générales *que sont neanmoins subordonnés aux exceptions particulières qui peuvent être exemptées dans les différentes Actes de Parlement &c.*” serviront “a diriger, &c.” au commerce de la colonie, “et au privileges dont les colons doivent jouir sous les rapports de commerce, &c. &c.”

These proclamations were all registered in the colonial courts, and when the government of these colonies was rendered independent of that of India, I caused to be published in the courts of justice at Bourbon, with every necessary formality, in the month of May 1811, that the instructions and regulations above adverted to, should still continue without change to have the force of law in these colonies.

In the same month of May 1811, General Warde, having deemed it necessary to withdraw the garrisons from Madagascar, the French settlers there, were forced, by the loss of this protection, to remove to Mauritius and Bourbon, and demanded, in conformity to the capitulation of Tamatave, permission to remove along with them the slaves which they possessed previous to the surrender; and their demands for that purpose were particular in stating that these slaves were their property, and in their possession in January 1811, and had not been acquired since the capitulation; a fact which I took every precaution to have strictly verified and proved, as communicated at the time to His Majesty's ministers.

These precautions and conditions on the part of government, when connected with the capture of slave vessels at the mouth of the harbour, some days after the capitulation, and several a few months afterwards, prove that the inhabitants were fully impressed with their liability to the abolition laws.

Such was the state of things even before the Felony Act was made.

In May 1812, I received from Rear Admiral Stopford, the first intimation of the Act, passed in May 1811, being an attested copy of the preamble, and of the first and fifth clauses of that Act: this I published immediately.

A few days afterwards, I received a copy of the Act complete, *via* Bengal, and on the 10th June I republished it entire, in the Official Gazette, and continually adverted to it wherever I could find occasion, in order to give it the most extensive publicity. In my proclamation of the 12th October 1812, showing the advantages to be expected from the abolition laws to the colonies, my expressions are as follow: “En abolissant la Traite la legislature Anglaise a certainement adopté le moyen le plus efficace de detruire pour l'avenir toute probabilité d'insurrection: car par la elle empêche le melange dangereux des esclaves importée &c.”

On the 20th January 1813, the Act was again published entire, in the Official Gazette for these colonies.

During all this period, also, the correspondence with Bourbon was calculated to diffuse the knowledge of it most extensively through that island, and the Act was in consequence frequently published in the Bourbon newspaper. When it is considered, therefore, that agreeably to the present system of French legislation, and agreeably to the practice of the tribunals of these colonies, the registration of a law of the empire is not a formality required for its publicity, authenticity or execution; that in the gazette of this island, the official channel of communication to the different authorities, and to the inhabitants, and which had so often conveyed to them the provisions of the legislature regarding the abolition;—there is immediately under the title or heading a paragraph, stating that all such orders and communications are to be regarded as official, and obeyed accordingly,—it will, I trust, appear

to

to your lordship, that no means were omitted to produce the most extensive promulgation.

The reflection of the judges on the law being English in its original text, and the difficulty arising from citing such expressions in the original as required in criminal proceedings, is obviated by observing, that the courts are in the habits of calling the sworn translator in such cases, from which no inconvenience has hitherto resulted.

I observe, with regret, that the memorialists, in the anxiety of defending themselves, have forgot the justice which was due to me. In adverting to my proclamation of the 3d January 1814, they wish to be considered as having sacrificed themselves to the preservation of those forms, so indispensable to the purity of criminal justice, and so necessary to obtain the object of the Abolition Laws.

I have merely to state in reply, that this proclamation was issued subsequently to their decision, for which they were suspended. Your lordship is aware of the motives which actuated me in issuing it: the complaints of a whole colony had reached me, against measures, not only illegal in themselves and ineffectual in producing or forwarding the object in view, the enforcement of the Abolition Laws, but highly dangerous both to the white and black populations. The inhabitants had requested a release from illegal domiciliary visits, the violation of their dwellings, arbitrary arrests and imprisonments, and that the discipline of the slave should be respected; they did not wish to excuse or cover the crime of slave dealing, or withhold the delinquents from punishment, but they required that those forms, on which the property and safety of the subject depend, should not be violated, and force no longer substituted for law. This was the object of that proclamation; that the Abolition Laws should be lawfully carried into execution, not that it should be evaded, as the memorialists attempted, by a pretended adherence to unnecessary forms.

In concluding this dispatch, I beg leave to state to your lordship, that it is by no means my wish to proceed further against the memorialists; they were suspended, because, in their judgments, they had been guided by forms, which neither law nor custom authorized, and which, if persisted in, would lead to the inexecution of the most important laws of the empire.

I forbear to trespass on your lordship's time any further, than humbly to express my anxious hope, that the motives which actuated my conduct may meet your lordship's approbation.

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

(signed) *R. T. Farquhar.*

(Copy.)

A Son Excellence R. H. Farquhar, Gouverneur Général des Iles Maurice,
Bourbon, et dependances, Vice Amiral, &c. &c. &c.

Enclosure,
(1.)

St. Denis, Ile Bourbon, 27 Fevrier 1814.

Monsieur,

LES magistrats et les avoués frappés de suspension par la proclamation de votre excellence du 22 Janvier dernier, et qui a été enrégistrée le 4 Fevrier présent mois, ont l'honneur de vous transmettre une humble Adresse à Son Altesse Royale le Prince Régent du Royaume uni de la Grande Bretagne et d'Irlande, laquelle leur a été commandée par le soin indispensable de leur honneur. Ils vous supplient de vouloir bien en faire l'envoi à Son Altesse Royale, par l'occasion la plus prochaine, avec les pièces qu'ils y joignent et le bordereau où elles sont mentionnées.

Les sous-signés ont en même temps l'honneur de vous prévenir que, de leur côté, ils profiteront de la première occasion qui pourrait se présenter, pour envoyer directement à Son Altesse Royale, leur Adresse, accompagnée des mêmes pièces.

Les sous-signés ne dissimuleront point le vif regret qu'ils éprouvent de se voir, par le besoin de se laver de l'odieuse accusation de prévarication, dans la nécessité de réclamer contre la décision de votre excellence, du 22 Janvier dernier, car ils n'ont jamais cessé d'honorer votre caractère personnel, et ils partagent avec tous les colons

N° 22,
continued.

colons la reconnaissance due à l'intérêt que vous avez constamment témoigné à ces colonies, notamment lors de la malheureuse affaire de St. Leu.

Les sous-signés sont, avec respect,
De votre Excellence les très humbles et très obéissants serviteurs.

(signed) *Gillot l'Etang*, Président de la Cour d' Appel.
Le Villan Desrabines, Vice Président de la Cour d' Appel.
D. P. A. Nègre de Sainte Croix.
G. Desrieux, Juge de la Cour d' Appel.
M. Azema, Juge de la Cour d' Appel.
Dupart, Président du Tribunal de 1^{re} Instance, à l'époque du
31 Juillet 1813.
G. Lacaussade, Avoué, appelé pour juger à la cour, en rem-
placement d'un titulaire, le 27 Novembre 1813.
Senneville, Avoué, appelé pour compléter le tribunal, le 31 Juillet
1813.

(Translation.)

To His Excellency R. T. Farquhar, Governor General of the Islands of
Mauritius, Bourbon and dependencies, Vice Admiral &c. &c. &c.

St. Denis, Isle of Bourbon, 27 February 1814.

Sir,

THE magistrates and judges suspended by your excellency's proclamation of 22d January last, registered on the 4th February instant, do themselves the honour to transmit to you an humble Address to His Royal Highness the Prince Regent of the United Kingdom of Great Britain and Ireland, which the important consideration of their own honour has called from them. They request you will be pleased to forward it to His Royal Highness, by the first opportunity, with the documents by which it is accompanied, and the schedule detailing them.

The undersigned beg leave, at the same time, to apprise you that they will avail themselves of the first occasion that may offer, to transmit direct to His Royal Highness, their Address, together with the aforesaid documents.

The undersigned will not disguise the deep regret they feel, at being under the necessity of appealing against your excellency's decision of the 22d January last, in order to remove the odious charge of prevarication brought against them, for they have never ceased to honour your personal character; and they participate, with all the colonists, in the gratitude due for the interest you have always evinced towards these colonies, and particularly at the time of the unfortunate affair of St. Leu.

The undersigned are, with great respect,

Your Excellency's most obedient and most humble servants,

(signed) *Gillot L'Etang*, President of the Court of Appeal.
Le Villan Desrabines, Vice President of the Court of Appeal.
D. P. A. Negre de Sainte Croix.
G. Desrieux, Judge of the Court of Appeal.
M. Azema, Judge of the Court of Appeal.
Dupart, President of Tribunal of the First Instance, at the
period of the 31st July 1813.
G. Lacaussade, Counsellor, called upon to act as judge in court,
in the room of a titular, on the 27 November 1813.
Senneville, Counsellor, called upon in order to complete the
tribunal, on the 31st July 1813.

(Copy.)

Au Prince Régent des Royaumes Unis de la Grande Bretagne.

Humble Adresse des Président, Vice-Président, et Juges de la Cour d'Appel, et du Président et Juge du Tribunal de Première Instance, de l'Isle de Bourbon.

N° 22,
continued.
Enclosure,
(2.)

Sous le bon plaisir de votre Altesse Royale,

LES magistrats membres des tribunaux de l'Isle de Bourbon, exerçaient leurs fonctions dans la paix de leur conscience. Ils l'honoraient de l'estime de leurs justiciables et de l'approbation du gouvernement qui, tout récemment encore, venait de leur en donner un témoignage; et c'est dans la sécurité que leur inspirait la certitude de mériter l'une et l'autre, qu'ils se sont vus frappés par une proclamation de son excellence le gouverneur-général, qui les déclare *prévaricateurs*, et en conséquence les suspend dans leurs fonctions, jusqu'à ce que le bon plaisir de votre Altesse Royale soit connu.

Les sous-signés pourraient, sans s'écarter du respect dont ils sont pénétrés pour son excellence, se plaindre de sa précipitation, et observer que ce n'est pas sur une pièce aussi informe qu'un *extrait reçu par une voie particulière*, et ne portant dès lors aucun caractère d'authenticité, qu'on aurait du tant se presser d'adopter une mesure sans exemple dans sa sévérité; qui attaque les magistrats dans ce qu'ils ont de plus précieux, leur honneur; qui arrête le cours de la justice, et laisse dans tous les esprits une défiance de l'avenir qui n'est que trop fondée, quand on voit tous ceux qui seraient capables de remplir l'interim, refuser formellement de s'en charger, et que chacun se demande, avec inquiétude, de quels hommes vont désormais dépendre sa fortune, sa vie, son honneur. Ces résultats qu'il était facile de prévoir méritaient bien, ce semble, qu'on procédât avec plus de maturité et de lenteur, et qu'on prit le temps de se procurer, par voie officielle, des actes en forme, et délivrés dans toute leur étendue et leur ensemble; et alors même que ces précautions n'eussent rien changé à la détermination de son excellence, elles auraient du moins eu le bon effet d'écarter cette observation généralement faite, que les tribunaux de l'Isle de Bourbon ont été jugés et condamnés sur le seul vu d'une pièce que les tribunaux de Maurice auraient repoussée insolite, si le hasard eut voulu que dans le même moment et dans des circonstances analogues, ils eussent en a prononcer contre un particulier.

Les sous-signés doivent à eux mêmes, au gouvernement et au public dont l'estime seule peut les dédommager de ce qu'ils ont à souffrir d'une mesure aussi sévère, de réclamer contre la décision de son excellence, et d'établir devant votre Altesse Royale, le principes d'après lesquels ont été rendu le jugement et arrêt qu'on leur impute aujourd'hui à délit.

Ils vont d'abord faire un cour exposé des faits, et ils démontreront en suite que ce n'est que par une conduite opposée à celle qu'ils ont tenue qu'ils auraient pu être accusés avec raison d'avoir trahi leur devoir.

Le 6 Janvier 1813, le procureur du Roi rendit plainte au Tribunal de Première Instance contre divers particuliers prévenus d'être les auteurs, fauteurs et complices d'un débarquement de noirs de traite dans un des cantons de l'isle.

L'information achevée, et l'audience pour le jugement du procès fixée, les accusés comparurent, et pour leur défense proposèrent, comme moyen péremptoire, cette exception: qu'à l'époque du fait qui faisait l'objet de la plainte dirigée contre eux, l'Acte qui abolit la Traite n'avait pas été publié dans la colonie.

Le 31 Juillet 1813, le Tribunal Criminel de Première Instance rendit d'une voix unanime, un jugement par lequel, admettant l'exception, il déchargea les prévenus d'accusation et condamna le gouvernement aux dépens du procès.

Sur l'appel interjetté de ce jugement par le procureur du Roi, la cour par son arrêt du 27 Novembre suivant, l'infirma en ce qu'en même temps qu'il décharge les prévenus d'accusation, il déclare le procureur du Roi non-recevable en toutes ses demandes, fins et conclusions, et émandant quand à ce, déchargea purement et simplement les dits prévenus d'accusation, et condamna le gouvernement aux frais faits sur l'appel par le procureur-général. Cet arrêt fut également porté à l'unanimité.

Telles sont les circonstances qui ont amené la décision de son excellence le gouverneur-général.

Il en résulte que l'exception péremptoire est le seul point sur lequel le Premier Tribunal ait eu à statuer.

N° 22,
continued.

On lui impute à délit de l'avoir déclarée valable par son jugement, et à la cour d'avoir confirmé cette doctrine par son arrêt.

Par conséquent la seule question à examiner est celle de savoir, *Si le 21 Octobre 1812, époque à laquelle les noirs ont été débarqués au canton St. Joseph, l'acte qui abolit la traite se trouvait légalement publié dans la colonie.*

Pour procéder avec ordre à cet examen, les sous-signés vout rappeler les motifs du jugement du 31 Juillet 1813.

“ C'est un fait constant, ont dit les premiers juges, que les Isles Maurice et de Bourbon se sont rendues aux forces de Sa Majesté Britannique, sous une capitulation qui leur a garanti le conservation de leurs loix, de leurs usages et de leur religion.”

“ Qu' à l'instant de la reddition de ces isles, la Traite y était permise, et pour déroger à cet usage qui semblait maintenu par la capitulation, il fallait nécessairement la notification et la promulgation d'une loi prohibitive; principe que le tribunal du Cap a consacré dans une circonstance semblable.”

“ Qu' à la vérité le Bill de Sa Majesté a été inséré dans la Gazette de Maurice, du 13 Juin 1812, N° 24, mais que cette gazette ne concerne que cette isle, qui, quoique ne faisant qu'un seul gouvernement avec Bourbon, est censée faire un département particulier pour ce qui concerne la justice, ayant des Tribunaux de Première Instance et d'Appel distincts.”

“ Que si depuis le Bill a été inséré dans la feuille de Bourbon, il ne l'a pas été en entier, ni revêtu de signature légale; que par conséquent il n'avait pas requis force de loi.”

“ Que si l'avis inséré dans la feuille de Bourbon porte que les avis du gouvernement copiés dans la Gazette de Maurice, seront considérés comme officiels pour Bourbon, cette annonce ne peut avoir d'effet rétroactif, et ne peut avoir d'exécution que du jour où elle a été publiée pour la première fois qui est le premier Decembre 1812.”

“ Qu' en fin la Traite étant permise en ces isles lorsqu'elles ont été conquises, et sa prohibition n' ayant été légalement connue que postérieurement au naufrage de la pirogue arrivé à St. Joseph, le 21 Octobre 1812, il en résulte que les tribunaux ne peuvent considérer comme ayant contrevenu à la loi ceux qui ont dû ignorer l'existence de cette loi prohibitive, puisqu'elle n'était pas promulguée, et que les avis donnés étaient postérieurs au naufrage de cette pirogue: ce qui reçoit son application pour les habitans de cette isle accusés au procès, et à plus forte raison à l'égard de Longue père, et Lamarre, qui sont absents de ces isles depuis long temps.”

“ C'est un fait si notoire que la capitulation a maintenu les loix existantes lors de la conquête, que le Tribunal de Première Instance aurait pû se dispenser de l'observer.”

“ A cette époque, la traite était non pas tolérée par l'usage, comme on pourrait l'induire des expressions du jugement, mais permise par une loi précise, rendue à Paris par le premier Consul, le 30 Floreal an dix, et dont suivent les dispositions.”

“ Article 1.—Dans les colonies restituées à la France en exécution du Traité d'Amiens du 6 Germinal an 10, l'Esclavage sera maintenu conformément aux loix et réglemens antérieurs à 1789.”

“ Article 2.—Il en sera de même dans les autres colonies Françaises au delà du Cap de Bonne Espérance.”

“ Article 3.—La traite des noirs et leur importation dans les dites colonies, auront lieu conformément aux loix et réglemens existants avant la dite époque de 1789.”

Or il est de principe, qu'une loi en vigueur ne peut être étendue ou modifiée ou abrogée que par une loi nouvelle, qui n'est exécutoire que de l'instant où, par sa promulgation légale, c'est-à-dire faite dans les formes voulues par les institutions du pays, les justiciables ne peuvent plus prétendre cause d'ignorance, et par le dépôt qui en est authentiquement fait dans les greffes des tribunaux chargés d'en faire l'application.

Quelle était dans la colonie, au moment où elle est passée sous la puissance de Sa Majesté Britannique, la forme légale de la promulgation des loix? les sous-signés la trouvent dans le titre préliminaire de l'arrêté supplémentaire du code civil publié par le capitaine général, le premier Brumaire an 14.

La troisième disposition porte textuellement:

“ La publication des arrêtés se fera ainsi qu'elle a eu lieu jusqu' à présent, par
“ la

“ la lecture en l’audience publique *des cours d’appel*, l’enregistrement en leurs greffes, l’impression et l’affiche.”

“ La promulgation sera réputée connue en chaque colonie, un jour après la lecture et l’enregistrement prescrits.”

“ Ce mode de promulgation qui existait au moment de la conquête, a-t’il été abrogé depuis, et lui en a-t’on substitué un autre ?”

Le Mercredi, 30 Octobre 1811, parut pour la première fois, au pied de la Gazette de l’Isle Maurice, en Anglais et en Français, un avis dont la version Française portait :

“ On donne avis au public, que tous les ordres du Gouvernement, tant civils que judiciaires et militaires, qui à l’avenir paraîtront dans la Gazette, revêtus des signatures des autorités respectives, devront être, jusqu’ à nouveaux ordres, considérés comme officiels, et on sera tenu de s’y conformer.”

Bientôt cet avis fut changé, et celui qu’on lui substitua était ainsi conçu :

“ On donne avis au public, que tous les ordres du Gouvernement qui, à l’avenir, paraîtront dans la Gazette, revêtus des signatures des autorités respectives, devront être, jusqu’ à nouveaux ordres, considérés comme officiels, et on sera tenu de s’y conformer.”

Ce dernier avis, avec l’addition de ces mots, *Copiés de la Gazette de Maurice*, ne commença à figurer en tête de celle de Bourbon que le 1^{er} Decembre 1812.

Enfin, lors de l’établissement à Maurice de la Gazette dite du Gouvernement, cet avis y fut inséré avec de nouveaux changemens dans sa rédaction.

Il s’agit à présent de voir si les Tribunaux de l’Isle de Bourbon ont pû croire que le mode de promulgation en vigueur se trouvait remplacé par les divers avis sus mentionnés.

Si jamais loi fut importante et exigea de la précision dans sa teneur et dans sa contexture, c’est à coup sûr celle qui est destinée à faire connaître aux citoyens le moment où ils deviennent passibles des peines encourues par la transgression d’une loi émise, et aux Tribunaux l’instant où ils peuvent, en toute sûreté de conscience, appliquer ces mêmes peines.

Le mode de la promulgation des loix est si essentiel dans l’ordre public, qu’il ne peut être déterminé avec trop d’authenticité et de solennité ; et il est de principe dans la législation Française, qu’une disposition nouvelle, tendante à annuler ce mode, demeure soumise aux formalités que prescrit ce même mode, tout en les abrogeant pour l’avenir.

D’après ces observations, serait-il donc possible de regarder les Tribunaux de l’Isle de Bourbon comme coupables, pour n’avoir point vû un mode nouveau de promulgation substitué à l’ancien dans des avis, dont le premier, du moins, aurait dû passer par la formalité de l’enregistrement, alors même qu’il aurait eu pour but de l’abolir.

Dans des avis qui, par l’instabilité de leur rédaction, pouvaient donner lieu à des interprétations différentes, circonstance absolument incompatible avec l’idée d’un mode de promulgation qui doit être clair, précis, uniforme.

Dans des avis enfin, qui n’établissent pas même implicitement, que la volonté de son excellence ait été, d’abroger l’ancien mode de promulgation : de sorte que si son intention a été réellement que les loix publiées dans l’esprit des sus-dits avis, soient considérées comme légalement promulguées, il en résulte que les Isles Maurice et de Bourbon se trouvent avoir, dans le même temps et à la fois, deux modes distincts de promulgation, singularité sans exemple dans la législation, et qui peut faire naître chaque jour de nouvelles difficultés.

Et alors même que cette opinion des sous-signés pourrait être regardée comme une erreur, ne conviendra-t’on pas qu’il leur était presque impossible de ne pas y tomber, quand on saura que depuis l’insertion de ces mêmes avis dans la Gazette, et à l’exception seulement des dits avis et des actes relatifs à l’abolition de la traite des noirs, tous les arrêtés, proclamations, ordres, et nominations ont été envoyés aux Tribunaux par son excellence le gouverneur général, avec mandement de les enregistrer. Sa proclamation qui suspend les sous-signés dans leurs fonctions, porte elle-même la preuve de sa déférence pour cette formalité. Ainsi donc, se conformant à la loi française, jusque dans l’acte où il la suppose inutile, le gouverneur général rend à cette loi le même hommage qu’il reproche aux Tribunaux de lui avoir rendu.

Son excellence s’emparant de la reconnaissance faite par le Tribunal de Première Instance, que le bill de Sa Majesté a paru dans la Gazette de Maurice en Juin 1812, semble en conclure que, de l’avoir même des premiers juges, la promulgation du

bill

N° 22,
continued.

bill a eu lieu dans la Gazette officielle du gouvernement du 18 Juin 1812, et son excellence repousse la distinction faite par les mêmes juges, de deux départements dans le même gouvernement, en ce qui concerne la justice, distinction qu'elle traite de subtilité dangéreuse.

Les sous-signés vont démontrer jusqu'à l'évidence, que de l'aveu fait par le Tribunal de première instance, ne sont point la preuve que la promulgation du bill eu lieu en Juin 1812, et qui soutenir que les deux isles, quoique sous un même gouvernement, forment deux départements différents, en ce qui concerne la justice n'est point une subtilité.

Ils observent premièrement que la Gazette de Maurice ne paraissant que le Mercredi de chaque semaine, il n'en existe point du 18 Juin 1812, qui était un Jeudi. Le jugement ne parle point de promulgation; il dit seulement que le bill a été inséré dans la Gazette du 10 Juin 1812, sans ajouter au mot Gazette ceux-ci *officielle du gouvernement* qui se trouvent dans la proclamation, attendu qu'à cette époque il n'existait à Maurice qu'une seule Gazette qui appartenait à un particulier, et dans laquelle le gouvernement comme tous les habitans de l'isle faisait insérer ce qu'il jugeait convenable. Cette remarque, toute futile qu'elle peut d'abord paraître, n'est pourtant pas indifférente, car ces mots *Gazette Officielle du Gouvernement* pourraient laisser croire qu'en 1812, il existait à Maurice une feuille exclusivement consacrée à la publication des ordres du gouvernement, et empruntant de cette circonstance une sorte d'authenticité, ce qui ne serait point exact, puisque la Gazette dite du gouvernement ne date que de Février 1813, et que ce n'est qu'en Juin suivant qu'on a commencé d'en adresser des exemplaires aux Tribunaux.

Les sous-signés observent secondement, que l'acte passé la 51^{ème} année du règne de Sa Majesté George III, intitulé, Acte pour rendre plus efficace, &c. a été à la vérité inséré dans la Gazette de Maurice du 10 Juin 1812, mais en Anglais seulement, et signé *Barry, Secrétaire en Chef du Gouvernement*, sans signature du gouverneur général, et sans même présenter ces mots sacramentels *par ordre* qui accompagnent invariablement la signature du Secrétaire du Gouvernement, lorsqu'il agit officiellement en sa qualité. D'où il résulte qu'aux termes mêmes des avis sus-relatés cette publication ne peut être considérée comme officielle, puis qu'elle n'est pas revêtue des signatures des autorités respectives, comme le sont les trois proclamations qui dans la même Gazette du 10 Juin 1812, viennent immédiatement après l'Acte de la 51^{ème} année du règne de Sa Majesté, et portent le mandement d'enregistrer.

Et en admettant que cet acte fût en règle, sous le rapport des signatures, resterait encore l'impossibilité de considérer une publication faite en langue Anglaise, comme une promulgation légale pour la population Française, qui n'entend point l'Anglais. Et cependant à qui était-il surtout nécessaire de faire connaître une loi si importante, et par son objet, et par les peines qu'elle prononce contre les infracteurs? Ce n'était pas aux Anglais qui sont suffisamment prémunis contre les dangers d'un commerce proscrit, par la connaissance qu'ils ont, comme nationaux, de l'Acte passé la 47^{ème} année du règne de Sa Majesté qui abolit la traite, et des bills d'Henry VIII. et de Guillaume III. sur la piraterie; mais aux Français qui sont dans l'ignorance la plus absolue sur la teneur de ces mêmes actes, puisque jusqu'à présent ils n'ont été publiés en ces colonies dans aucune langue et sous aucune forme. Et du moment qu'on se décidait à faire paraître l'acte destiné à rendre plus efficace celui de la 47^{ème} année du règne de Sa Majesté, comment n'a-t-on pas senti que cette publication ne pouvait avoir un bût d'utilité qu'autant qu'elle serait faite en Français? Et certainement il n'est pas permis de supposer qu'il y ait eu des difficultés à cet égard; puisque les moindres ordres, ceux-même portant nomination à des emplois, ont constamment été insérés dans la gazette, tout à la fois en Anglais et en Français, et que le Gouvernement entretenait des interprètes dans les deux isles.

Les sous-signés vont à présent prouver que quand bien même cette publication du bill du 14 Mai 1811, qui a paru dans le gazette de Maurice du 10 Juin 1812, eut été faite en Français, et revêtue des signatures des autorités respectives, elle n'aurait pu être réputée promulgation légale pour l'isle de Bourbon.

Sous le gouvernement Français les isles de France et de Bourbon ne formaient qu'un seul et même gouvernement, comme elles n'en font qu'un aujourd'hui; mais dans tous les temps les loix émises soit par le Roi, soit par les administrateurs généraux de ces colonies n'avaient de force pour chacune d'elles qu'après avoir été lues à l'audience du tribunal supérieur qui lui était particulier, et avoir été enregistrées en son greffe.

Ce mode de promulgation qui n'était que celui de la métropole, fut changé par le code civil des Français.

Le capitaine général Decaen, après une mure délibération avec le préfet colonial et le commissaire de justice, reconnût que si le mode prescrit par le code était praticable en France, où la continuité du territoire promettait aux loix émises de parvenir sans obstacle et dans les délais fixés, jusqu'aux extrémités de l'empire, il n'en était pas de même dans ces colonies, séparées par la mer, dont les hazards et les dangers exposaient les loix faites dans le chef lieu à n'être connues que long-temps après dans la colonie dépendante. Frappé des inconvénients très graves qui pouvaient en résulter, il se détermina à conserver le mode de promulgation des loix tel qu'il avait existé jusqu'alors, et rendit en conséquence l'arrêté dont la troisième disposition est textuellement rapportée plus haut.

Le bienfait de cette détermination est tellement senti, qu'il serait difficile de diviner de quels motifs de bien public on pourrait appuyer le parti pris de la révoquer. Ce n'est pas que les sous-signés en contestent le pouvoir à son excellence; peut-être même a-t-elle cru l'avoir anéantie par les avis qui ont successivement parus en tête de la gazette; mais les sous-signés se croient fondés à dire qu'un usage consacré par la pratique de plus d'un siècle, et dont les avantages sont de tous les jours, ne peut être réputé annullé par les expressions vagues de quelques avis dont les diverses rédactions ont laissé voir toute l'incertitude.

Un changement qui aurait de si grandes conséquences pour toute une colonie ne pourrait être opéré que par une déclaration si formelle et si claire que personne ne pût être trompé sur son véritable sens. Or, une déclaration de ce genre, n'existait point le 31 Juillet 1813, et n'a même point été faite jusqu'à ce jour. Donc le jugement a pû dire sans tomber dans des subtilités dangereuses, que les deux isles, quoique sous un seul gouvernement, forment deux départements, en ce qui concerne la justice seulement, et que par conséquent une publication de loix faite à Maurice, n'est point une publication pour l'isle de Bourbon.

Un passage remarquable de la proclamation du 22 Janvier 1814, est certainement celui où elle dit, "Dès l'instant que ces isles sont tombées sous la puissance de Sa Majesté Britannique, la traite a été abolie aux isles Maurice, Bourbon et dépendances, par cela seul que les loix Britanniques prohibent cet odieux commerce."

Les sous-signés ne nient point et n'ont jamais niés que dès que Maurice et Bourbon sont tombées au pouvoir de Sa Majesté, les loix commerciales de l'Angleterre et celle portant abolition de la traite ne soient devenues loix pour ces isles, comme pour toutes les autres parties de l'empire; et à coup sûr ils n'ont rien avancé qui ait pû nécessiter cette observation; mais, de cette vérité qu'une loi émise par un souverain est commune à tous ceux qui vivent sous sa domination, ne résulte pas la conséquence qu'elle soit obligatoire pour tous les sujets le même jour et à la même heure; et cela est si vrai que l'acte de la 51^{ème} année du règne de Sa Majesté porte des dispositions relatives aux époques auxquelles il doit avoir force de loi dans les diverses possessions Britanniques.

Le Parlement n'assurement pas cru avoir obvié à tous les inconvénients en déterminant si sagement ces époques en raison des distances; il a dû croire que le gouvernement particulier à chacune des possessions Britanniques regarderait comme une de ses premières obligations de prémunir les citoyens dépendans de son administration contre le danger d'enfreindre cet acte, en le leur faisant connaître d'une manière si authentique que nul ne pût en pretexter cause d'ignorance, et se méprendre sur les cas où il pourrait être réputé infractaire. Si l'on eut adopté ici cette mesure si facile à prendre, puisque la forme en était indiquée par ce qui a été constamment pratiqué pour toutes les proclamations faites depuis la conquête, les prévenus dans l'affaire de St Joseph n'auraient pas été dans le cas de se prévaloir de l'exception dont ils ont fait toute leur défense, ou les tribunaux du moins ne se seraient pas vûs dans la nécessité de l'admettre. Car, et l'on ne saurait trop le répéter, les tribunaux de ces isles, déclarés tout récemment tribunaux Britanniques, n'ont pas cessé au seul instant d'être regis par les principes de la législation Française.

Ces principes enjoignent impérieusement aux juges, sur tout en matière criminelle; de se conformer strictement à la lettre de la loi, et aux formes qu'elle prescrit; et cette obligation de s'attacher à la forme est si rigoureuse, qu'une partie qui se présenterait à l'audience, munie d'une loi nouvellement émanée du souverain, et dont l'existence serait attestée par les certificats les plus respectables, prouvée même par des jugemens rendus en conformité, tenterait en vain de s'en prévaloir; les

tribunaux

N° 22,
continued.

tribunaux n'y auraient aucun égard, et cette même loi n'en deviendrait une pour eux, qu'après qu'elle leur aurait été adressée par l'autorité compétente avec ordre de l'enregistrer et de l'exécuter. La nécessité de cette stricte observation des formes est si généralement sentie que son excellence elle-même a crû convenable, dans sa proclamation du 3 Janvier dernier, de la recommander aux tribunaux en ces termes :—

“ Son Excellence compte sur un concours nécessaire de bonne volonté de la part des colons, de zèle et d'impartialité de la part des juges et des officiers du ministère public. Les premières doivent craindre d'enfreindre la loi, et les autres ne doivent souffrir dans aucun temps, qu'il y soit rien innové, surtout à l'égard des formes à employer pour parvenir à en faire l'application.”

Les sous-signés ne devaient guères s'attendre, lorsqu'ils enrégistrèrent cette proclamation que quinze jours après ils se verraient taxés de prévarication, pour s'être religieusement attaché les 31 Juillet et 27 Novembre 1813, à l'observation de cette même forme que le 3 Janvier suivant, on leur montrait comme le palladium de la sûreté individuelle et des propriétés, avec un appel à leur zèle, de n'y laisser porter aucune atteinte.

Y aurait-il de la témérité aux sous-signés de voir dans ces mots de la proclamation du 22 Janvier 1814, et s'il avait eu besoin de promulgation à cet égard, la preuve que son excellence elle-même n'était pas sûre que le bill eut été promulgué ? Il est vrai qu'elle ajoute ensuite que sa proclamation du 28 Decembre 1810, confirmée et expliquée par celle de Février 1811, était *suffisante*, puisque dans ces proclamations il est dit que les nouveaux sujets jouiront des mêmes avantages commerciaux dont jouissent et jouiront légalement les sujets de Sa Majesté, sous la même protection et sous les mêmes restrictions.

Si l'on admettait ce raisonnement dans le sens qu'on a voulu lui donner, il faudrait croire que l'acte de la 51^{ème} année du règne de Sa Majesté s'est trouvé suffisamment promulgué par la proclamation de son excellence du 28 Decembre 1810, c'est-à-dire plus de quatre mois avant que ce même acte ait été adopté par le Parlement.

Il faudrait croire qu'au moyen de ces mots *sous les mêmes restrictions*, toutes les loix commerciales de l'Angleterre faites et à faire se trouvent dès à présent suffisamment publiées et exécutoires pour les habitans de ces isles, sans qu'on soit obligé de leur en faire connaître la teneur.

Il en résulterait que les particuliers de ces colonies qui se livreraient à des opérations de commerce marcheraient au milieu des dangers, toujours poursuivis par la crainte de tomber dans le cas de quelque restriction que le hazard seul pourrait leur faire éviter.

Et qui donc aurait pu s'imaginer qu'une proclamation qui ne promettait que des avantages et des bienfaits pût cacher sous ce mot *restriction* des conséquences si funestes ? mais non, des inductions aussi forcées ne sont point dans les principes du gouvernement Britannique, celui de toute la terre qui se montrant le plus attentif et le plus prévoyant pour tout ce qui concerne la propriété, la sûreté, la liberté, la réputation de ses sujets, a sçu les environner de plus de garantie et de sauve garde : elles ne peuvent être, ces inductions, dans le cœur du gouverneur général, dont la bonté et l'humanité n'ont jamais trompé les espérances de ceux qui y ont eu recours ; et si on les trouve consignées dans sa proclamation, c'est qu'il n'avait pas donné à l'indignation dont il avoue lui-même qu'il était animé, le temps de se calmer. Le moindre délai apporté à sa détermination eut suffi pour le ramener à la vérité de ce principe éternel et incontestable, que nul ne peut être passible des peines attachées à la transgression des loix, qu'autant que ces loix ont été publiées dans la forme authentique réglée par le législateur ; et un système contraire serait même d'une impossible exécution dans ces colonies, puisque dans l'état actuel des choses, les juges, lorsqu'ils prononcent une peine contre un accusé, sont dans l'obligation de lire à l'audience la disposition de la loi en vertu de laquelle ils condamnent, et de porter en outre dans leur jugement le texte de cette même disposition. Or, pour que des tribunaux puissent relater une loi, il faut qu'ils la connaissent. Et comment la connaîtront-ils si elle n'existe point dans leurs greffes, le seul dépôt légal ou ils puissent la chercher ?

La proclamation observe avec raison, qu'il serait absurde de contester à Sa Majesté la plénitude de puissance dont le gouvernement François jouissait dans ces colonies. Aussi n'y existe-t'il pas un seul individu coupable d'une pensée aussi téméraire. Mais si le pouvoir de faire de nouvelles loix, ou de changer, altérer, et abroger les anciennes, en tout ou partie, est dans les prerogatives du souverain,

l'obligation

l'obligation de publier dans les formes légales ces loix nouvelles, ou les changements, altérations et modifications apportés aux anciennes, est dans les devoirs de ceux à qui le souverain a délégué son autorité ; et ce n'est pas pour avoir jugé d'après des principes conformes à cette doctrine commune à tous les peuples civilisés qu'on peut être accusé d'avoir voulu établir une *jurisdiction* contraire aux droits des nations.

Si l'on remarquait que dans cet exposé il n'est point fait mention du fonds du procès sur lequel les tribunaux ont prononcé les 31 Juillet et 27 Novembre 1813, les sous-signés répondraient que l'exception péremptoire ayant été admise, l'examen du fond devenait inutile. Au surplus qu'y verrait on ? Qu'un vaisseau parti de cette colonie depuis très long temps, a reparu le 21 Octobre 1812, devant un des cantons de l'isle, a envoyé à terre un bateau qui n'a pas tardé à être renversé par la force des lames ; que quelques habitans, témoins de cet accident, se sont portés sur le rivage, pour tirer des flots ceux qu'ils voyaient en danger de se noyer, sans savoir si les individus à qui ils prodiguaient leurs secours étaient des gens libres ou des esclaves, mais ne voyant en eux que des hommes à sauver. Il est vrai que depuis il s'est élevé un soupçon que quelques uns des onze noirs recueillis du naufrage avaient été détournés ; mais ce fait, outre qu'il n'a jamais été prouvé, n'était point compris dans la plainte rendue par le procureur du Roi, et dès lors les Tribunaux ne pouvaient y statuer.

Les sous-signés croient avoir prouvé que bien loin d'être tombés en forfaiture, ils n'ont fait qu'obéir à leur conscience et à leur devoir, en prononçant que le 21 Octobre 1812, la loi qui abolit la traite n'avait point été promulguée dans la colonie ; car en admettant que l'insertion de l'acte de la 51^{me} année du règne de Sa Majesté, qui a eu lieu dans la gazette de Bourbon du 6 Février 1813, en Français il est vrai, mais sans aucune signature, et n'ayant par conséquent aucun caractère d'authenticité pût être considéré à la rigueur comme une publication suffisante, il n'en est pas moins certain qu'elle ne pouvait avoir d'effet sur un fait antérieur de plus de trois mois à cette même publication, et ce aux termes de l'article 2 du chapitre 1^{er} du code civil portant :

“ La loi ne dispose que pour l'avenir ; elle n'a point d'effet rétroactif.”

Ce principe n'est point particulier à la législation Française, puisque le tribunal d'amirauté du Cap de Bonne Espérance ayant eu à prononcer sur la validité de la prise d'un vaisseau armé à Maurice et portant des noirs de traite, a déclaré la dite prise nulle sur ce motif, que la loi qui abolit la traite n'était pas connue dans ces colonies : décision qui, d'un coté détruit cette assertion de la proclamation du 22 Janvier 1814, que la loi qui défend la traite s'est trouvée en vigueur dans ces isles du moment de la conquête, par cela seul que ce commerce est prohibé par les loix Britanniques ; et de l'autre, prouve que les délais déterminés par le Parlement pour que les actes de la 47^{me} et de la 51^{me} année du règne de Sa Majesté fussent mis à exécution dans les diverses possessions Britanniques ne dispensaient pas les gouvernements particuliers à ces possessions de faire connaître ces actes aux habitans soumis à leur administration.

Sans doute que dans le parti qu'elle a pris à l'égard des sous-signés, son excellence n'a agi que dans l'étendue de ses pouvoirs ; mais s'il est vrai qu'aux termes des loix qui régissent ces colonies le dernier des officiers de justice ne pourrait être reconnu *prévaricateur* dans ses fonctions que par un jugement qui le déclarerait tel, après qu'il aurait été entendu dans ses défenses ; combien doit paraître rigoureux le sort des magistrats qui, sans avoir rien à se reprocher, et sans avoir été entendus, se voient signalés comme coupables de prévarication, c'est-à-dire du crime le plus odieux qu'on puisse imputer à des juges, puisqu'il emporte nécessairement l'idée de la collusion, de la corruption, de la volonté déterminée de trahir son devoir. La nécessité de les déclarer criminels était-elle donc si pressante, qu'on n'ait pu surseoir à la mesure, jusqu'à ce qu'ils aient été mis à même de produire les raisons qu'ils pouvaient avoir à alléguer pour justifier leur conduite ? Et quand malgré celles qui viennent d'être exposées on eut persisté à penser que la loi qui abolit la traite devait être regardée comme suffisamment connue et en pleine vigueur le 21 Octobre 1812, du moins eut-il été impossible de ne pas reconnaître que les tribunaux dans les circonstances dont ils étaient environnés, ne pouvaient que se tromper. Et la violation de la loi, par le fait de l'erreur, peut être rectifiée par voie de cassation, mais n'entraîne jamais d'accusation contre les juges qui l'ont commise.

Les sous-signés ne sont soutenus dans leur profonde affliction que par la confiance qu'ils ont dans la justice de votre altesse royale. Ils déposent à vos pieds leurs

N° 22,
continued.

moyens de justifications, en demandant pour toute grace que leur conduite et les principes qui l'ont réglée soient sévèrement examinés; à ce désir ils joignent les vœux les plus ardens et les plus sincères pour la prospérité, la gloire, et le bonheur de votre altesse royale.

St. Denis, Isle de Bourbon, le 24 Février 1814.

(signés) *Guillot l'Etang*, President de la Cour d'Appel.
Lé Villan Desrabines, Vice President de la Cour d'Appel.
D. L. A. Nègre de St. Croix, Premier Juge à la Cour d'Appel.
G. Des Rieux, Juge à la Cour d'Appel.
M. Azema, Juge à la Cour d'Appel.
La Caussade, Avoué, appelé pour juger à la Cour en remplacement d'un titulaire, le 27 Novembre 1813.
Duparc, Président du Tribunal de Première Instance, à l'époque du 31 Juillet 1813.
Senneville, Avoué, appelé pour compléter le Tribunal, le 31 Juillet 1813.

(Translation.)

To the Prince Regent of the United Kingdom of Great Britain.

The humble Address of the President, Vice-President, and Judges of the Court of Appeal, and of the President and Judge of the Tribunal of first Instance, in the Isle of Bourbon.

May it please your Royal Highness,

THE magistrates, members of the tribunals of the Isle of Bourbon, were exercising their functions in the full security of their conscience. They prided themselves of the esteem of those under their jurisdiction, and of the approbation of the government, which, on a very recent occasion, had given them a proof of it; and whilst in the confidence which they felt at the conviction that they merited both, they have been struck at by a proclamation from his excellency the governor general, which declares them to be *prevaricators*, and consequently suspends them from all their functions, until your Royal Highness's pleasure shall be known.

Without any deviation from the respect they entertain for his excellency, the undersigned might complain of his precipitancy, and observe that so informal a document as an *extract received through a private channel*, and not possessing therefore any authentic character, ought not to be the ground for the hasty adoption of a course quite unexampled in its severity; a course which attacks magistrates in what is most valuable to them, their honour; which arrests the progress of justice, and leaves upon the minds of all, a mistrust of the future, but too well founded, when all those who might be capable of filling up the vacancies, formally refuse to take the charge upon themselves; and when the anxious inquiry of every one is, upon what men, will fortune, life, honour, henceforth depend. These results, which it was easy to foresee, might well be thought to claim more maturity and slowness of proceeding, and more time for obtaining, by official means, acts in due form, without any abridgement of their extent or relative bearing; and even supposing that such precautions would not have altered in any way his excellency's determination, they would at least, have had the good effect of preventing the observation which is generally made, that the tribunals of the Isle of Bourbon have been judged and condemned on the mere inspection of a document which the tribunals of Mauritius would have rejected as unusual, if it had so happened, that at the same moment and under similar circumstances, they had had to pronounce judgment against a private individual.

The undersigned owe to themselves, to the government, and to the public, whose esteem can alone repay the sufferings entailed upon them by so severe a measure, to appeal against his excellency's decision, and to lay before your Royal Highness the principles that have guided the judgment and decree which are now imputed to them as a crime.

They will first present a short statement of facts, and will demonstrate afterwards, that a conduct different from what they actually pursued, would very justly have exposed them to the accusation of having betrayed their duty.

On the 6th January 1813, the King's attorney preferred a complaint to the tribunal
of

of first instance against divers individuals, charged with being the authors, abettors, and accomplices of a landing, in one of the quarters of the island, of negroes intended for sale.

The information having been given in, and the audience fixed for judging the trial, the accused parties appeared, and offered, as their peremptory means of defence, the following objection:—that at the period of the fact upon which this complaint was grounded, the act abolishing the Slave Trade had not been published in the colony.

On the 31st July 1813, the Criminal Tribunal of First Instance unanimously gave its judgment, by which, the objection being admitted, it discharged the accused, and condemned the government to the expenses of the trial.

The King's attorney having appealed against this judgment, the court by its decree of 27th November following, rejected that appeal, in so far as it discharges the accused, and declares that the demand, object and conclusions of the King's attorney are not admissible, and deciding thereupon, it purely and simply discharges the accused, and condemns the government to pay the costs incurred in the appeal made by the King's attorney; this decree was likewise unanimously carried.

Such are the circumstances that have given rise to the decision of his excellency the governor general.

The result to be deduced from them is, that the peremptory objection is the only point upon which the First Tribunal has had to determine.

It is imputed to it as a crime, that it gave it validity by its judgment; and the court is charged with having confirmed that doctrine by its decree.

The only question therefore to be examined and ascertained is, *whether on the 21st October 1812, period of the landing of the negroes in the quarter of St. Joseph, the act abolishing the trade had been legally published in the colony.*

In order to proceed upon this examination with proper method, the undersigned will state the motives of the judgment of 31st July 1813.

“ It is a well known fact, said the first judges, that the islands of Mauritius and Bourbon, surrendered to his Britannic Majesty's forces, under a capitulation which guaranteed to them the preservation of their laws, their usages, and their religion.”

“ That at the time of the surrender of those islands, the slave trade was allowed in them; and to derogate from this usage, which the capitulation appeared to maintain, the notification and promulgation of a prohibitory law became necessary, a principle which has been upheld by the tribunal of the Cape in a similar circumstance.”

“ That indeed his Majesty's bill has been inserted in the Gazette of Mauritius, dated the 10th June 1812, N° 24; but that this gazette only relates to the aforesaid island, which, though forming with Bourbon only one government, is understood to be a distinct department in what relates to justice, having distinct tribunals of first instance and of appeal.”

“ That if subsequently the bill has been inserted in the Bourbon paper, it has not been wholly so, nor did it bear any legal signature; that consequently it had not acquired a legal validity.”

“ That if the advertisement inserted in the Bourbon paper states, that the government advertisements copied into the Mauritius Gazette, shall be considered as official for Bourbon, that notice cannot have a retroactive effect, and can only be carried into execution from the day on which it has been published for the first time, which is the 1st December 1812.”

“ Lastly, that the Slave Trade being permitted in these islands when they were conquered, and its prohibition not having been legally known until subsequently to the shipwreck of the boat, which happened at St. Joseph on the 21st October 1812; it follows, that the tribunals cannot consider the law to have been infringed by those who must have been ignorant of that prohibitory law, since it was not promulgated, and the advertisements issued were subsequent to the shipwreck of the boat; which applies to the inhabitants of this island who are accused on the trial, and especially to Longue father and Lamarre son, who are long absent from these islands.”

“ It is so notorious a fact, that the capitulation has maintained the laws existing at the time of the conquest, that the tribunal of first instance might have waved mentioning it.”

At that period, the trade was not tolerated by usage, as the expressions in the judgment

N° 22,
continued.

judgment might lead to infer, but permitted by a specific law, issued at Paris by the First Consul, the 30th Floreal, 10th year, the clauses of which are as follows:—

“ Article 1.—In the colonies restored to France, in conformity with the treaty of Amiens, of the 6th Germinal, 10th year, slavery shall be maintained agreeably to the laws and regulations anterior to 1789.”

“ Art. 2.—This shall also be the case in the other French colonies beyond the Cape of Good Hope.”

“ Art. 3.—The trade in negroes, and their importation into the said colonies, shall take place conformably to the laws and regulations existing previously to the above said period of 1789.”

Now it is a fixed principle, that a law in full force cannot be extended, modified or abrogated, otherwise than by a fresh law, which can have its execution only from the moment when, by its being promulgated legally, that is to say, according to the forms prescribed by the institutions of the country, the parties amenable to justice can no longer urge ignorance as a pretext, and by the authentic deposit made of the same in the registries of the tribunals entrusted with its application.

What was the legal form for the promulgation of laws in the colony, at the time of its coming into the power of His Britannic Majesty? The undersigned find it in the supplementary decree of the civil code, published by the captain-general, on the first Brumaire of the year 14.

The text of the third clause is as follows: “ The publication of decrees shall be made as heretofore, by the reading in public audience *of the Courts of Appeal*, by the entry in their registries, by printing and public notice.”

“ The promulgation shall be deemed to have been made known in each colony one day after the reading and registering prescribed.”

Has this mode of promulgation, which existed at the time of the conquest, been abrogated since, and has any other been substituted for it?

On Wednesday, the 30th October 1811, there appeared, for the first time, at the foot of the Gazette of the Island of Mauritius, an advertisement in English and French, the French version of which was in these terms:

“ Notice is given to the public, that all orders from the government, whether civil, military or judicial, that shall henceforth appear in the gazette, with the signatures of the respective authorities affixed to them, are, until otherwise directed, to be considered as official, and must be obeyed accordingly.”

This advertisement was shortly altered, and the one which was substituted for it was in these terms:

“ Notice is given to the public, that all orders from the government, that shall henceforth appear in the gazette, with the signatures of the respective authorities affixed to them, are, until otherwise directed, to be considered as official, and must be obeyed accordingly.”

The latter advertisement, with the addition of these words, “ *copied from the Mauritius Gazette,*” was not placed at the head of the Bourbon Gazette until the 1st December 1812.

Lastly, when the Government Gazette, as it was so called, was established in Mauritius, this advertisement was published in it, with fresh alterations in its insertion.

It must now be seen, whether the tribunals of the Isle of Bourbon can have believed that the mode of promulgation in use was set aside by the various advertisements above-mentioned.

If ever a law was of importance, and required precision in its tenor and context, it assuredly is that which is intended to make known to citizens, when they become liable to the punishments incurred by the transgression of a published law, and to the tribunals the moment when, in full security of conscience, they may make the application of those punishments.

The mode of promulgating laws is so essential to public order, that it can never be determined in too authentic and solemn a manner; and it is a principle of French legislation, that a fresh disposition tending to annul that mode, is subject to the formalities prescribed by the said mode, although it does away with them for the future.

According to these observations, can it then be possible to consider the tribunals of the Isle of Bourbon as criminal, because they did not discover a new mode of promulgation substituted for the old, in advertisements, the first of which, at least, ought to have gone through the formality of registry, even where its object would have been the abolition of that formality.

In advertisements which, by the uncertainty in their compilation, might give rise to different interpretations, a circumstance quite incompatible with the idea of a mode of promulgation that ought to be marked by clearness, uniformity and precision.

In advertisements, in short, which do not even establish by implication that it has been the will of his excellency, that the ancient form of promulgation should be abolished; so that, if it really was his intention that the laws, published in the spirit of the aforesaid advertisements, should be considered as legally promulgated, it follows that the islands of Mauritius and Bourbon will have, at one and the same time, two distinct modes of promulgation, a peculiarity unexampled in legislation, from which fresh difficulties may daily arise.

Should even this opinion of the undersigned be deemed erroneous, will it not be allowed that it was next to impossible for them to avoid it, when it is known that since the insertion of the said advertisements in the gazette, and with the exception only of those advertisements, and of the Acts relating to the abolition of the Slave Trade, all decrees, proclamations, orders and appointments have been sent to the tribunals by his excellency the governor-general, with directions for registering them. His proclamation, suspending them from their functions, carries in itself the proof of his deference to that formality. Conforming himself, therefore, to the French law, in the very act in which he assumes it to be useless, the governor-general pays to that law the respect which he reproaches the tribunals with having shown to it.

His excellency, laying hold of the acknowledgement made by the Tribunal of First Instance, that His Majesty's Bill has appeared in the Mauritius Gazette, in June 1812, seems to conclude from it that, by the confession of the first judges, the promulgation of the Bill was made in the official Government Gazette of the 18th June 1812; and his excellency rejects the distinction made by those judges, of two departments in the same government, in what relates to justice, a distinction which he deals with as being a dangerous subtlety.

The undersigned will now demonstrate to conviction, that the admission made by the Tribunal of First Instance, is not a proof that the promulgation of the Bill took place in June 1812, and that there is no subtlety in affirming that the two islands, though under the same government, form two distinct departments in what relates to justice.

They have first to observe, that as the Mauritius Gazette only appears on the Wednesday in each week, there is none bearing date the 18th June 1812, which fell on a Thursday. The judgment says nothing of promulgation; but merely that the Bill has been inserted in the gazette of 10th June 1812, without joining to the word gazette, the following words, *official Government*, which are in the proclamation, because, at that period, there was at Mauritius one gazette only, the property of a private individual, in which the government, like all the inhabitants of the island, caused to be inserted whatever it thought proper. This observation, however trifling it may at first appear, is not to be treated with indifference; for these words, *official Government Gazette*, might lead to suppose that there existed at Mauritius in 1812, a paper exclusively destined to the publication of government orders, and deriving a degree of authenticity from such a circumstance. This would not be correct, since the so called Government Gazette only dates from February 1813; and it is only from the following June that the tribunals have been furnished with copies of them.

The undersigned observe in the second place, that the Act passed in the 51st year of the reign of His Majesty George III, intituled, An Act to render more effectual, &c. has indeed been inserted in the Mauritius Gazette of 10th June 1812, but in the English language only, and signed *Barry, chief Secretary to the Government*, without the governor-general's signature, and without even exhibiting these consecrated words, *by order*, which invariably accompany the signature of the government secretary, when he acts in his official capacity. Hence it follows, from the very terms of the aforesaid advertisements, that the publication cannot be considered as official, since it is not clothed with the signatures of the respective authorities, such as are found to be the three proclamations which, in the same gazette of 10th June 1812, immediately follow the Act of the 51st year of His Majesty's reign, and order the registering of them.

And admitting the regularity of that Act, in respect to signatures, there would remain the impossibility of considering a publication made in the English language, as a legal promulgation for the French population, who do not understand English.

And

N° 22,
continued.

And yet whom was it most necessary to make acquainted with a law, so important in its object, and in the punishment it enacts against the infringers of it?—not the English, who are sufficiently guarded against the dangers of a proscribed trade, by the knowledge which they, as natives, possess of the Act passed in the 47th year of His Majesty's reign, which abolishes the Trade, and of the Bills of Henry VIII. and William III. on piracy;—but the French, who are in the most absolute ignorance of the tenor of the said Acts, since up to this moment they have not been published in these colonies under any form, or in any language whatever. And from the instant it was determined to exhibit the Act destined to give better effect to that of the 47th year of His Majesty's reign, how has it not been felt that such a publication would have no useful tendency, unless it were made in French? Assuredly it cannot be supposed that any difficulty existed in respect to this, since the most trifling orders, even the nominations to appointments, have constantly been inserted in the gazette, both in French and in English, and the government maintained interpreters in each island.

The undersigned will now proceed to prove, that if even that publication of the Bill of 14th May 1811, which appeared in the Mauritius Gazette of 10th June 1812, had been made in French, and clothed with the signatures of the respective authorities, it could not have been deemed a legal promulgation for the island of Bourbon.

Under the French government, the islands of France and Bourbon formed but one and the same government, as is the case at the present day; but in all times the laws enacted, whether by the king or the administrators general of these colonies, were only to be in operation for each of them, after having been read at the audience of the superior tribunal relating to each, and entered in its registry.

This mode of promulgation, which was but that of the mother country, was altered by the French civil code.

The Captain General Decaen, after a mature deliberation with the colonial prefect and the commissary of justice, acknowledged that if the course prescribed by the code was practicable in France, where a continuity of territory allowed the enacted laws to reach the extremities of the empire, without obstacle, and in a limited space of time, such was not the case in those colonies, separated by the sea, the hazards and dangers of which might prevent the laws emanating from the seat of government from being known for a long time afterwards in the colony depending upon it. Struck with the very serious inconveniences that might result from this, he determined to maintain the mode of promulgating laws that had existed until then, and issued in consequence the decree; the third clause of which is above recited.

The benefit of that determination is so sensibly felt, that it would be difficult to guess what motives of public good could be urged in support of the course adopted of revoking it. Not that the undersigned contest the power of his excellency to do so; perhaps, even does he conceive that he has destroyed it by the advertisements that have successively appeared at the head of the gazette; but the undersigned deem themselves well founded in saying, that the usage consecrated by the practice of upwards of a century, the advantages of which are of daily occurrence, cannot be considered as annulled by the vague expressions of a few advertisements, the uncertainty of which is exhibited by the want of uniformity in their tenor.

A change that would be attended with such great consequences for a whole colony, could only be effected by a declaration so clear and so formal as to leave no doubt of its real sense. Now a declaration of this kind was not in existence the 31st July 1813, and has not, up to the present time, been issued. The judgment may therefore have said, without falling into dangerous subtleties, that the two islands, although under one government, form two departments in what concerns justice only, and that therefore a publication of laws made at Mauritius is not a publication for the island of Bourbon.

A remarkable passage in the proclamation of the 22nd January 1814, is assuredly that, in which it says, “from the moment these islands have fallen into the power of His Britannic Majesty, the trade has been abolished in the islands of Mauritius, Bourbon, and dependencies, by the simple fact, that the British laws prohibit that odious traffic.”

The undersigned do not deny, have never denied, that as soon as Mauritius and Bourbon fell into His Majesty's power, the commercial laws of England, and that which enjoins the abolition of the trade, have become laws for those islands, as well as for every other part of the empire; and assuredly they have urged nothing to call
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for that observation. But out of this truth, that a law enacted by a sovereign is common to all those who live under his sway, it does not spring out as a consequence that it is obligatory for all subjects on the same day and at the same hour of time; this is so true, that the Act of the 51st year of His Majesty's reign, contains clauses relative to the periods at which it is to have force of law in the various British dominions.

The Parliament has surely not thought, that it obviated all inconveniences in deciding so wisely upon those periods, in consideration of the distances; it must have conceived that the special government in each of the British possessions, would deem it one of its first obligations to guard the citizens dependent upon its administration, against the danger of infringing that Act, by making it known to them in so authentic a manner, that none could plead ignorance of it, or misunderstand those cases in which he might be held to have infringed it. If so simple a measure had been adopted here, the form of it having been pointed out by what was the constant practice in all proclamations made since the conquest,—the accused in the affair at St. Joseph would not have been enabled to take advantage of the objection which constituted their only defence; or at least the tribunals would not have been under the necessity of admitting it; for, and it cannot be too often repeated, the tribunals of these islands very recently declared to be British tribunals, have not ceased for a moment to be guided by the principles of French legislation.

Those principles imperiously enjoin to judges, especially in a criminal matter, to conform strictly to the letter of the law, and to the forms which it prescribes; and this obligation of adhering to form, is so imperative, that a party who would present himself to the audience, provided with a law freshly emanated from the sovereign, and the existence of which would be attested by the most respectable certificates, and evidenced by judgments passed in conformity to it, would in vain endeavour to avail himself of it; the tribunals would not give it any attention; and that law would only become such for them, after it had been directed to them by the competent authority, with orders to register it and give it execution. The necessity of this strict observance of forms is so generally felt, that his excellency has himself thought proper, in his proclamation of the 3rd January last, to recommend it to the tribunals, in the following words:—

“ His excellency relies upon a necessary concurrence of good will on the part of the colonists, of zeal and impartiality from the judges and officers of the public administration. The former ought to be on their guard against infringing the law, the latter should at no time allow of any innovation in it, especially in regard to the forms to be used in giving it due effect.”

The undersigned could hardly have expected, when registering this proclamation, that a fortnight afterwards they would be charged with prevarication, for having scrupulously adhered on the 31st July and 27th November 1813, to an observance of that same form which, on the 3d January following, was held up to them as the palladium of individual security and of property, with an appeal to their zeal, that they should never allow it to be infringed.

Would it be too hazardous in the undersigned, to see in these words of the proclamation of the 22d January 1814; *and had there been a necessity for any promulgation on this subject*—a proof that his excellency himself, was not sure that the Bill had been promulgated? It is true, that he adds afterwards, that his proclamation of 28th December 1810, confirmed and explained by the one of February 1811, was *sufficient*; since in those proclamations it is set forth that the new subjects shall enjoy the same commercial advantages which are now, or may hereafter be legally enjoyed by the subjects of His Majesty, under the same protection, and subject to the same restrictions.

Were this reasoning to be admitted, in the sense which it has been attempted to fix to it, it must be supposed, that the Act of the 51st year of His Majesty's reign, has been sufficiently promulgated by his excellency's proclamation of 28th December 1810, that is to say, upwards of four months previously to the adoption by Parliament, of the said Act.

It would be necessary to believe that by means of these words, *subject to the same restrictions*, all the commercial laws of England, made or to be made, are already sufficiently published, and in a course of execution for the inhabitants of these islands, without there being any obligation to make them acquainted with their tenor.

The consequence would be, that the private individuals of these colonies who

N° 22,
continued.

might enter into commercial operations, would proceed in the midst of dangers, always a prey to the apprehension of falling into the predicament of some restriction, out of which chance alone could extricate them.

And who, then, could have imagined, that a proclamation, which promised nothing but advantages and benefits, could conceal under this word of *restriction*, such dangerous consequences? Assuredly not; forced inferences are not in the principles of the British government, which displaying, more than any other upon earth, an attention and foresight for whatever concerns the property, the security, liberty, and reputation of its subjects, has succeeded in surrounding them with more guarantees and safeguards. Those inferences cannot emanate from the heart of the governor general, whose goodness and humanity have never deceived the hopes of those who have had recourse to them; and if they are found recorded in his proclamation, it is only because he has not allowed the calm of reflection to soften the indignation under which he acknowledges himself to have acted. The smallest delay he might have given to his determination, had sufficed to recall him to that fixed and incontestible principle, that none ought to suffer the punishments awarded for the transgression of laws, unless those laws have been published in the authentic form which the legislature has laid down; and it would be impossible to give effect in these colonies to a contrary system, since in the present state of things, the judges, when they decree a punishment against an accused party, are under the obligation of reading to the audience the disposition of the law, in virtue of which they condemn, and moreover to introduce into their judgment the very text of that disposition. Now, in order that the tribunals may have it in their power to quote a law, they must be acquainted with it; and how are they to know it, if it does not exist in their registries, the only legal deposit in which it may be looked for.

The proclamation justly observes that it would be absurd to contest to His Majesty, the plenitude of power which the French government enjoyed in these colonies. Neither is there to be found in them a single individual guilty of so bold an idea; but if the power of making new laws, or changing, altering, or annulling the old ones, wholly or in part, is in the prerogative of the sovereign, the obligation of publishing in a legal form those new laws, or the changes, alterations or modifications introduced into the old ones, is a part of the duties of those to whom the sovereign has delegated his authority; and it is not for having judged in conformity to principles which are in unison with this doctrine, held in common by all civilized nations, that one is liable to the accusation of attempting to establish a *jurisdiction* contrary to the rights of nations.

Should it be remarked that in this statement no mention is made of the groundwork of the trial upon which the tribunals have pronounced on the 31st July, and 27th November 1813, the undersigned would reply that the peremptory objection having been admitted, the investigation of the case became useless. What however would be found in it? That a vessel which had for a long time left this colony, re-appeared on the 21st of October 1812, before one of the quarters of the island; sent a boat on shore, which was soon upset by the violence of the waves. That some inhabitants, witnesses of this accident, repaired to the shore in order to save from the waves those whom they found to be in danger of being drowned, without knowing whether the individuals to whom they were affording assistance, were free men or slaves; but seeing in them no other objects than men whose lives were to be saved. True it is, that a suspicion has since arisen that some of the eleven negroes saved from the wreck had been drawn away; but this fact, which has never been proved, was not included in the complaint of the King's attorney, and the tribunals therefore could not pass a judgment upon it.

The undersigned conceive they have proved, that so far from having deserved the forfeiture of their offices, they have only obeyed the dictates of their conscience and their duty, in pronouncing, that on the 21st of October 1812, the law abolishing the trade had not been promulgated in the colony. For admitting that the insertion of the Act of the fifty-first year of His Majesty's reign, which took place in the Bourbon Gazette of 6th February 1813, in French it is true, but without any signature, and consequently without any character of authority, could be rigorously considered as a sufficient publication, it is no less certain that it could have no effect upon an Act anterior, by upwards of three months, to that same publication, agreeably to the 2nd article of the 1st chapter of the civil code, which says:

“The law prescribes only for the future; it has no retro-active effect.”

This principle is not peculiar to French legislation; since the Admiralty Court
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of the Cape of Good Hope, having had to pronounce on the validity of the capture of a vessel armed at Mauritius, and carrying negroes for trade, declared the said capture to be null upon this ground, that the law which abolishes the trade was not known in those colonies; a decision which, on the one side destroys the assertion in the proclamation of the 22nd January 1814, that the law forbidding the trade was in full vigour in those islands from the moment of the conquest, by the simple fact of that traffic being prohibited by the British laws; and on the other, proves that the delays fixed by Parliament for carrying into effect the Acts of the 47th and 51st year of His Majesty's reign in the various British possessions, did not dispense the respective governments of those possessions from making known those Acts to the inhabitants subjected to their administration.

No doubt in the course adopted by his excellency, in regard to the undersigned, he has only acted to the extent of his powers. But if it be true, that in conformity with the laws which regulate these colonies, the lowest officer of justice could not be declared a *prevaricator* in his functions, except by a judgment, which would pronounce him to be such, after hearing his defence; how hard must not be deemed the fate of magistrates, who, without any cause for self-reproach, without having been heard, are marked as guilty of prevarication, that is to say, of the most odious crime that can be imputed to judges, as it necessarily carries with it the idea of collusion, of corruption, of a determined will to betray their duty. Was there, then, so much urgency in the necessity of declaring them guilty, that this measure could not have been stayed, until they had had an opportunity afforded them of producing the reasons they might have to allege in justification of their conduct? And even if notwithstanding those which have just been urged, it had still been thought that the law abolishing the Trade was to be considered as sufficiently known and in full operation on the 21st October 1812, still it would have been impossible, not to discover that in the circumstances under which they acted, the Tribunals could only be mistaken. And the violation of the law, originating in error, may be rectified by means of cassation, but never draws down an accusation against the judges who have fallen into it.

The undersigned are only supported in their profound affliction, by the confidence they have in the justice of your Royal Highness. They lay at your feet their means of justification, and ask for only the favour, that their conduct, and the principles by which it has been regulated, may be strictly investigated. To this wish they add their most ardent and most sincere prayer for the prosperity, the glory, and the happiness of your Royal Highness.

St. Denis, Isle of Bourbon, 24th February 1814.

(signed) *Gillot l'Etang*, President of the Court of Appeal.
Le Villan Desrabines, Vice President of the Court of Appeal.
D. L. A. Negre de Sainte Croix, First Judge of the Court of Appeal.
G. Desrieux, Judge of the Court of Appeal.
M. Azema, Judge of the Court of Appeal.
La Caussade, Counsellor, called upon to act as judge in court, in the room of a titular, on the 27th November 1813.
Duparc, President of the Tribunal of First Instance, at the period of the 31st July 1813.
Senneville, Counsellor, called upon in order to complete the tribunal, on 31st July 1813.

EXTRAIT des Minutes du Greffe de la Cour d'Appel et de Justice Criminelle de l'Isle de Bourbon.

—“ AUDIENCE public du Tribunal de Première Instance de l'Isle de Bourbon du trénte-un Juillet mil huit cent treize.

“ Le Tribunal Criminel de Première Instance de l'Isle de Bourbon a rendu le Jugement suivant :—

“ Entre le Procureur du Roi, Plaignant,—Et Louque père, Lamarre, Gédéon Fontaine dit Bellerive Durempart, Bonjardieu, Denis Le Bréton, Louque fils, Montchery Carron, &c. &c. le n^o François, Accusés.

“ Vû 1^o.—Le requisitoire en plainte de procureur du Roi contre les Sieurs Louque père, Lamarre, Gédéon Fontaine dit Bellerive Durempart, Montchery Carron, Bonjardieu,

Enclosure,
(3.)

31st Juillet, 1813.
Jugement du Tribunal criminel de Première Instance dans l'affaire de l'introduction de Noirs de traite au quartier S. Joseph.

N° 22,
continued.

Bonjardieu, Denis Le Breton, Louque fils, &c. &c. &c. le n° François, tendant à ce qu'ils soient décrétés d'ajournement personnel, et à ce qu'il lui soit permis de faire informer sur les faits de la dite plainte, circonstances et dependances, le dit requisitoire en date du six Janvier dernier.

" 2°.—Toutes les pièces mentionnées au dit requisitoire au pied duquel est le jugement faisant droit à celui en date du 9 Janvier dernier.

" 3°.—L'original de signification du dit jugement faite aux dits Louque père, et Lamarre et Louque Maray fils, avec assignation pour le quatre Février suivant, par exploit de l'huissier Luard, en date du vingt-un Janvier dernier, duement enrégistré.

" 4°.—L'original de signification du dit jugement faite aux Sieurs Denis Le Bréton, Montchery Carron, et au n° François esclave de la n° Aimée libre de St. Paul, et en service de Montchery Carron, avec assignation pour le douze Février, par exploit de l'huissier, Parmentier, en date du vingt-sept Janvier dernier, duement enrégistré.

" 5°.—L'ordonnance pour assigner témoins en date du neuf Janvier dernier, au pied de laquelle est l'original d'assignation donnée à sept témoins pour le quatorze Janvier, par exploit de l'huissier, Luard, du même jour duement enrégistré.

" 6°.—Le cahier d'information commencé à St. Denis le quatorze Janvier mil huit cent treize, et clos à St. Joseph le vingt-huit Février suivant, au pied duquel est l'ordonnance de fait, la procédure communiquée au procureur du Roi, en date du huit Mars dernier, dans laquelle dite information vingt-huit témoins ont été entendus.

" 7°.—L'original de signification du dit jugement faite aux Sieurs Louis Gédéon Fontaine dit Bellerive Durempart et Bonjardieu, avec assignation pour le cinq Février, par exploit de l'huissier, Reury, en date du dix-neuf Janvier, duement enrégistré.

" 8°.—La signification du dit jugement au Sieur Lamarre, absent de cette isle et sans domicile, comme dans les formes de droit avec assignation pour le quatre Février, par exploit de l'huissier, Luard, assisté de deux témoins, en date du vingt-un Janvier duement enrégistré.

" 9°.—La signification du dit jugement faite au dit François, avec assignation pour le quatre Février suivant, l'exploit de l'huissier, Luard, en date du vingt-un Janvier, duement enrégistré.

" 10°.—Les interrogatoires des dit François et Sieurs Bellerive Durempart, Bonjardieu, Denis Le Bréton, Carron, et le n° Louque fils, en date du vingt-un et vingt-deux Janvier, cinq et douze Février dernier.

" 11°.—Autre ordonnance pour assigner témoins en date du douze Février dernier.

" 12°.—L'original d'assignation donnée à cri public aux Sieurs Louque Marcy, père, et Lamarre, à comparaitre pour le premier Mars suivant, par exploit de l'huissier, Luard, assisté de témoins, en date du vingt Février, duement enrégistré.

" 13°.—Les originaux d'assignation donnée à vingt une témoins, par exploit de l'huissier, Leury, en date des vingt-deux et vingt-trois Février, dernier duement enrégistrés.

" 14°.—Le requisitoire du procureur du Roi, en date de dix-sept Avril dernier, aux fins de régler le procès à l'extraordinaire.

" 15°.—L'ordonnance delivrée le même jour aux fins d'assigner les témoins pour être récolés, au pied de laquelle sont les originaux d'assignation données aux dits témoins, par exploits de l'huissier Leury, et de l'huissier Caty, en date des quatorze et vingt-quatre Mai dernier, duement enrégistré.

" 16°.—Le jugement faisant droit au dit requisitoire et adjudicatif de ses conclusions, en date du vingt-un de même mois.

" 17°.—Le cahier contenant le récolement des vingt six témoins dans leur dépositions en date des vingt-un Mai et jours suivants.

" 18°.—Le cahier contenant le récolement de six des accusés présents en leurs interrogatoires en date du trente un Mai.

" 19°.—Le cahier contenant la confrontation de douze témoins, avec le Sieur Gédéon Fontaine dit Bellerive Durempart, en date du premier Juin et jours suivants.

" 20°.—Le cahier contenant la confrontation de trois témoins au Sieur Montchery Carron, en date du onze Juin et jours suivants.

" 21°.—Le cahier contenant la confrontation de deux témoins au n° François, en date du vingt-un Juin.

" Oüi Monsieur Duparc, president du tribunal en son rapport.

" Oüi

“ Oui Monsieur le procureur du Roi, en ses conclusions écrites et motivées qu’il a déposées sur le bureau.

“ Oui les accusés en leurs derniers interrogatoires subis à la barre.

“ Oui Tourgouiltret avocat et défenseur de Fontaine dit Bellerive Durempart et Louque fils.

“ Oui également Thomas Disrieux pour Bonjardien et le n° François.

“ Oui enfin Greslan pour Montchery Carron, et Denis Le Breton.

FAITS DE LA CAUSE.

“ Il s’agit en fait qu’un bâtiment dont le nom se trouve inconnu au procès, mais armé par Louque père, et commandé par Lamarre, a été expédié de S^{te} Luce Isle Madagascar, ayant à son bord des noirs et négresses du pays et s’est présenté devant l’Isle de Bourbon.

“ Que rendu devant le quartier St. Joseph ce bâtiment a eu connoissance à la pointe du jour d’un navire qui couroit sur lui.

“ Que le capitaine Lamarre fit aussitôt mettre la pirogue à la mer et y embarqua les noirs et négresses de Madagascar, avec un marmite, un blanc, un Manillois, et autres matelots.

“ Que le bâtiment qui s’étoit approché de celui commandé par La Marre s’étant éloigné, il fût fait signal à la pirogue de revenir; mais elle continua néanmoins à gagner la terre du côté de Bazy, et la mer étant ce jour très mauvaise, cette pirogue fût renversée dans les bancs.

“ Que le blanc qui est reconnu pour se nommer Perry, un jeune noir créole nommé Marcelin, et d’autres se noyèrent; mais qu’aides par des personnes qui étoient accourues au lieu du naufrage, et notamment par Montchery Carron, Tranquille Maillot dit Desnefles, son épouse, Hilderest Le Breton, Montrie Dejoux, la femme Bruno Houareau, le n° François et autres, tous les noirs et négresses venant de Madagascar, et le Manillois, furent sauvés.

“ Que le chef d’arrondissement s’étant rendu au lieu du naufrage fit conduire à son emplacement par son fils Gédéon Fontaine dit Bellerive Durempart, onze noirs et négresses provenant de ce naufrage, mais que cinq seulement de ces individus furent déposés et vûs dans les habitations par les habitans de cet emplacement: le dit Gédéon Fontaine dit Bellerive Durempart déclarant que les autres s’étoient enfuis.

“ Que les cinq individus furent ensuite conduits chez le commissaire civil du quartier St. Joseph et dela à St. Denis.

“ Que le surlendemain du naufrage la femme Tranquille Maillot dit Desnefles conduisit de très grand matin et avant le jour chez Près-fontaine Morins, un jeune noir accompagnée du n° François.

“ Que quelque tems après cet évènement Edmond Smith habitant de St. Joseph, revenant chez lui pendant la nuit fût rencontré dans son chemin de deux noirs non franchisés et les conduisit chez Bonjardieu habitant du voisinage, le priant de les garder jusqu’ à ce qu’ il eût pu s’informer à qui les noirs pourroient appartenir.

“ Que le dit Edmond Smith, ayant entendu dire que ces noirs étant la propriété de la Louque vint les trouver, et sur sa demande il lui promit de les faire conduire à St. Leu, où elle devait les faire prendre.

“ Que ces noirs ayant été rendus par Bonjardieu ont été amenés à St. Leu chez Denis Le Breton beau-frere du dit Edmond Smith, chez qui Louque fils, vint les réclamer, et les rendit au dit Denis Le Breton.

“ Que peu après ces deux mêmes noirs furent réclamés à Denis le Bréton comme faisant partie de ceux naufragés à Bary, et ils furent conduits à St. Denis pour être réunis aux cinq envoyés à St. Joseph.

“ Que le procureur du Roi en raison de ces faits, a rendu plainte contre Louque père, et Lamarre, le premier comme propriétaire, et le second comme capitaine du navire qui avoit porté les esclaves de Madagascar, et lesquels à l’aide de la pirogue du bâtiment avoient été introduits à cette isle: comme aussi contre Gédéon Fontaine dit Bellerive Durempart, Montchery Carron, Bonjardieu, Louque fils, Denis Le Breton, et le n° François, comme auteurs, fauteurs et complices de l’introduction de noirs esclaves en cette isle, en contravention des réglemens de Sa Majesté qui abolissent la Traité dans les colonies; à requis qu’il fût informé et que décrét d’ajournement personnel fût donné et décerné contre les prévenus.

“ Qu’en conséquence de cette plainte, dont il a été donné acte, il a été permis d’informer; et les accusés ont été décrétés d’ajournement personnel.

N° 22,
continued.

“ Que Louque père, et Lamarre, étant absens, la contumace a été instruite contre eux.

“ Que les accusés présens ayant subi interrogatoire et l'information ayant été faite, le procès a été réglé à l'extraordinaire, et il a été ordonnée en ce qui touche les accusés contumaces que le récolement vaudroit confrontation à leur égard; qu'en exécution de ce jugement il a été procédé aux récolements et confrontations.

“ Que le procès, étoit instruit l'audience publique a été fixée au vingt-sept du mois jour auquel le rapport du procès a été fait par le président du tribunal.

“ Que le procureur du Roi a donné ses conclusions tendantes à ce que declarant la contumace bien et duement instruite contre Louque père, et Lamarre, les declarer ainsi que Gédéon Fontaine dit Bellerive Durempart, Montchery Carron, Bonjardieu, Denis Le Bréton, et Louque fils, duement atteints et convaincus d'avoir favorisé l'introduction de noirs en cette colonie: pourquoi les condamner chacun à la peine de la déportation pendant sept années;—condamner en outre Bellerive Durempart à restituer deux jeunes noirs et une jeune négresse dont il s'est emparé ou à en payer la valeur;—condamner Montchery Carron à rendre et restituer le jeune noir dont il s'est emparé ou à en restituer la valeur;—condamner les sus-dits accusés aux dépens solidairement un d'eux seul pour le tout; et à l'égard du n° François le décharger de l'accusation portée contre lui.

“ Qu'à la dite audience du vingt-sept il a été procédé aux derniers interrogatoires de Gédéon Fontaine dit Bellerive Durempart, Bonjardieu, Denis Le Breton, et Louque fils, après quoi l'audience a été continuée au trente de ce mois.

“ Que le dit jour il a été passé à l'interrogatoire de Montchery Carron, et de François, après quoi les défenseurs des accusés ont été entendus en leurs conclusions et moyens de defenses.

“ Que les principaux moyens par eux employés reposent sur la non-publication de l'Acte qui defend la Traite dans ces isles, et encore sur ce que les accusés n'ont point introduits ni aidé à introduire les esclaves mentionnés au procès mais les ont aidé dans un cas de detresse.

“ Qu'il a été délibéré qui'il en seroit délibéré.

LE TRIBUNAL APRÈS AVOIR DÉLIBÉRÉ:—

“ Considérant qu'etant formé une exception péremptoire il doit y être statué avant tout, qu'à cet égard il est de fait constant que les Isles de Maurice et Bourbon se sont rendus aux forces de Sa Majesté Britannique sous capitulation, et que par une disposition de cette capitulation les loix, réglemens, usages et religion sont maintenus; que la Traite des Esclaves dans les colonies Françaises étoit alors permise, et que pour déroger à cet usage, qui par le sens de la capitulation paroissoit maintenu, il falloit une notification et promulgation d'une loi prohibitive; principe que le Tribunal du Cap a consacré dans une circonstance semblable.

“ Qu'à la vérité le Bill de Sa Majesté a été inséré à la Gazette de l'isle Maurice du dix Juin 1812, N° vingt-quatre; mais que cette Gazette ne concerne que cette colonie, qui quoique ne faisant qu'un seul gouvernement avec Bourbon, est censé faire un departement particulier pour ce qui concerne la justice, ayant des Tribunaux de Première Instance et d'Appel distinctes.

“ Que si depuis ce Bill a été inséré à la feuille de Bourbon, il ne l'a pas été en entier, ni revêtu des signatures légales,—que par conséquent il n'auroit pas acquis la force de loi.

“ Qu'enfin si l'avis inséré à la feuille de Bourbon portant que les avis du gouvernement copiés dans la Gazette de Maurice seront considérés comme officiels pour l'Isle de Bourbon, cette annonce ne peut avoir d'effet retroactif, et elle ne peut avoir d'exécution que du jour où elle a été publiée pour la première fois, qui est le premier Décembre 1812.

“ Considérant enfin que la defense de la Traite qui étoit permise en ces isles lorsque elles ont été conquises par Sa Majesté Britannique, n'ayant été légalement connue que postérieurement au naufrage de la pirogue arrivé à St. Joseph, le vingt-un Octobre, mil huit cent douze, il en résulte que les tribunaux ne peuvent considérer comme ayant contrevenus à la loi ceux qui ont du ignorer l'existence de cette loi prohibitive, puisqu'elle n'étoit pas promulguée, et que les avis donnés étoient postérieurs au naufrage de cette pirogue, ce qui reçoit son application pour les habitants de cette isle accusés au procès, et à plus forte raison à l'égard de Louque père, et Lamarre, qui sont absens de ces isles depuis très long tems.

D'APRES

D'APRÈS CES MOTIFS;—

Le Tribunal déclare la contumace bien et duement instruite contre Louque père, et Lamarre, faisant droit sur l'exception péremptoire proposée, déclare le procureur du Roi non recevable en toutes ses demandes, fins et conclusions, contre Louque père, Lamarre, Gédéon Fontaine dit Bellerive Durempart, Bonjardieu, Denis Le Breton, Louque fils, et le n° François, en conséquence décharge les dits Louque père, Gédéon Fontaine dit Bellerive Durempart, Montchery Carron, Bonjardien, Denis Le Breton, Louque fils, et le nommé François de l'accusation contre eux portée par le dit procureur du Roi; les depens du procès supportés par le gouvernement, ce qui sera exécuté nonobstant et sans prejudice de l'appel.

Ainsi jugé et prononcé à l'audience publique du Tribunal Criminel de Première Instance de l'Isle de Bourbon, séants Messieurs Joseph Boullay Duparc president, Jacques Constant Munier, juge suppléant, et Joseph Auguste Lunneville, avocat, pour l'empêchement de plus anciens, le trente-un Juillet mil-huit-cent-treize.

Signé à la minute, *Duparc, Munier, Lunneville, et Dutreson* fils, commis greffier juré.

(Pour expédition.)

H. Geslin, Greffier.

Nous François Michaux de Beaumont, Président du Tribunal de Première Instance de l'Isle de Bourbon, certifions à tous ceux qu'il appartiendra que Geslin qui a signé de l'autre part, est tel qu'il est qualifié; que sa signature est véritable, et que foi doit y être ajoutée tout en jugement que hors.

En foi de quoi, nous avons signé la présente et à icelle fait apposer le sceau du tribunal.

Fait et donne à Port Louis, Isle de Bourbon, le vingt-six Février 1814.

Michaux de Beaumont.

Nous H. S. Keating, Lieutenant Gouverneur à l'Isle de Bourbon, disons que la signature de M. Michaux de Beaumont, qui a signé ci-dessus, n'a pu être legalisée par le Président de la cour d'Appel de cette isle attendu qu'il n'y en a point denommé—pourquoi nous certifions que le dit Michaux de Beaumont est tel qu'il se qualifie, que sa signature est véritable, et que foi doit y être ajoutée.

En foi de quoi nous avons delivré le présent.

Henry S. Keating,

Colonel Commandant and Lieut. Governor.

St. Denis, Isle Bourbon, le 28 Février 1814.

(Translation.)

EXTRACT from the Minutes of the Rolls of the Court of Appeal, and of Criminal Justice of the Island of Bourbon.

—“ PUBLIC hearing of the Tribunal of the First Instance of the Island of Bourbon, of the thirty-first July 1813.

“ The criminal Tribunal of the First Instance of the Island of Bourbon, has given the following Judgment:—

“ Between the Attorney of the King, complaining,—and Louque, father, Lamarre, Gédéon Fontaine called Bellerive Durempart, Bonjardieu, Denis Le Breton, Louque, son, Montchery Carron, &c. &c. and the person named François, Accused.

“ Seen 1st.—The suit in complaint of the Attorney of the King against the Sieurs Louque, father, Lamarre, Gédéon Fontaine called Bellerive Durempart, Montchery Carron, Bonjardieu, Denis Le Breton, Louque, son, &c. &c. and the person named François,—praying that a personal citation might be decreed against them, and that it might be permitted to him to cause information to be given as to the said complaint, circumstances and dependencies; the said suit being dated the sixth January last.

“ 2.—All the papers mentioned in the said suit, at the end of which is the judgment granting law to him, dated 9th January last.

“ 3.—The original of the intimation of the said judgment given to the said Louque, father, and Lamarre and Louque, son, with summons for the 4th February following, by subpoena of the tipstaff Huard, dated 21st January last, duly registered.

“ 4.—The original of the intimation of the said judgment, given to the Sieurs Denis

N° 22,
continued.

Denis Le Breton, Montchery Carron, and to the person named François, slave to the person named Aimée, a free woman of St. Paul, and in the service of Montchery Carron, with summons for the 12th February, by subpoena of the tipstaff Parmentier, dated 27th January last, duly registered.

" 5.—The ordinance to summon witnesses, dated 9th January last, at the end of which is the original of the summons served on seven witnesses for the 14th January, by subpoena of the tipstaff Huard, of the same day, duly registered.

" 6.—The bill of information commenced at St. Denis on the 14th January 1813, and closed at St. Joseph on the 28th February following, at the end of which is the ordinance of the deed, the procedure communicated to the Attorney of the King, under date of 8th March last, in the which said information twenty-eight witnesses have been heard.

" 7.—The original of the intimation of the said judgment, served on the Sieurs Louis Gédéon Fontaine, called Bellerive Durempart, and Bonjardien, with summons for the 5th February, by subpoena of the tipstaff Reury, dated 19th January, duly registered.

" 8.—The intimation of the said judgment to Sieur Lamarre, absent from this island and without domicile, as in the forms of law, with summons for the 4th February, by subpoena of the tipstaff Luard, assisted by two witnesses, dated the 21st January, duly registered.

" 9.—The intimation of the said judgment served on the said François, with summons for the 4th February, according to the subpoena of the tipstaff Luard, dated 21st January, duly registered,

" 10.—The interrogatories of the said François and Sieurs Bellerive Durempart, Bonjardieu, Denis Le Breton, Carron, and the person named Louque, son, dated 21st and 22d January, 5th and 12th February last.

" 11.—Another ordinance to summon witnesses, dated 12th February last.

" 12.—The original of summons served by public cry on Sieurs Louque, Marcy, father, and Lamarre, to appear on the 1st March following, by subpoena of the tipstaff Luard, assisted by witnesses, dated 20th February, duly registered.

" 13.—The originals of summons served on twenty-one witnesses, by subpoena of the tipstaff Leury, on the 22d and 23d February last, duly registered.

" 14.—The suit of the Attorney of the King, dated 17th April last, with intent to regulate the process in an extraordinary manner.

" 15.—The ordinance delivered the same day for the purpose of summoning the witnesses to be re-examined, at the end of which are the originals of summons served on the said witnesses, by subpoenas of the tipstaff Leury and of the tipstaff Caty, dated the 14th and 24th May last, duly registered.

" 16.—The judgments granting law to the said suit, and deciding on its conclusions, dated 21st of the said month.

" 17.—The bill, containing the re-examination of twenty-six witnesses on their depositions, dated 21st May and the following days.

" 18.—The bill, containing the re-examination of six of the accused present on their interrogatories, dated 31st May.

" 19.—The bill, containing the confrontation of twelve witnesses with the Sieur Gédéon Fontaine called Bellerive Durempart, dated 1st June and following days.

" 20.—The bill, containing the confrontation of three witnesses with the Sieur Montchery Carron, dated the 11th June and following days.

" 21. The bill containing the confrontation of two witnesses with the person named François, dated 21st June.

" Heard M. Duparc, president of the tribunal, in his report.

" Heard the Attorney of the King, in his written conclusions, explained, which he deposited in the official bar.

" Heard the accused in their last interrogatories undergone at the bar.

" Heard Tourgouiltret, advocate and defender of Fontaine called Bellerive Durempart and Louque, son.

" Heard also Thomas Disrieux for Bonjardieu and the person named François.

" Heard, in fine, Greslan for Montchery Carron and Denis Le Breton.

FACTS OF THE TRIAL.

" The question in fact is, that a ship, the name of which is unknown on the trial, but fitted out by Louque, father, and commanded by Lamarre, was dispatched from St. Luce, island of Madagascar, having on board negroes and negresses of the country, and presented herself before the Island of Bourbon.

" That,

“ That, come before the quarter St. Joseph, this vessel had communication at the break of day with a ship which bore down to her.

“ That Captain Lamarre on this immediately caused the boat to be put to sea, and therein embarked the negroes and negresses of Madagascar; with a kettle, a white man, a native of Manilla, and other mariners.

“ That the vessel which had neared the one commanded by Lamarre, having sailed off, a signal was made to the boat to return, but nevertheless it continued to make for the land on the side of Bazy, and the sea on that day being very stormy, the boat was upset on the banks.

“ That the white man, who is recognized as the person called Perry, a young Creole negro named Marcelin, and others, were drowned; but that, aided by persons who collected there at the place of shipwreck, and principally by Montchery Carron, Tranquille Maillot called Desnefles, his wife, Hilderest Le Bréton, Montrie Dejoux, the woman Bruno Houreau, the person named François, and others, all the negroes and negresses coming from Madagascar, and the native of Manilla, were saved.

“ That the chief of the arrondissement, having gone to the place of shipwreck, caused to be conveyed to his estate, by his son Gédéon Fontaine called Bellerive Durempart, eleven blacks, men and women, coming from that shipwreck; but that five only of these individuals were deposited and seen in the habitations by the inhabitants of that estate; the said Gédéon Fontaine called Bellerive Durempart, declaring that the rest had fled.

“ That the five individuals were afterwards conducted to the house of the civil commissary of the quarter of St. Joseph and of that of St. Denis.

“ That the second day after the shipwreck, the woman Tranquille Maillot, called Desnefles, conducted, very early in the morning and before day, to the house, or near it, of Fontaine Morins, a young negro, accompanied by the person named François.

“ That some time after this event, Edmund Smith, an inhabitant of St. Joseph, returning to his house during the night, was met on his way by two negroes not enfranchised, and conducted them to the house of Bonjardieu, an inhabitant of the neighbourhood, requesting him to keep them until he could find out to whom they might belong.

“ That the said Edmund Smith having heard say, that these negroes were the property of Louque, came to seek them; and on his request, he promised him to cause them to be conducted to St. Leu, where she would cause them to be taken.

“ That these negroes, having been restored by Bonjardieu, were brought to St. Leu, to the house of Denis Le Breton, brother-in-law to the said Edmund Smith, to whose house Louque, son, came to claim them, and gave them up to the said Denis Le Breton.

“ That soon after, these same two negroes were claimed from Denis Le Breton, as being part of these shipwrecked at Bazy; and they were conducted to St. Denis, in order to be placed with the five sent to St. Joseph.

“ That the Attorney of the King, by reason of these facts, complained against Louque, father, and Lamarre, the first as proprietor, and the second as captain of the ship which brought the negroes from Madagascar, who by means of the boat of the ship, had been introduced in this island; as well as against Gédéon Fontaine called Bellerive Durempart, Montchery Carron, Bonjardieu, Louque, son, Denis Le Breton, and the person named François, as authors, participators, and accomplices in the introduction of black slaves in this island, in contravention of the regulations of His Majesty, which abolish the Slave Trade in these colonies; requiring that the information should be commenced, and that a decree of personal citation should be given and decreed against the accused.

“ That, in consequence of this complaint, of which an act has been given, it was permitted to proceed with the information, and the accused have been served with personal citation.

“ That Louque, father, and Lamarre, being absent, contumacy has been awarded against them.

“ That the accused present having undergone interrogatory, and the information having been made, the process has been regulated in an extraordinary manner; and it has been ordained, in what concerns the accused contumacious, that the re-examination will be equivalent to confrontation in their instance; that in execution of this judgment, the re-examinations and confrontations have been proceeded with.

“ That

N° 22,
continued.

“ That the process was arranged, and the public hearing fixed on the 27th of the month, the day on which the report of the process was made by the president of the tribunal.

“ That the attorney of the King has given his conclusions, tending to declare the contumacy well and duly found against Louque, father, and Lamarre, declaring also that Gédéon Fontaine, called Bellerive Durempart, Montchery Carron, Bonjardieu, Denis Le Bréton and Louque, son, are duly attainted and convicted of having favoured the introduction of blacks in this colony; and that, therefore, each of them is condemned to the penalty of banishment during six years;—condemning besides, Bellerive Durempart to restore two young negroes and one young negress, of whom he has possessed himself, or to pay the value for them;—condemning Montchery Carron to return and restore the young negro of whom he has possessed himself, or to return the value for him;—condemning the above accused to expenses for the whole, one of them alone for all:—and with respect to the person named François, discharging him from the accusation brought against him.

“ That at the said hearing of the 27th, the last interrogatories were proceeded with in regard to Gédéon Fontaine, called Bellerive Durempart, Bonjardiën, Denis Le Bréton and Louque, son, after which the hearing was continued to 30th of this month.

“ That the said day the interrogatories were proceeded with in regard to Montchery Carron and François, after which the defenders of the accused were heard in their conclusions and means of defence.

“ That the principal means by them employed, rest on the non-publication of the Act which prohibits the Slave Trade in these Islands, and also on the circumstance that the accused did not introduce, or aid in introducing the slaves mentioned in the trial, but aided them in a case of distress.

“ That it was deliberated that deliberation should be made.

“ THE TRIBUNAL, AFTER HAVING DELIBERATED;—

“ Considering that a peremptory exception being formed, it ought to be enacted thereupon, before all, that in that respect it is evident in fact, that the Islands of Mauritius and Bourbon surrendered to the forces of His Britannic Majesty under capitulation; and that by a stipulation of that capitulation, the laws, regulations, usages and religion are maintained; that the Slave Trade in the French colonies was at that time permitted; and that to do away that usage, which by the sense of the capitulation appeared to be maintained, it was necessary that a prohibitory law should be notified and promulgated; a principle which the tribunal of the Cape consecrated in a similar circumstance.

“ That in truth, the Bill of His Majesty was inserted in the Gazette of the Island of Mauritius of the 10th June 1812, N° 24; but that that gazette only concerns the colony, which, although making but one government with Bourbon, is esteemed to make a particular department in whatever has reference to justice, having Tribunals of the First Instance and of Appeal distinct.

“ That since that Bill was inserted in the Gazette of Bourbon, but not so entirely, nor possessing the legal signatures, it could not in consequence have acquired the force of a law.

“ That if in fine the notice was inserted in the Bourbon paper, stating that the notices of government copied in the Gazette of Mauritius, shall be considered as official for the Island of Bourbon, that notice can have no retroactive effect, and can have no executorial power but from the day when it was published for the first time, which is the 1st December 1812.

“ Considering in fine, that the prohibition of the Slave Trade, which was permitted in these islands at the time of their being conquered by His Britannic Majesty, not having legally been known previously to the shipwreck of the boat which arrived at St. Joseph on the 21st October 1812, it ensues that the tribunals cannot consider as contraveners of the law, those who must have been ignorant of the existence of that prohibitory law, since it was not promulgated; and that the notices given thereof were posterior to the shipwreck of that boat, which receives its application for the inhabitants of this island accused in the trial, and by a more strong reason in respect to Louque, father, and Lamarre, who have long been absent from these islands.

“ AFTER THESE REASONINGS—

“ The Tribunal declares the contumacy well and duly found against Louque, father and Lamarre, in consideration of the peremptory exception proposed; declares

declares the attorney of the King not to be admitted as plaintiff in all his demands, ends and conclusions, against Louque, father, Lamarre, Gédéon Fontaine, called Bellerive Durempart, Bonjardieu, Denis Le Breton, Louque, son, and the person named François; and in consequence discharges the said Louque, father, Lamarre, Gédéon Fontaine, called Bellerive Durempart, Montchery Carron, Boujardien, Denis Le Breton, Louque, son, and the person named François, from the accusation charged against them by the said attorney of the King; the expenses of the process to be paid by government, which shall be executed notwithstanding and without prejudice to the appeal.

Thus judged and pronounced at the public hearing of the criminal tribunal of the First Instance of the Island of Bourbon; sitting, Messieurs Joseph Boullay Duparc, president, Jacques Constant Munier, judge supernumerary, and Joseph Auguste Lunnville, advocate for the prevention, of the most ancient, the 31st July 1813, signed at the moment.

“ Duparc, Munier, Lunneville, et Dutreson fils, sworn clerk of the Rolls.

(A duplicate.)

“ *H. Geslin, Gfr.*”

“ We, François Michaux de Beaumont, president of the tribunal of the First Instance of the Island of Bourbon, certify to all those whom it concerns, That Geslin, who has signed on the other side is what he styles himself; that his signature is a true one, and that faith ought to be given to it in judgment or out.

“ In faith of which, we have signed the present, and caused to be affixed to it the seal of the tribunal.

“ Done and given at Port Louis, Island of Bourbon, 26th February 1814.

(signed) “ *Michaux de Beaumont.*”

“ We, H. S. Keating, lieutenant governor in the Island of Bourbon say, That the signature of Michaux de Beaumont, who has signed above, has not been able to be legalized by the president of the Court of Appeal of this Island, since he has never therein set down his name; for which cause we certify, that the said Michaux de Beaumont is what he styles himself, that his signature is a true one, and that faith ought to be given to it.

“ In faith of which, we have delivered the present.

(signed) “ *Henry S. Keating,*

“ Colonel Commandant and Lieutenant Governor.”

“ St. Denis, Island of Bourbon,
28th February 1814.”

EXTRAIT des Régistres du Greffe de la Cour d'Appel et de Justice
Criminelle de l'Isle de Bourbon.

Du vingt-sept Novembre mil-huit-cent-treize.

—“ OUIS Monsieur Devillan Donabuiet, vice-président de la Cour au son rapport; Mons. Ozoux aîné, procureur général, en ses différentes conclusions, qu'il a fixées par écrit; Ricard pour Bonjardien, et comme substituant, T. Desirieux pour le n° François; Greslin pour Louis Gédéon Fontaine, dit Bellerive Durempart; Jean Baptiste Denis le Breton, et Montchery Carron, et Arnoux pour Lonque fils.

“ Et vu le procès criminel, instruit à la requête du ministère public contre Lonque père, Lamarre, Louis Gédéon Fontaine dit Bellerive Durempart, Montchery Carron, Bonjardien, Louque fils, Jean Baptiste Denis le Breton, et le nommé François Créole esclave de la nommée Aimée libre, prévenus d'être auteurs, fauteurs, complices ou adhérents de l'introduction de plusieurs noirs de traite, au lieu dit Barry, quartier St. Joseph.

“ La Cour après avoir délibéré,

“ Adoptant comme moyens au fond les motifs exprimés au jugement rendu aux Tribunal Criminel en Première Instance le trente-un Juillet dernier, faisant droit sur l'appel interjetté par le procureur du Roi du dit jugement, dit qu'il a été par icelui mal jugé et bien appelé, en ce qu'il déclare le dit procureur du Roi non recevable en toutes ses demandes, fins et conclusions, en même tems qu'il décharge d'accusation

N° 22,
continued.

d'accusation Louque père, Lamarre, Louis Gédéon Fontaine, dit Bellerive Durempart, Montchery Carron, Bonjardieu, Denis le Breton, Lonque fils, et le nommé François, esclave de la nommée Aimée, libre; Emendant quant à ce, décharge purement et simplement d'accusation les dits Louque père, Lamarre, Louis Gédéon Fontaine, dit Bellerive Durempart, Montchery Carron, Bonjardieu, Jean Baptiste Denis le Breton, Louque fils, et le nommé François; le dit jugement au residu sortissant effet, sans depens sur l'appel, au profit des cy dessus denommés aux faits à la requête du procureur général supportables par le Gouvernement.

“ Ainsy jugé et prononcé à l'audience publique de la Cour d'Appel et de justice criminelle de l'Isle de Bourbon, à St. Denis le vingt-sept Novembre mil-huit-cent-treize, séants M.M. Gillot L'Etang, président, Devillon Denobuier, vice-président, St. Croix, Devrieux, Duvergé, Azema, juges, et Lacampade, avocat, ce dernier appelé pour completer la cour.

(Pour Extrait.)

“ *D. Geslin, Greffier.*

“ Nous, François Michaux de Beaumont, président du tribunal de Première Instance de l'Isle de Bourbon, certifions à tous ceux qu'il appartiendra que Geslin qui a signé ci-dessus est tel qu'il se qualifie, que sa signature est véritable, et que foi doit y être ajoutée tout en jugement que hors.

“ En foi de quoi, nous avons signé les présentes et à icelles fait apposer le sceau du tribunal.

“ Fait et donné à St. Denis, Isle de Bourbon, le vingt-quatre Février 1814.

“ *Michaux de Beaumont.*

“ Nous, H. S. Keating, lieutenant-gouverneur à l'Isle de Bourbon, disons que la signature de M. Michaux de Beaumont, qui a signé ci-dessus, n'a pu être legalisée par le président de la Cour d'Appel de cette Isle, attendu qu'il n'y en a point de nommé. Pourquoi nous certifions que le dit Michaux de Beaumont est tel qu'il se qualifié, que sa signature est véritable, et que foi doit y être ajoutée.

“ En foi de quoi, nous avons delivré le présent.

“ *Henry S. Keating,*

“ Colonel Commandant and Lieutenant Governor.”

“ St. Denis, Isle Bourbon, le 28 Février 1814.”

(Translation.)

EXTRACT from the Registers of the Rolls of the Court of Appeal and of Criminal Justice of the Island of Bourbon.

Of the twenty-seventh November 1813.

—“ HEARD Mr. Devillon Donabuier, vice president of the Court, on his report; M. Ozoux, the elder, attorney general, in his different conclusions, which he set down in writing; Ricard for Bonjardien, and as a substitute, T. Desirieux for the person named François; Greslin for Louis Gédéon Fontaine, called Bellerive Durempart; Jean Baptiste Denis le Breton, and Montchery Carron, and Arnoux, for Lonque son.

“ And seen the criminal process, drawn up at the requisition of the public ministry, against Lonque, father, Lamarre, Louis Gédéon Fontaine, called Bellerive Durempart, Montchery Carron, Bonjardien, Lonque, son, Jean Baptiste Denis le Breton, and the person named François, a Creole slave of the person named Aimée, a free woman, accused of being authors, participators, and accomplices or adherents in the introduction of several Blacks by trade at the place called Barry, quarter of St. Joseph.

“ The Court, after having deliberated,

“ Adopting, as means of the groundwork, the motives expressed in the judgment given in the tribunal of criminal justice of the First Instance, on the 30th of July last, granting law on the appeal thrown in by the attorney of the King from the said judgment, says, That it has been by it ill judged and well appealed, in that whereby it declares the attorney of the King aforesaid not to be admitted as plaintiff in all his demands, ends and conclusions, at the same time that it discharges from accusation Lonque, father, Lamarre, Louis Gédéon Fontaine, called Bellerive Durempart, Montchery Carron, Bonjardieu, Denis le Breton, Louque, son, and
the

the person named François, slave to the person named Aimée, a free woman : Amending as to this, it discharges purely and simply from accusation the said Louque, father, Lamarre, Louis Gédéon Fontaine, called Bellerive Durempart, Montchery Carron, Bonjardieu, Denis le Breton, Louque, son, and the person named François ; the said judgment in the residue having no effect, without expenses on the appeal, to the profit of the aforementioned above in the facts, at the requisition of the attorney general, to be supported by the Government.

“ Thus judged and pronounced at the public hearing of the Court of Appeal and of Criminal Justice of the Island of Bourbon, at St. Denis, the 27th November 1813 ; sitting, Messieurs Gillot L’Etang, president, Devillan Denobuier, vice president, St. Croix, Devrieux, Duvergé, Azema, judges, and Lacampade, advocate ; this last one called to complete the court.

(An Extract.)

“ *D. Geslin, Greffier.*”

“ We, François Michaux de Beaumont, president of the tribunal of the First Instance of the Island of Bourbon, certify to all those whom it may concern, That Geslin, who has signed above, is what he represents himself ; that his signature is true, and that faith ought to be given to it in judgment and out.

“ In faith of which, we have signed these presents, and caused to be affixed to them the seal of the tribunal.

“ Done and given at St. Denis, Island of Bourbon, the 24th February 1814.

“ *Michaux de Beaumont.*”

“ We, H. S. Keating, lieutenant governor of the Island of Bourbon, say, That the signature of M. Michaux de Beaumont, who has signed above, could not be legalised by the President of the Court of Appeal of this Island, because his name was never set down therein ; wherefore we certify, that the said Michaux de Beaumont is what he represents himself, that his signature is true, and that faith ought to be given to it.

“ In faith of which, we have delivered the present.

“ *Henry S. Keating,*

“ Colonel Commandant and Lieutenant Governor.”

“ St. Denis, Island of Bourbon, 28 February 1814.”

(Copy.)

Arrêté Supplémentaire au Code Civil pour son application aux Isles de France et de la Réunion.

Enclosure,
(4.)

EXTRAIT du Régistre des Arrêtés du Capitaine Général.

—“ AU nom de L’Empereur des Français, Decaen, capitaine général des établissements Français à l’est du Cap de Bonne Espérance :

“ En conséquence et pour l’exécution de l’arrêté du vingt-cinq Vendémaire, au quatorze, concernant la promulgation provisoïone du code civil des Français aux Isles de France et de la Réunion,—

“ Après en avoir délibéré avec le préfet colonial et le commissaire de justice

“ Arrêté :

“ Arrêté supplémentaire au code civil.

“ Article Premier.

“ Le code civil des Français est promulgué aux Isles de France et de la Réunion, et y aura son exécution, sauf les exceptions, additions et modifications çï-après déterminées.

“ Titre Préliminaire.

2.—“ Les loix promulguées en France dans les formes prescrites par l’article premier du code civil des Français seront exécutoires aux Isles de France et de la Réunion, dans les parties dont l’application sera reconnue nécessaire, et aura été arrêtée par le capitaine général, après délibération avec le préfet colonial ou le commissaire de justice, selon la nature des objets.

3.—“ La

N° 22,
continued.

3.—“ La publication des arrêtés se fera ainsi qu'elle a eu lieu jusqu'à présent, par la lecture en l'audience publique des Cours d'Appel, l'enregistrement en leurs greffes, l'impression et l'affiche.

“ La promulgation sera réputée connue en chaque colonie, un jour après la lecture et l'enregistrement prescrit.”

“ Pour extrait de l'arrêté supplémentaire au code civil, et annexé au dit code. Enregistré à la Cour d'Appel de l'Isle de Bourbon, le dix-huit Pluviose, an quatorze (ou 7 Février 1806).

(signé) *Geslin,*
Greffier de la Cour d'Appel.

Nous, François Michaux de Beaumont, président du tribunal de Première Instance de l'Isle de Bourbon, certifions à tous ceux qu'il appartiendra, que Geslin, qui a signé, çï-dessus est tel qu'il se qualifie; que sa signature est véritable et que foi doit y être ajouté tant en jugement que hors.

En foi de quoi, nous avons signé les présentes et à icelles fait apposer le sçeau du tribunal.

Fait et donné à St. Denis, Isle de Bourbon, le vingt-quatre Février mil-huit-cens-quatorze.

(signé) *Michaux de Beaumont.*

Scellé les dits jour et an.

(signé) *Boussu.*

Nous, Henry S. Keating, lieutenant-gouverneur à l'Isle de Bourbon, disons que la signature de M. Michaux de Beaumont qui a signé çï-dessus, n'a pu être légalisée par le président de la Cour d'Appel de cette Isle, attendu qu'il n'y en a point de nommé; pourquoi nous certifions que le dit Michaux de Beaumont est tel qu'il se qualifie, que sa signature est véritable, et que foi doit y être ajoutée.

En foi de quoi, nous avons délivré le présent. St. Denis, Isle Bourbon, le 28 Février 1814.

(signé) *Henry S. Keating,*
Colonel Commandant and Lieutenant Governor.

(Translation.)

Supplementary Decree to the Civil Code, for the purpose of its application to the Isles of France and Reunion.

EXTRACT from the Register of the Decrees of the Captain General.

—“ In the name of the Emperor of the French, Decaen, captain general of the French establishment eastward of the Cape of Good Hope :

“ In consequence of, and for the purpose of giving execution to the decree of the twenty-fifth Vendemaire, year fourteen, relating to the provisional promulgation of the French civil code in the Isles of France and Reunion,—

“ After having deliberated with the colonial prefect and the commissary of justice

“ Decrees :

“ Supplementary decree to the civil code.

“ Article First.

“ The French civil code is promulgated in the Isles of France and Reunion, and shall have its due execution in them, saving the exceptions, additions and modifications hereafter determined.

Preliminary Title.

2.—“ The laws promulgated in France, in the forms prescribed by the first article of the French civil code, shall be carried in execution in the Isles of France and Reunion, in such parts the application of which will be deemed necessary; and have been decreed by the captain-general, after deliberation with the colonial prefect or the commissary of justice, according to the nature of the case.

3.—“ The publication of the decrees shall be made in the same manner as heretofore, by the reading, in public audience of the Courts of Appeal, the entry in their registries, the printing and public notice.

“ The

“ The promulgation shall be deemed to have been made known in each colony, one day after the reading and the entry prescribed.”

N° 22,
continued.

“ A true extract of the supplementary decree to the civil code, and annexed to the said code. Registered at the Court of Appeal of the Island of Bourbon, the eighteenth Pluviose, year fourteen (or 7th February 1806).

(signed) “ *Geslin*,
Registrar of the Court of Appeal.”

We, Francis Michaux de Beaumont, president of the tribunal of First Instance of the Island of Bourbon, certify to all whom it may concern, That Geslin, who has signed as above, is the person he represents himself to be ; that his signature is a true one, and that faith is to be given to it, whether in or out of the courts of justice.

In truth of which we have signed this document, and caused the seal of the tribunal to be affixed to it.

Drawn up and given at St. Denis, Island of Bourbon, the twenty-fourth of February eighteen hundred and fourteen.

(signed) *Michaux de Beaumont*.

Sealed on the aforesaid day and year.

(signed) *Boussu*.

We, Henry S. Keating, lieutenant governor of the Island of Bourbon, declare, that the signature of Mr. Michaux de Beaumont, who signed the above, could not be legalized by the president of the Court of Appeal in this Island, in consequence of no such appointment having been made ; we therefore certify, that the said Michaux de Beaumont is the person he represents himself to be, that his signature is a true one, and that faith is to be given to it.

In truth of which we have delivered the present document, St. Denis, Island of Bourbon, the 28th of February 1814.

(signed) *Henry S. Keating*,
Colonel Commanding and Lieutenant Governor.

(N° 44.)

Gazette of the Island of Mauritius, of Wednesday 30th October 1811.

Enclosure,
(5.)

(Extract.)

—“ NOTICE is hereby given, That all government orders, civil, judicial and military, which appear in this gazette, with the signatures of the proper authorities, are, until further orders, to be considered as official, and to be obeyed accordingly.

By order,

(signed) “ *A. Barry*,
“ Chief Secretary to Government.”

(Copy.)

Je, sous signé greffier de la Cour d'Appel de l'Isle de Bourbon, certifie, que toutes les lois, tous les réglemens, ordres, proclamations et nominations, émanés du Gouvernement Anglais, qui ont été enrégistrés à la Cour d'Appel, l'ont été sur mandement du Gouvernement, et sur le réquisitoire de monsieur le procureur général.

Enclosure,
(6.)

Je certifie en outre que la loi prohibitive de la Traite, ainsi que l'avis du gouvernement mis en tête de la Gazette de Maurice, portant que tous ordres et réglemens qui seront à l'avenir insérés en la dite Gazette devront être considérés comme officiels, &c. n'ont pas été enrégistrés en la dite cour. En foi de quoi j'ai délivré le présent.

St. Denis, Isle de Bourbon, le 2 Février 1814.

(signé) *Geslin*.

Nous, François Michaux de Beaumont, président du tribunal de Première Instance de l'Isle de Bourbon, certifions à tous ceux qu'il appartiendra, que Geslin qui a signé ci-dessus, est tel qu'il se qualifie, que sa signature est véritable, et que foi doit y être ajoutée tant en jugement que hors.

En

N^o 22,
continued,

En foi de quoi, nous avons signé les présentes, et à icelles fait apposer par le Gréffier le sceau du Tribunal.

Fait et donné à St. Denis, Isle de Bourbon, le vingt-quatre Février mil-huit-cent-quatorze.

Sellé les dits jour et an.

(signé) *Boussu.*

(signé) *Michaux de Beaumont.*

Nous, Henry S. Keating, lieutenant-gouverneur à l'Isle de Bourbon, disons que la signature de M. Michaux de Beaumont qui a signé ci-dessus, n'a pu être légalisée par le président de la Cour d'Appel de cette Isle, attendu qu'il n'y en avait point de nommé.

Pourquoi nous certifions que le dit Michaux de Beaumont est tel qu'il se qualifie, et que sa signature est véritable, et que foi doit y être ajoutée.

En foi de quoi, nous avons délivré le présent.

St. Denis, Isle de Bourbon, le 28 Février 1814.

(signé) *Henry S. Keating,*

Colonel Commandant and Lieut. Governor.

(Translation.)

I, the undersigned, registrar of the Court of Appeal of the Island of Bourbon, certify, That all laws, all regulations, orders, proclamations and appointments, proceeding from the English Government, that have been registered at the Court of Appeal, have been so by direction of the Government, and upon the requisition of the attorney general.

I likewise certify, that the law prohibiting the Slave Trade, as well as the government advertisement placed at the head of the Mauritius Gazette, directing that all orders and regulations that may be for the future inserted in the said Gazette are to be considered as official, &c. have not been registered in the said court.

In faith of which, I have delivered the present document.

St. Dennis, Island of Bourbon, the 2d February 1814.

(signed) *Geslin.*

We, Francis Michaux de Beaumont, president of the tribunal of First Instance in the Island of Bourbon, certify to all whom it may concern, That Geslin, who has signed as above, is the person he represents himself to be; that his signature is a true one, and that faith is to be given to it, whether in or out of the courts of justice.

In truth of which, we have signed this document, and caused the seal of the tribunal to be affixed to it by the registrar.

Drawn up and given at St. Dennis, Island of Bourbon, the twenty-fourth of February, eighteen hundred and fourteen.

Sealed on the aforesaid day and year.

(signed) *Boussu.*

(signed) *Michaux De Beaumont.*

We, Henry S. Keating, lieutenant governor of the Island of Bourbon, declare, that the signature of Mr. Michaux de Beaumont, who signed the above, could not be legalized by the president of the Court of Appeal in this Island, in consequence of no such appointment having been made.

We therefore certify, that the said Michaux de Beaumont is the person he represents himself to be; that his signature is a true one, and that faith is to be given to it.

In truth of which, we have delivered the present document.

St. Dennis, Island of Bourbon, the 28th February 1814.

(signed) *Henry S. Keating,*

Colonel Commanding and Lieut. Governor.

(Copy.)

PROCLAMATION,

IN the name of His Majesty Geo. III. of the United Kingdoms of Great Britain and Ireland, King. &c.

His Excellency R. T. Farquhar, Esq. Governor and Commander in Chief of the Islands of Mauritius, Bourbon and Dependencies, Captain General and Vice Admiral, &c. &c. &c.

N° 22,
continued.Enclosure,
(7.)

HIS Excellency having been informed that a considerable degree of alarm has been excited among the inhabitants of the Island of Bourbon, by the measures recently adopted with a view to enforce the different Acts of Parliament prohibiting the importation of Slaves into His Majesty's colonies, thinks it incumbent on himself to call to the recollection of the inhabitants, as well as of the different constituted authorities of these Islands, the principles by which their conduct ought to be mutually regulated, and to quiet the minds of the former by renewing the solemn assurances which have already been given them, that their persons and properties are under the immediate protection of the law, and that in the courts of justice which have been recognized by His Majesty, is exclusively vested the power of redressing every wrong committed against either of them.

His excellency, prompted by his paternal solicitude for the welfare of the inhabitants of these valuable colonies, deems it necessary to declare, that he will, without respect to persons, maintain the laws and courts of justice which it has graciously pleased His Majesty to approve and confirm, and he depends upon the cheerful acquiescence of the well-disposed part of the inhabitants, and the zeal and impartiality of His Majesty's judges and attorneys general; it is the duty of the former to conform to the positive injunctions of the law, and of the latter not to permit any innovation to take place in the manner of carrying them into effect.

His excellency flatters himself that this explicit declaration of his sentiments will have the effect of dissipating every species of inquietude that may have prevailed on this occasion, and of fully convincing the inhabitants that they may rely with confidence upon that protection which is secured to them by the laws and courts of justice.

The above to be read, published and entered upon the registers of the several courts of judicature of the Islands of Mauritius and Bourbon.

(signed) *R. T. Farquhar.*

By order of His Excellency, (signed) *C. Telfair,*
Acting Chief Secretary to Governor.

Port Louis, Mauritius, 3d January 1814.

EXTRAIT de la Proclamation de Son Excellence R. T. Farquhar, Esq. Gouverneur et Commandant en Chef des Isles Maurice, &c. en date du 22 Janvier 1814.

Enclosure,
(8.)

Extrait.

—“ Art. 2.—L'Ex-Président du Tribunal de Première Instance, M. Boullé Dupart, et telles autres membres, soit du dit tribunal, soit de la Cour d'Appel de l'Isle de Bourbon, qui siegoient en cette affaire, et qui ont cessé depuis de remplir les mêmes fonctions, ne seront admis à aucun emploi public, jusqu'à ce que le bon plaisir de Son Altesse Royale soit connu.

(signé) *R. T. Farquhar.*

Par ordre. (signé) *C. Telfair,*
Secrétaire en chef du Gouvernement, par interim.

(Translation.)

EXTRACT of the Proclamation of His Excellency R. T. Farquhar, Esq. Governor and Commander in Chief of the Islands of Mauritius, &c. dated 22 January 1814,

Extract.

—“ Art. 2.—THE Ex-President of the tribunal of the First Instance, M. Boullé Dupart, as well as the other sitting judges on that occasion, who are no longer members

N° 22.
continued.

members of the courts of justice, shall not be allowed to serve His Majesty in any public capacity, until the pleasure of His Royal Highness the Prince Regent shall be known.

(signed) *R. T. Farquhar.*

By order.

(signed) *C. Telfair,*
Chief Secretary of Government, par interim.

— N° 23. —

N° 23.

COPY of a dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 8 April 1814. (1 Enclosure.)

To the Right honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 8 April 1814.

IN pursuing the most effectual means for the legal enforcement of the Abolition Acts, I have issued a proclamation, subjoined, by which the tax rolls of the inhabitants being converted into exact registers of all the slaves and free blacks of the colonies, and their transition from hand to hand in the interchange and transfer of property, we shall insure the discovery and means of tracing any introduction of blacks, in contravention to the law, which may be effected.

This I have every reason to hope will be a most powerful check, if it do not entirely frustrate any attempt to practise such daring violations of the law; and its operation will not subject the planters to danger, or give cause for discontent.

It will also produce a direct increase of revenue in proportion to the improved accuracy of the tax-rolls, which will enable me, without injury to the finances of the colony, to hold out to the planters another inducement to the extensive practice of vaccination, by exempting children under a certain age from the payment of the capitation tax, on proof being administered of their having undergone the process of vaccination.

These tax-rolls are issued every year; and should your lordship deem it expedient to increase the weight of the penalties, or render the obligations more rigorous or extensive, I should gladly receive your lordship's specific directions on this important point.

I take the liberty of subjoining a copy of the tax-roll.

I have the honour, &c.

(signed) *R. T. Farquhar.*

PROCLAMATION.

Enclosure.

Au Nom de Sa Majesté George III. Roi du Royaume Uni de la Grande Bretagne et d'Irlande.

Son Excellence Robert Townsend Farquhar, Esquire, Gouverneur et Commandant en Chef des Isles Maurice, Bourbon et Dépendances, Capitaine Général et Vice-Amiral, &c. &c.

AYANT reconnu que le dénombrement annuel des esclaves a toujours été considéré comme une partie essentielle de l'administration des colonies, non seulement pour assurer les droits du fisc, mais encore comme mesure de police intérieure; que dans les circonstances actuelles, il importe plus essentiellement encore d'exiger dans le recensement des esclaves l'exactitude que chaque habitant est tenu d'y apporter.

A Ordonné et Ordonne :

Article Premier :

Du Premier au trente-un du mois de Mai prochain, il sera fourni par chaque habitant propriétaire, fermier ou dépositaire, un nouveau recensement de tous les esclaves qui sont en leur possession, au moyen de quoi les recensemens qui ont été déjà fournis pour la présente année 1814, demeurent comme non avenues.

Ce recensement, conforme aux états qui seront distribués dans les divers quartiers, par le commissaire civil, et pour le Port Louis, au bureau de la Police Générale, sera

sera

sera fourni par triplicata, l'un pour être adressé au commissaire en chef de la Police Générale au Port Louis, le seconde pour être déposé chez le commissaire civil de chaque quartier, et le troisième pour être remis à chaque habitant, après avoir été visé et signé par le commissaire civil, et pour le Port Louis, par le commissaire en chef de la police générale, ensuite de la vérification qui sera ordonnée ci-après.

Il sera fait mention exacte et expresse dans les dits recensemens, des noirs qui seront décédés et de ceux qui seront nés depuis la date du dernier recensement, comme aussi des noirs compris dans les derniers recensemens qui auraient été vendus, et du nom de l'acquéreur ; de ceux qui depuis la même époque auraient été achetés et du nom du vendeur.

On sera tenu d'indiquer à l'égard de tous esclaves recensés les changemens de nom qui auraient pu avoir lieu à l'égard d'aucuns d'iceux.

Pour chaque noir dont le décès, ou la naissance, ou le changement de nom n'auraient pas été déclarés au dit recensement, l'amende sera de cinq piastres ou cinquante livres.

À l'égard des noirs vendus et achetés et dont la mention n'aurait été faite ni par le vendeur ni par l'acheteur, ils seront condamnés solidairement à une amende de dix piastres.

Article 2 :

Aussitôt après l'expiration du délai ci-dessus fixé et dans la huitaine qui suivra sans autre délai, les commissaires civils des divers quartiers adresseront au commissaire en chef de la police générale au Port Louis, pour être remis au procureur général du Roi, l'état de tous les habitans propriétaires d'esclaves, fermiers ou depositaires, qui n'auraient pas fourni le recensement exigé par l'article 1^{er}. Le commissaire en chef de la police générale joindra un état semblable à l'égard des recensemens à fournir par les habitans du Port Louis.

L'amende encourue par ceux qui n'auraient pas satisfait à l'article 1^{er} ci-dessus, sera de vingt piastres.

Elle sera de cinquante piastres pour ceux qui, après avoir été ensuite requis par les commissaires civils des différens quartiers et au Port Louis, par le commissaire en chef de la police générale, de fournir leur recensement, n'auraient pas satisfait à cette réquisition dans la huitaine.

Ceux en fin des habitans propriétaires, fermiers ou depositaires, qui, après avoir été requis de nouveau, auraient encore laissé expirer le délai de huitaine, sans fournir le dit recensement, seront considérés comme ceux des habitans qui auraient fourni un recensement infidèle et soumis à l'égard de leurs noirs esclaves non recensés, aux peines et condamnations qui seront prononcées par l'Articles 3 et 4 ci-après.

Article 3 :

Tout noir esclave non compris au recensement exigé par l'Article 1^{er}, sera confisqué à l'état, pour être appliqué aux travaux des chemins, si le propriétaire, fermier ou dépositaire, ne justifie que le dit noir était en sa possession ou existait dans l'une des deux isles, lors ou avant le 2 Decembre 1810.

Article 4 :

À l'exception du cas prévu au dit Article 3, l'amende sera de vingt fois le montant du droit imposé sur chaque tête d'esclave, pour ceux qui auraient été omis dans le recensement.

En cas de récidive de la part du même propriétaire, fermier ou dépositaire, il y aura lieu à la confiscation de tous les esclaves qui n'auraient pas été recensés.

Article 5 :

Le produit des amendes prononcées en execution de l'Article 2 ci-dessus, sera attribué, savoir ; la moitié à la caisse de bienfaisance, et l'autre moitié à l'entretien et réparations des chemins.

Article 6 :

Il sera formé dans chacun des quartiers de la colonie, un comité composé du commissaire civil du quartier, qui présidera, des syndics chargés de la surveillance du travail des corvées, et de deux autres habitans qui seront nommés par son excellence le gouverneur, et qui ne pourront refuser sans des raisons graves qu'ils seront tenus de motiver de remplir la dite charge.

Article 7.

N° 23,
continued.

Article 7.

Les fonctions de ce comité consisteront à vérifier dans chaque quartier dans la première quinzaine du mois de Juin prochain, les recensemens fournis par chaque habitant du dit quartier, et à former l'état de ceux qui n'auraient pas fourni le recensement ordonné par l'Article premier dans tout le courant du mois de Mai.

Les membres de ce comité sont autorisés et même obligés, sous leur responsabilité de faire l'examen et les recherches le plus rigoureuses pour s'assurer de l'exactitude de chaque recensement. Il leur est permis néanmoins, avant d'arrêter le travail relatif à la vérification dont ils sont chargés, d'avertir ceux des habitans du dit quartier dont ils auraient reconnu que le recensement n'est point exact, à fin qu'ils aient à le rectifier.

Dans la huitaine après le délai ci-dessus expiré le comité sera tenu de dresser le procès-verbal de la dite vérification, et de l'adresser signé de tous les membres du comité, au commissaire en chef de la police générale.

A l'égard de la ville du Port Louis, il sera procédé à la vérification des recensemens pour la dite ville, ses faubourgs et banlieues, par un comité composé de six habitans de la dite ville qui seront désignés par son Excellence le Gouverneur, et ne pourront sans des motifs graves, se refuser à accepter la dite charge, lequel comité sera présidé par le commissaire en chef de la police générale. Il sera procédé de la même manière que ci-dessus à la vérification des recensemens pour la ville du Port Louis, et le procès-verbal en sera également arrêté dans la huitaine que suivra les quinze premiers jours du mois de Juin.

Le dit procès-verbal, ainsi que ceux qui auront été dressés dans les divers quartiers de l'Isle, seront immédiatement adressés au procureur général du Roi, pour être exercé contre les délinquans telle poursuite qu'il appartiendra devant les tribunaux, et suivant les formes indiquées par l'Article 42, de l'arrêté du 1^{er} Pluviose an. 12.

Article 8.

A l'avenir et à commencer du 1^{er} Janvier de l'année 1815, tout ce qui est prescrit par les Articles 1, 2, et 7 aura lieu pendant le mois de Janvier de chaque année et les trois premières semaines du mois de Février suivant.

Article 9.

Les fonctions des syndics et des autres membres du comité dureront trois ans. Il sera procédé à un nouveau choix des syndics et des autres membres du comité pour le premier Janvier 1817.

Article 10.

Sera le présente proclamation lue, publiée, et enregistrée dans les Cours et Tribunaux des Isles Maurice et de Bourbon.

Port Louis le 11 Avril 1814.

(signé) *R. T. Farquhar.*

Par Ordre, (signé) *F. Rossi,*
Dép. Sec. par interim.

(Translation.)

PROCLAMATION.

IN the name of His Majesty George III. King of the United Kingdom of Great Britain and Ireland.

His Excellency Robert Townsend Farquhar, Esq. Governor and Commander in Chief of the Islands of Mauritius, Bourbon, and Dependencies, Captain General and Vice Admiral, &c. &c.

CONSIDERING that the annual census of the slave population has always been deemed an essential part of the administration of the colonies, not only for the purpose of securing the fiscal duties, but also as a measure of internal police; that under present circumstances it is still more important to require, in the census of slaves, that exactness which every inhabitant is bound to give to it.

We

We have ordered as follows :

Article First :

From the first to the thirty-first of May next, each inhabitant, whether proprietor, farmer, or trustee, shall furnish a fresh census of all the slaves in their possession ; consequently those that have already been furnished for the present year 1814, remain of non-effect.

This census, agreeably to the statements which will be distributed by the commissary of police in the different quarters, and for Port Louis, at the office of General Police, shall be furnished by triplicate, the one to be directed to the chief commissary of the general police at Port Louis, the second to be deposited with the civil commissary of each quarter, and the third to be handed to each inhabitant after having been attested and signed by the civil commissary, and for Port Louis by the chief commissary of the general police, after the verification hereafter enjoined.

An exact and precise mention shall be made in the said census of the negroes who may have died, and of those born since the date of the last census, as well as of the negroes included in the last census, who may have been sold, and the purchaser's name ; those who have been bought since the same period, and the name of the vendor.

With respect to all slaves to be included in the census, mention must be made of any change that may have taken place in their names.

For each negroe whose death, birth or change of name will not have been mentioned in the census, a fine shall be imposed of five dollars or 50 livres.

For the negroes who may have been bought or sold without any mention being made of the same, either by the buyer or seller, a fine shall be imposed of ten dollars upon each party.

Article 2 :

After the expiration of the above mentioned delay, and within eight days following, without further delay, the civil commissaries of the several quarters shall send to the chief commissary of general police at Port Louis, for the purpose of being delivered to the King's attorney-general, a statement of all the inhabitant proprietors of slaves, farmers, or trustees, who may not have furnished the census required by the first article. The chief commissary of general police will add a like statement respecting the census to be furnished by the inhabitants of Port Louis.

The fine incurred by those who may not have complied with the first article shall be twenty dollars.

It shall be fifty dollars for those who, after having been subsequently required, by the civil commissaries of the different quarters, and at Port Louis by the chief commissary of general police, to furnish the census, with not having complied within eight days with the requisition.

Lastly, those of the inhabitants proprietors, farmers or trustees, who, after having been again called upon, may have again allowed eight days to elapse, without rendering the said census, are to be considered in the same light as those inhabitants who may furnish an untrue census, and shall be subject, with respect to their negroe slaves not entered in the census, to the punishments and fines to be decreed by the 3d and 4th Articles hereafter.

Article 3 :

Every negroe slave not included in the census required by Article 1st, shall be confiscated to the state, to be employed upon the public roads, if the proprietor, farmer or trustee, does not afford proof that the said negroe was in his possession, or was in existence in either of the two islands at the date of or previously to the 2d December 1810.

Article 4 :

With the exception of the case provided for in the said Article 3, the fine shall be twenty times the amount of the duty imposed upon each head of slave, for those that may have been left out of the census.

In case of relapse on the part of the same proprietor, farmer or trustee, they become subject to the confiscation of all the slaves not entered in the census.

Article 5 :

The produce of the fines decreed conformably to the above mentioned Article 2, shall be applied, one half to the charitable fund, the other half to the maintenance and repair of roads.

Article 6 :

N° 23,
continued.

Article 6 :

In each quarter of the colony, a committee shall be formed, consisting of the civil commissary of the quarter, who is to preside, of the syndics charged with the superintendence of free labour, and of two other inhabitants, to be named by his excellency the governor, and who cannot refuse the charge committed to them, without serious grounds, which they will be required to explain.

Article 7 :

The functions of this committee will consist in verifying in each quarter, in the first fifteen days of the month of June next, the census furnished by each inhabitant in the said quarter, and in framing a statement of those who might not have furnished the census ordered by Article first, in the whole course of the month of May.

The members of this committee are authorized, and even enjoined, under their responsibility, to enter into an examination, and into the most rigorous researches, to satisfy themselves of the correctness of each census. They are however permitted, before determining the proceedings relative to the verification committed to their charge, to give notice to such inhabitants of the said quarter, whose census they may have discovered to be incorrect, in order that they should rectify them.

Within eight days after the expiration of the above delay, the committee will be bound to draw up the minute of the said verification, and to address it to the chief commissary of general police, signed by all the members of the committee.

With respect to the town of Port Louis, the verification of the census for the said town, its suburbs and precincts, will be proceeded upon by a committee, composed of six inhabitants of that town, who are to be named by his excellency the governor, and cannot, without weighty reasons, refuse acceptance of this duty; which committee shall be presided by the chief commissary of general police. The verification of the census for the town of Port Louis, shall be proceeded upon, and the minute of it likewise drawn up within eight days following the first fifteen days of the month of June.

The said minute, as well as those that will have been drawn up in the different quarters of the island, shall be immediately sent to the King's attorney general, that the competent proceedings may be instituted against the delinquents before the tribunals, and according to the forms pointed out by Article 42 of the decree of the 1st Pluviose, 12th year.

Article 8 :

For the future, and commencing from the 1st of January in the year 1815, all that has been directed by Articles 1, 2 and 7, shall take place during the month of January in each year, and in the three first weeks of the month of February following.

Article 9 :

The functions of the syndics, and other members of the committee, shall last three years.

A fresh selection of syndics, and the other members of the committee, shall be proceeded upon for the first of January 1817.

Article 10 :

The present Proclamation shall be read, published and registered in the courts and tribunals of the Islands of Mauritius and of Bourbon.

(signed) *R. T. Farquhar.*

By order,

(signed) *F. Rossi,*

Act^s Dep^y Secr^y.

Port Louis, the 11th April 1814.

— N° 24.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst,
dated Mauritius, 10th April 1814.

N° 24.

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 10th April 1814.

THE hurricane season having broken up at the end of last month, and no appearance as yet of any of His Majesty's ships in these seas, I have deemed it my duty to fit out a schooner allowed for keeping up the communication between these islands, and directed her to scour the coasts, and carefully to examine all vessels coming to these islands from Madagascar or the Eastern Coast, or Islands of Africa, in order that, should any be found in contravention to the Acts abolishing the Slave Trade, every such vessel should be seized and sent for adjudication to the Admiralty Court, at the Cape of Good Hope, which has jurisdiction in these seas.

This vessel, although actively and zealously employed, has as yet made no discoveries or seizures.

A small schooner, however, employed by me on the same service, and fitted out, for deception, as a coasting vessel, has been more successful in the same service, having seized and detained for adjudication, a schooner called the Diligent, having on board seventy-three slaves, with some colonial produce, from Seychelles, bound to this island.

This vessel has been brought into Port Louis; the negroes have been landed, and the captain and crew secured on board, under a military guard, to be sent for trial to the Admiralty Court, at the Cape, by the first opportunity. The vessel herself being crazy, and the blacks sickly, I have kept them here, agreeably to His Majesty's Orders in Council.

These vessels are still actively employed under my deputation on the same service.

I have, &c.

(signed) *R. T. Farquhar.*

— N° 25. —

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst,
dated Mauritius, 19th April 1814.

N° 25.

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 19th April 1814.

I BEG leave to inform your lordship, that under the existing circumstances of the absence of any naval force in these seas since September last, to prevent illicit speculations in contravention to the Slave Trade Abolition Acts, I have deemed it my duty to appoint an agent at Seychelles and Madagascar, regularly deputed by me to seize all ships and vessels engaged in that traffic, agreeably to the 8th section of the Abolition Act of 1811, until your lordship's pleasure be known.

Captain Lesage,
agent at Seychelles;
Dr. Thomson, agent
at Madagascar.

I have the honour, &c.

(signed) *R. T. Farquhar.*

— N° 26. —

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst,
dated St. Denis, Bourbon, 17th May 1814.

N° 26.

To the Right Honourable Earl Bathurst, &c. &c. &c.

—“ I CAN with great truth assure your lordship, that I have found the current of popular feeling in this Island, decidedly against the Slave Trade; and that the inhabitants have almost universally begun, not only to enter cordially into the considerations

N° 26,
continued.

siderations of humanity and justice which triumphed in its abolition, but to regard the advantages resulting from an increased care and attention to their present stock of Slaves, as paramount to any that could be derived from foreign acquisition.

“ These sentiments I feel confident will be cherished and maintained by the integrity, vigilance and firmness of the newly appointed magistrates, in enforcing the laws regularly and equally, against the illicit commerce in Slaves, and the violation of the personal liberty and property of the white population.”

— N° 27. —

N° 27.

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20th June 1814. (1 Enclosure.)

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Port Louis, Mauritius, 20th June 1814.

I BEG leave to transmit to your lordship an address, which Mr. Duparc, one of the judges of the Court of Appeal, at Bourbon, thought proper to address to his Royal Highness the Prince Regent, and requested that I should forward in my dispatches.

As the subject of this address is similar in most points to the memorial of the judges, whom I felt it my duty to suspend from their functions in my proclamation of the 22d January last, the letter which accompanied that memorial to your lordship, will serve equally to refute the most material part of this address.

There are, however, some points on which Mr. Duparc is entitled to distinct consideration. I shall notice them as concisely as possible.

Mr. Duparc was the judge who gave the sentence of the 31st July 1813, in the Tribunal of First Instance, declaring that the Acts of Parliament for the Abolition of the Slave Trade, were inapplicable at Bourbon. He gave this sentence, not as president of a court, but by his sole decision; for in the Tribunal of First Instance, the suppleant or deputy, decides merely in the absence of the judge, and never in conjunction with him. Mr. Duparc's conduct is subject to animadversion under two points of view in this affair. In the month of February 1813, this judge submitted to the attorney-general his reflections on the difficulties attending the application of the Slave Trade Felony Act, of May 1811; but on the attorney-general's official answer, leaving no doubt as to the liability of the parties to the penalties of that Act, this judge proceeded to the trial of this crime, as an infraction of the Felony Act, and yet Mr. Duparc, in deciding on the affair acquits, on the plea that this law of the empire was inapplicable to Bourbon.

The second cause of dissatisfaction with the conduct of Mr. Duparc, is the silence preserved by him on this subject, in his monthly official abstract statement of causes tried and adjudged; and this silence is the more criminal, as it led to the subsequent misconduct of the Court of Appeal in their judgment on this cause.

By the decree of the French government re-establishing the administration of justice in these colonies, on the last day of each month, a statement is made out by the registrar of the respective tribunals and courts of these colonies, stating summarily all the causes and suits brought before them in the month, with the judgments thereon. These reports are signed by the respective presidents, and sent to the attorney-general, who forwards them to government.

The official reports of the Tribunal of First Instance, of Bourbon, signed by Mr. Duparc, contain no mention of this cause and judgment, by far the most important that was brought before them, and decided on the very day when the report should be completed and signed by him, for transmission to government.

In consequence of this silence on the part of Mr. Duparc, I knew not of the judgment he had given on the 31st July 1813, until 21st January 1814; and I then only learned it, as stated in my proclamation of the following day, by an inofficial channel; for the decision of the Court of Appeal, also at Bourbon, confirming this sentence, and which was given on the 27th of November, had been kept back in the secretary's office at Bourbon, then under the superintendence of Colonel Keating, These two considerations were sufficient to determine me on suspending Mr. Duparc from his functions.

Previous to my knowledge of these circumstances, I had important reasons to believe

believe that Mr. Duparc would be more advantageously to the public service employed in the Court of Appeal in conjunction with other judges, than in the Court of First Instance, where he sat and decided alone. In carrying your lordship's general orders, relative to the courts into effect, I directed his elevation to the Court of Appeal. This transfer to a superior court, could not be considered in any way degrading; but the contrary. The accidental discovery, however, of the judgment given by the tribunals of Bourbon, on the slave question, notwithstanding the effort to conceal it from me, in both of which he bore so prominent a part, left me no alternative but of including him in the number of those who were suspended from their functions on that account, by my proclamation of the 22d January 1814.

Your lordship is already in possession of all the vouchers to bear out this statement, and as I have entered fully into the discussion of the general question of the memorial in my letter to your lordship of the 22d March last, I feel it unnecessary to trespass further on your lordship's indulgence.

I have the honour, &c.

(signed) *R. T. Farquhar.*

Très humble Adresse à Son Altesse Royale le Prince Regent de Royaume
Uni d'Angletere et d'Irlande.

EXPOSE très humblement à Son Altesse Royale, Joseph Bouley Dupar, qu'il a été nommé, en Avril 1786, à la place d'assesseur au conseil supérieur de l'isle de Bourbon, par Sa Majesté feu Louis Seize; qu'il a rempli cette place jusqu'au Septembre 1793, époque où la révolution ayant entendu sa funeste influence sur cette colonie, le conseil supérieur fut supprimé; le suppliant prit le parti de se retirer des affaires publiques, mais son dévouement à la cause royale lui attira des persecutions qu'il seroit inutile de rappeler à Son Altesse Royale.

Nommé en 1803, par le gouvernement François à la place de Président du Tribunal de Première Instance de l'isle de Bourbon, qu'il n'avoit point demandée; le suppliant occupoit cette place lors de la conquête de l'isle par les forces de Sa Majesté, et elle fut conservée par son excellence le gouverneur. Connoissant combien les loix Angloises sont attentives à veiller à tout ce qui interesse la sûreté et l'honneur de ceux qui vivent sous leur protection, comme magistrat, le suppliant se confiait que tant qu'il n'auroit pas démerité, et que la place qu'il occupoit seroit maintenue, il ne pourroit en être privé. Cependant son excellence le general gouverneur l'a conféré au Sieur Michaux, président du Tribunal du Première Instance de l'isle Maurice, et a nommé le suppliant juge de la cour d'appel de l'isle de Bourbon. Cette dernière place étant inférieure pour les prerogatives et les appointemens à celle de président du Tribunal de Première Instance, il a vu que ce déplacement l'exposeroit à devenir l'objet de reflexions qui lui seroient defavorables en faisant penser qu'il avoit démerité. Dès lors quoique pénétre du desir de complaire à son excellence, le devoir rigoureux qui lui étoit imposé comme magistrat, non seulement de maintenir sa reputation exempte de reproches, mais même du soupçon de reproches, a du le déterminer à ne pas accepter la place du juge de la cour d'appel, et à déclarer à son excellence qu'il s'en tenoit à celle de président du Tribunal de Première Instance, qu'il occupoit depuis dix ans, il ose le dire, à la satisfaction de la colonie.

Les choses étoient dans cet état, lorsque, le 22 Janvier dernier, les magistrats des Tribunaux de cette isle qui avoient rendu des jugemens et arret relatifs à l'échouement d'une pirogue chargée de noirs au quartier St. Joseph, ont été suspendus de leurs fonctions; le suppliant, comme président du Tribunal de Première Instance, à l'époque du 31 Juillet, 1813, a été privé du droit d'exercer des emplois jusqu'à la décision de son Altesse Royale. Les magistrats des tribunaux de l'isle de Bourbon sont dénoncés à son Altesse Royale comme prévaricateurs dans l'exercice de leurs fonctions; leur premier devoir a été de lui présenter leur justification, et le memoire qui est soumis à Son Altesse Royale prouvera qu'ils ont été fidèles aux devoirs qui leurs étoient imposés, et qu'ils se sont conformés aux regles invariables de l'ordre judiciaire, qui ne leur permettoit pas de prononcer une peine en vertu d'une loi qui n'étoit pas légalement connu.

Le suppliant s'abstiendra de citer à Son Altesse Royale les decisions des loix qui ne permettent de priver un magistrat de sa place, que dans le cas de forfaiture, légalement constatée. Ces loix sont trop connues pour les rappeler, et si dans les pays conquis et possédés sous capitulation, il peut y être dérogé, ce n'est que dans le cas

N° 27,
continued.

où la sûreté publique seroit compromise, comme si la fidélité d'un magistrat étoit suspect au gouvernement.

Le suppliant a religieusement observé le serment de fidélité qu'il a prêté au gouvernement de Sa Majesté: il a rempli avec zèle les fonctions de la place qu'il occupoit; s'il avoit besoin de preuves, la lettre de son excellence du 28 Decembre dernier, en seroit un témoignage éclatant. Son Altesse Royale n'aura donc qu'à examiner, dans sa sagesse, si le suppliant a pu être privé par son excellence le gouverneur général des isles Maurice et de Bourbon, de la place qu'il occupoit, sur le motif de l'appeler à un autre place, qu'il a cru ne pouvoir accepter pour les motifs qu'il à exposé.

D'après cet exposé succinct, le suppliant demande très humblement qu'il plaise à Son Altesse Royale lever l'interdiction contre lui prononcée par la proclamation de son excellence le gouverneur général des isles Maurice et de Bourbon, du 22 Janvier dernier, le retablir dans l'exercice de la place de president du Tribunal de Première Instance de l'isle de Bourbon dont il se trouve privée. Le suppliant se felicite d'avoir à soutenir ses droits devant un Prince dont la sagesse a porté au suprême degré l'honneur et la prospérité de la nation dont le gouvernement lui est confié. Il ne cessera de faire des vœux pour la conservation de sa vie, et la continuation de sa gloire.

(signé) *Dupar.*

A St. Denis, Isle de Bourbon,
ce 22 Fevrier 1814.

(Translation.)

A very humble Address to His Royal Highness The Prince Regent of the United Kingdom of Great Britain and Ireland.

JOSEPH Boullay Dupar exposes, very humbly, to His Royal Highness, that, in April 1786, he was nominated to the post of Assessor to the Superior Council of the Island of Bourbon, by his Majesty the late Louis the Sixteenth; that he filled that office till September 1793, the period at which the revolution having extended its baneful influence over this colony, the Superior Council was suppressed. The petitioner adopted the plan of retiring from public affairs, but his devotion to the royal cause drew upon him persecutions, which it would be useless to recal to His Royal Highness.

Nominated, in 1803, by the French government, to the post of President of the Tribunal of the first instance of the Island of Bourbon, which he had not requested, the petitioner filled that place at the time of the conquest of the island by the forces of His Majesty, and the place was retained by his Excellency the governor. Knowing how much the English laws attend to the protection of every thing which interests the security and honour of those living under their protection, as a magistrate, the petitioner relied that, as long as he faithfully fulfilled his duties, and the place was retained in existence, he would never be deprived of it. Nevertheless his Excellency the governor general bestowed it on the Sieur Michaux, President of the Tribunal of the First Instance of the Island of Mauritius, and appointed the petitioner judge of the court of appeal of the island of Bourbon. That last place being inferior, on account of the prerogatives and salary, to that of the president of the Tribunal of the First Instance, he saw that his removal would expose him to become the object of unfavourable reflexions, from the supposition that he had acted amiss. From that time, although truly anxious to please his Excellency, the rigorous duty which was imposed on him as a magistrate, not only to uphold his reputation free from reproaches, but even from the suspicion of reproaches, immediately determined him not to accept the place of judge of the Court of Appeal, and to declare to his Excellency that he persisted in holding that of President of the Tribunal of the First Instance, which he had held during ten years, and he dares to say to the satisfaction of the colony.

Things were in this state, when, on the 22d of January last, the magistrates of the tribunals of this island, which had given judgments and passed sentence relative to the shipwreck of a boat, loaded with blacks in the quarter of St. Joseph, were suspended from their functions; the petitioner, as President of the Tribunal of the First Instance at the period of the 31st July 1813, was deprived of the right of exercising his employments, until the decision of His Royal Highness. The magistrates of the tribunals of the isle of Bourbon are denounced to His Royal Highness

as

as prevaricators in the exercise of their functions; their first duty was therefore to present to him their justification; and the memorial which is submitted to His Royal Highness will prove that they were faithful to the duties imposed on them, and that they acted conformably to the invariable rules of the judiciary arrangements, which did not permit them to pronounce a penalty in virtue of a law which was not legally known as such.

The petitioner will abstain from quoting to His Royal Highness the decisions of the laws, which do not allow a magistrate to be deprived of his place, except in the event of forfeiture legally proved. These laws are too well known to require to be recalled to memory; and, if in countries conquered and possessed under capitulation any change could take place in them, it could only happen in the event of the public safety being compromised; as if, for instance, the fidelity of a magistrate should be suspected towards the government.

The petitioner has scrupulously observed the oath of fidelity which he took to the government of His Majesty; he has fulfilled with zeal the functions of the place which he occupied; and had he need of proofs, the letter of his excellency of the 28th December last, would bear triumphant witness of the fact. His Royal Highness will only therefore have to consider, in his wisdom, whether the petitioner could be deprived of his office by the governor general of the Islands of Mauritius and of Bourbon—of an office from which he was displaced to hold another situation, which, from the views already stated, he thought it his duty not to accept.

In conformity with this succinct exposition, the petitioner very humbly requests, that His Royal Highness may be pleased to take off the interdiction pronounced against him in the proclamation of his excellency the governor general of the Islands of Mauritius and of Bourbon, on the 22d January last, and to re-establish him in the exercise of the post of President of the Tribunal of the First Instance of the Island of Bourbon, of which he has been deprived. The petitioner congratulates himself in having to defend his rights before a prince whose wisdom has extended to the utmost summit the honour and prosperity of the nation, the government of which is confided to his hands. He will never cease to pray for the preservation of His Royal Highness's life, and the continuance of His glory.

(signed) *Dupar.*

St. Denis, Island of Bourbon,
22d February 1814.

— N° 28. —

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20 June 1814. (5 Enclosures.)

To the Right Hon. Earl Bathurst, &c. &c. &c.

—“ THE documents enclosed will demonstrate that a report being made to me on the 1st of December last, of an attempt to introduce new blacks into this colony, letters were immediately written by my order to the police and law authorities, to stimulate them to an active and diligent execution of their duties, in order that justice might be done on the delinquents.

“ On an attentive examination of the trial, I am disposed to doubt, in the first instance, that the fact was duly established, or in the language of the French law “ constaté,” by the attorney general. It is this omission, indeed, that appears to me to have been one of the chief causes of the failure of the prosecution, and of the persons accused being screened from the effects of the law; and I therefore cannot hesitate in stating to your lordship my view of this apparent negligence.

“ I have only to add, on this subject, that the blacks who were seized have been made over to the custody of the collector of customs, and that they will be disposed of as prescribed by the laws and regulations contained in the Acts of Parliament, and His Majesty's Orders in Council on this subject.

“ I have also the pleasure to inclose, for your lordship's information, a copy of the sentence of the court of justice at Bourbon, under date the 1st of June 1814, on another case of illicit introduction of blacks, by which it will be observed, that the individuals have been condemned to the crown in conformity to the Acts of Parliament abolishing the slave traffic, and they have in consequence been delivered

N° 28,
continued.

over to the collector of customs at St. Denis, to be dealt with agreeably to the provisions of the Acts of Parliament, and His Majesty's Orders in Council.

" I have no comments to make on this judgment, which appears so strictly conformable to the laws of the empire, and to the duty of the tribunals at Bourbon as at present composed."

(Copy.)

To A. W. Blane, Esq. Chief Commissary of Police, &c. &c. &c.

Sir,

I AM directed by his excellency the governor to state to you, that a case of illicit introduction of blacks into this colony has this morning been reported to him by the collector of customs; his excellency therefore commands me not to lose an instant, in directing you to take the most effectual measures, and to exert the utmost vigilance and activity in order satisfactorily to establish the fact. You will take special care that all your proceedings therein are agreeable to law, and in due form, and so that they may be received as such, not only in the tribunals here, but in any English court to which reference for decision may be had; and for the strict and regular execution of the above orders, his excellency holds you responsible. You are of course aware, that by the colonial law the procureur general, or attorney general, is responsible for the assistance and advice which it is his duty to afford you in all these cases, and which it is your duty to have recourse to; you will also, if necessary, have recourse to the advice of the judicial assessor and magistrate.

In so grave a case as the present, involving the crime of felony, his excellency commands that all your proceedings may be official, and in writing, so that nothing may be left ambiguous or in doubt.

His excellency commands me only to add, that he relies on your zeal and indefatigable exertions in this investigation, and that you will regularly report progress to him; that he may adopt every measure in his power to bring all the persons who have been in any way engaged in this illegal traffic, to trial and punishment, as the law directs.

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

(signed) *T. Hook*, Private Secretary.

Reduit, 1 Dec. 1813.

(Copy.)

To Monsieur Virieux, Attorney General, &c. &c. &c.

Sir,

I AM directed by his excellency the governor to transmit for your information and guidance, the inclosed copy of a letter, which has just been addressed to the chief commissary of police.

On a subject of so grave a nature, involving no less a charge than that of felony, his excellency feels it unnecessary to exhort you to an active discharge of your duty. He confidently relies on your exertions, for the full and satisfactory establishment of the fact, and for the punishment of a traffic not less inconsistent with humanity than the interests of those who would attempt to practise it.

I have, &c.

(signed) *T. E. Hook*, Private Secretary.

Reduit, 1 December 1813.

To John Shaw, Esq. Judicial Assessor, &c. &c.

Sir,

I HAVE it in command from his excellency the governor, to transmit to you for your information and guidance, the inclosed copy of a letter, addressed to the chief commissary of police.

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

(signed) *T. E. Hook*, Private Secretary.

Reduit, 1 December 1813.

Enclosure,
(1.)

Enclosure,
(2.)

To Christopher Teesdale, Esq. Collector of Customs, &c. &c.

Sir,

I HAVE it in command from his excellency the governor, to transmit you for your information and guidance, the inclosed copy of a letter, addressed to the chief commissary of police.

I have the honour, &c. &c.

(signed) *T. E. Hook*, Private Secretary.

Reduit, 1 December 1813.

Enclosure,
(3.)

(Copy.)—Vû le Requisitoire du Substitut du Procureur Général du Roi, du 23 Mai, dernier,—

Enclosure,
(4.)

QUI après avoir exposé en substance que quatre Madegasses, nommés, Lange, Slavasse, Sella, et Dame, avaient été introduits dans cette isle, en contravention aux lois Britanniques, a requis qu'ils soient confisqués profit de Sa Majesté, et remis à Mr. le Collecteur des Douanes pour de suite être, suivant l'Acte du Parlement du 25 Mars 1807, employés au service de Sa Majesté, comme personnes libres, soit en qualité de soldats, marins, ou mis en apprentissage pour y apprendre un metier, &c. &c.

Considérant dans le fait que par une procédure introduite à la requête du dit substitut du procureur général, il est établi qu'une pirogue ou étaient plusieurs noirs Madegasses, un marmite, et un Français, a fait naufrage le 21 Octobre 1812, au quartier St. Joseph, Lieu de la Source.

Que le Français reconnu pour s'appeler Féry, s'est noyé avec plusieurs Madegasses, et dont les cadavres ont été inhumés au dit lieu. Constatant en outre que plusieurs autres ont échappé au dit naufrage en se sauvant à la nage.

Qu'il est encore établi par cette procédure, que les quatre Madegasses ci-dessus nommés, et qui font les motifs de la réclamation du substitut de Mr. le procureur général étaient dans cette pirogue; qu'ils étaient du nombre de ceux qui ont été à terre à la nage, avec le marmite qui les conduisait; qu'après diverses circonstances étrangères à l'instance actuelle, ces quatre individus ont été recueillis par les agents du gouvernement, et sont actuellement au dépôt du gardien des noirs de l'état.

Considérant que de cette procédure il est résulté que les dits quatre Madegasses avaient été achetés à Madagascar, pour être vendus en cette isle; qu'ils avaient été embarqués à Sainte Luce, sur un petit navire que la dite procédure ne désigne pas; mais reconnu être commandé par un sieur La Marre; qu'il est encore établi, que pendant la traversée, ce capitaine La Marre a changé les noms de ces Madegasses, notamment des quatre dont il s'agit dans la présente instance, et leur a donné des noms Français:—

à Lange, le nom de Mercure;

à Sella, celui de Mon Desir;

à Slavasse, celui de Fidèle;

à Dame, celui de Salam.

Considérant qu'il est encore établi et certain qu'à la vue de cette isle-ci s'entend d'un vaisseau soupçonné Anglais, les dits quatre Madegasses sus-nommés, avec plusieurs autres, ont été mis à la hâte dans cette fatale pirogue, sous la conduite du dit Féry, et du marmite appelé Cæsar, pour aller à terre, et par là soustraire les dits noirs à toute visite et à la confiscation d'iceux qui pouvait en être la suite.

Considérant d'après les détails et les circonstances qui les dits quatre Madegasses sus-nommés ont été achetés à Madagascar, qu'ils ont été embarqués à St. Luce, sur un navire que la procédure ne nomme pas, mais commandé par un Sieur La Marre; que ce capitaine pour les débarquer, et pour les vendre plus commodément a changé à bord leurs noms, et leur a donnés des noms Français, d'ou il résulte que ces quatre individus ont été introduits dans cette isle comme esclaves, en contravention à l'Acte du Parlement de la 47^{me} année du règne de S. M. régnante, notamment à celui du 25 Mars 1807.

Que d'après ces lois les dits quatre Madegasses esclaves vendus dans leur propre pays, ne le sont plus de leur arrivée en cette isle, qui déjà était sous la domination Britannique.

Considérant d'ailleurs, que ces quatre esclaves ont été attestés juridiquement, n'avoir été revendus en cette isle à qui que ce soit; que personne ne les réclame; qu'ils doivent donc jouir, sans obstacles, de la liberté que les lois Britanniques leur présentent, mais de la manière qu'elles déterminent.

N^o 28,
continued.

Que l'Acte du Parlement, du 25 Mars 1807, indique ce mode dans toutes les circonstances ; que dans l'espèce présente il veut, Article 4, que ces esclaves soient confisqués au profit de sa Majesté, non pour rendre ce Prince propriétaire de ces individus, mais, au contraire, pour arracher jusqu'à la racine les droits de ceux qui antérieurement pourraient s'en dire propriétaires ; et l'Article 7 de cette même loi plus explicative ordonne, impérieusement, que ces dits esclaves soient remis en dépôt au collecteur des douanes, pour être de suite et de plein employés dans l'état comme personnes libres ; soit comme soldats, soit comme matelots ; ou en fin, mis en apprentissage pour y apprendre un métier : mesure prise à la fois pour qu'ils ne soient pas à charge à la société, et qu'ils ne la troublent pas.

En conséquence d'après ces loix, et par les motifs ci-dessus exprimés, faisant droit sur les conclusions du substitut du procureur general du Roi, nous déclarons les quatre Madégresses ci-après nommés, savoir Lange dit Mercure, Sella dit Mon Desir, Slavasse dit Fidèle, enfin Dame dit Salam, confisqués au profit de Sa Majesté Britannique. En conséquence, ordonnons qu'ils soient remis au collecteur des douanes de cette isle, pour être par lui pris, pour ces individus, les mesures prescrites par les Actes du Parlement sus-datés. Disons que le présent jugement sera exécuté dans le jour, sur la minute, à la requête du substitut de Mr. Le Procureur Général, qui justifiera dans les vingt-quatre heures de la pleine et entière exécution au tribunal.

Donné en notre Chambre de Conseil, St. Denis, Isle de Bourbon, par nous François Michaux de Beaumont, Président du Tribunal de Première Instance de cette Isle, le premier Juin 1814 ; et avons signé avec le greffier.

(signé) *Mich. de Beaumont.*
Boussu,
Greffier.

(Pour Copie conforme.)

(signé) *Ozoux,*
Proc^r Général.

(Translation.)

Enclosure,
(5.)

Read the Requisition of the Substitute of the King's Attorney General,
of the 23d May last,—

Judgment for the
enlargement of the
four Negroes
landed at Barry,
the 22d October,
1812.

WHICH after representing that four natives of Madagascar, named Lange, Slavasse, Sella, and Dame, had been introduced into this island in contravention of the British laws, demands that they be confiscated to the profit of His Majesty, and delivered to the collector of the customs, in order that, conformably to the Act of Parliament of 25th May 1807, they may be employed in the service of His Majesty as free persons, whether in the capacity of soldiers or mariners, or of apprentices for the purpose of learning some trade, &c. &c.

Considering accordingly, that by a proceeding instituted at the suit of the said substitute of the attorney general, it is proved, that a boat in which were several negroes, natives of Madagascar, a scullion, and a Frenchman, was shipwrecked on the 21st October 1812, at the quarter of St. Joseph, and at a place called La Source.

That the Frenchman, whose name was found to be Fery, was drowned with several of the Madagascar people, whose bodies were buried on that spot. It being further established, that many others have escaped from the said shipwreck by swimming.

It being moreover established by that proceeding, that the four Madagascar people above mentioned, who form the occasion of the demand of the attorney general's substitute, were in the boat, that they were of the number of those who escaped by swimming ashore with the scullion who had charge of them ; that after various events, foreign from the present suit, those four individuals were laid hold of by the agents of the government, and are now in the custody of the guardian of the state negroes.

Considering that it results from that proceeding, that the said four Madagascar people had been purchased at Madagascar to be sold in this island ; that they had been embarked at St. Luce, on board of a small vessel which is not named in the proceeding, but is found to have been commanded by a Mr. La Marre ; that it is further established, that during the voyage this captain La Marre altered the names

of

of these Madagascar people, and in particular, of the four in question in the present suit, and gave them French names:—

To Lange the name of Mercure.
 To Sella that of Mon Désir.
 To Slavasse that of Fidèle.
 To Dame that of Salam.

Considering that it is also established, and positive, that being chased by a vessel, suspected to be English, within sight of this island, the above four Madagascar people, with several others, were hastily placed in this fatal boat, under the charge of the said Fery, and of the scullion called Cæsar, to proceed to land, and thus remove those negroes from all search, and from the confiscation which might have the consequence of that search.

Considering from the details, and the circumstances which accompany them, that the said four Madagascar people above-mentioned have been bought at Madagascar; that they have been embarked at St. Luce, on board a vessel not named in the preceding, but commanded by a Mr. La Marre; that this captain, in order to land them, and effect their sale with less difficulty, changed their names on board, and gave them French names, whereby it results, that those four individuals have been introduced into this island as slaves, in contravention to the Act of Parliament of the 47th year of His present Majesty's reign, and in particular that of the 25th March 1807.

That conformably to those laws, the said four Madagascar slaves sold in their own country, are no longer slaves since their arrival in this island, which was already under the British dominion.

Considering besides, that those four slaves have been judicially declared not to have been sold to any one in this island; that no one claims them; that they ought therefore to enjoy unobstructed that liberty which the British laws afford them, although according to the mode which those laws have determined.

That the Act of Parliament of the 25th March 1807, points out this mode under all circumstances; that in the present case it provides, Article 4, that these slaves shall be confiscated to the profit of His Majesty, not in order to render the prince the owner of these persons, but on the contrary, to destroy from the very root the rights of those who anteriorly might call themselves owners of them; and the 7th article of the same law, more explicit still, imperatively directs, that the said slaves be lodged in the dépôt of the collector of the customs, to be forthwith employed for the state as a free person, whether as a soldier or as a sailor, or apprenticed to some trade, a measure which is resorted to, as well to prevent their being a burthen to society, as that they shall not create disturbance in it.

Agreeably therefore to those laws, and the motives above enumerated; deciding upon the conclusions of the substitute of the King's attorney general, we declare the four Madagascar people above mentioned, namely Lange, called Mercure; Sella, called Mon Desir; Slavasse, called Fidele; and Dame, called Salam, to be confiscated to the profit of His Britannic Majesty. In consequence, we order, that they be delivered to the collector of the customs of this island, that he may take, with respect to those individuals, the measures prescribed by the Acts of Parliament of the fore-mentioned dates. We order that this judgment be executed this day, and forthwith upon the requisition of the substitute of the attorney general, who will report to the tribunal, within the twenty-four hours, the full and entire execution of the same.

Given at our Council Chamber, St. Denis, Bourbon, by us, Francis Michault de Beaumont, President of the Tribunal of First Instance of this island, the 1st of June 1814; and we have signed with the registrar.

(signed)

Mich. de Beaumont.

Boussy, Registrar.

(A true copy.)

(signed) *Ozour, Attorney-General.*

—N° 29.—

N° 29.

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius, 1st October 1814. (2 Enclosures.)

To the Right Hon. Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 1st October 1814.

ON the death of captain Allen, of his Majesty's ship Harpy, which took place at Port Louis, on the 28th of September ultimo, I deemed it my duty to address the subjoined letters to the officer on whom the command of that vessel devolved, and to the admiral, at the Cape of Good Hope; to which I have only to add, that my unremitted exertions will continue to be directed to prevent any illicit commerce in Slaves, and rigorously to enforce the Abolition Laws.

I have the honour, &c. &c.

(signed) *R. T. Farquhar.*

Enclosure,
(1.)

COPY of a Letter from His Excellency Governor Farquhar, addressed to the Officer commanding His Majesty Sloop of War Harpy, Dated 30th September 1814.

Sir,

THE command of his Majesty's sloop Harpy having devolved on you, by the death of captain Allen, my late much respected friend, I shall enter into communication with you on the objects of public service, with the same frankness which existed in my intercourse with your late commander.

The necessity of having a naval force at these islands, to enforce the execution of the Slave Trade Abolition Acts, induced me on the absence of the squadron in July 1813, to make repeated and most urgent applications, then and afterwards to his excellency the naval commander in chief at the Cape of Good Hope, for that purpose. His excellency had the goodness to forward my applications to the admiralty, and to comply to the utmost, with my wishes, sent as soon as he could spare her services, the Harpy, with such instructions as were considered best adapted for preventing and crushing the illicit traffic; the consequences have been most salutary; the vigilance and activity of the late captain Allen have prevented speculators from entering into a traffic so replete with danger, and a perseverance in the same system, will, no doubt, finally annihilate any hopes of its revival. It is therefore extremely desirable, that during the approaching season, there should be a constant guard, if not upon the coasts of these islands, at least at such distance as always to menace illicit speculations. This may be accomplished by anchoring, either at Port Louis or Seychelles, at such periods as it may be deemed dangerous to cruize in these latitudes. The harbour of Mahé has never yet experienced a gale of wind or hurricane, since that Archipelago was first settled.

It is my intention to write to his excellency, vice-admiral Tyler, on this subject, and I hope, that if consistent with the orders under which you act, you will not quit this station until relieved, or until a communication has been received from his excellency the naval commander in chief on this subject, as independent of the danger of the renewal of the prohibited traffic, the presence of any small American force in this hemisphere, might be productive of very disastrous consequences in the total absence of any of his Majesty's ships from this station.

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

(signed) *R. T. Farquhar.*

Enclosure,
(2.)

COPY of a Letter from His Excellency Governor Farquhar, addressed to His Excellency Vice Admiral Tyler, Commander in Chief of the Cape Squadron, dated Port Louis, Mauritius, 30th September 1814.

Sir,

I BEG leave to enclose to your excellency, a copy of a letter I addressed this day to the senior officer commanding his Majesty's sloop Harpy, and hope your excellency will permit me to express a most anxious hope, that a naval force may be constantly kept at these islands, as no other adequate means can be employed to check

check a traffic to which such penalties are attached by the legislature, and which at the same time offers so many temptations and facilities in these islands, when the fear of immediate detection is removed.

The presence of the Harpy has done more for its extinction here than could be effected by an army of Custom House officers and police guards.

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

(signed) *R. T. Farquhar.*

N° 29,
continued.

—N° 30.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 3d November 1814.

N° 30.

To the Right Hon. Earl Bathurst, &c. &c. &c.

My Lord,

Port Louis, Mauritius, 3d November 1814.

I HAVE the honour to inform your lordship, that on the 30th ultimo, Lieut. Vine, of the Royal Navy, commanding the government schooner Magnet, and duly authorized and deputed by me, seized a schooner, called the *Aglacée*, between this island and Bourbon, having (160) one hundred and sixty Slaves on board, bound from Seychelles, and apparently intended to be landed in this island.

Mr. Smith, chief judge and commissary of justice, immediately imprisoned all the delinquents whom he could discover, and they will be proceeded against, according to law, as well as the vessel and cargo.

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

(signed) *R. T. Farquhar.*

—N° 31.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Mauritius. 18th November 1814. (1 Enclosure.)

N° 31.

To the Right Honourable Earl Bathurst, &c. &c. &c.

My Lord,

Mauritius, 18th November 1814.

When I last had the honour to address your lordship on the most effectual means of legally enforcing the provisions of the Slave Trade Abolition Acts in these islands, I enclosed a Proclamation which I then issued, by which the tax-rolls of the inhabitants were intended to be converted into exact registers of all the slaves and free blacks of these colonies, and of their transition from hand to hand, in the interchange and transfer of property.

The exactness of these tax-rolls was guarded with the most rigorous penalties and obligations that the attorney general stated to me could be adopted agreeably to the existing laws, as approved by his Royal Highness the Prince Regent in the name of His Majesty.

The superior legal acquirements, information and great zeal in this cause of Mr. Smith, the chief judge and commissary of justice, has enabled me to avail myself of an additional security; he has communicated to me the ordinance framed by the wisdom of His Majesty's government, for the establishment of a registry of slaves in the Island of Trinidad; and anxious as I am to avail myself of an instrument so effectual, framed under so high a sanction, whose provisions duly enforced, promise to render all evasion of the Abolition Acts impossible, I have at the urgent representations of the chief judge, a copy of which is subjoined, determined to take this ordinance into immediate consideration, and in concert with the commissary of justice, to adopt it in the best manner possible, and with the least practicable delay, to the circumstances of the colony.

In this event it will become my duty provisionally to appoint a registrar, until your lordship's pleasure is known, and I shall therefore nominate, *pro tempore*, Mr. William George Waugh, as a person peculiarly adapted to a situation, the duties

N° 31,
continued.

of which can only be efficiently performed by unremitting activity, united with integrity and exactness, and I am happy in this temporary appointment to have the decided suffrage and concurrence of the chief judge and commissary of justice, as to the propriety of the selection. I trust it is unnecessary to assure your lordship, that in this appointment I am solely actuated by this view, and that I disclaim the slightest intention or wish to interfere with the patronage so exclusively belonging to your lordship.

I have the honour, &c. &c.

(signed) *R. T. Farquhar.*

(Copy.)

Government House, Port Louis,
18 November 1814.

Sir,

Enclosure.

I HAVE the honour to address your Excellency on a subject which I well know to be one of those in which you take the greatest interest.

Since my arrival in this colony your excellency well knows that my attention has been particularly directed to the various violations of the Acts of the Legislature for the Abolition of the Slave Trade, which for so long a time past have baffled all the efforts of your excellency's government to prevent them, and which I am confident will still continue in a great degree to set all our endeavours to repress them at defiance, until some measures can be devised to render the concealment of any addition to the existing slave population impracticable by the proprietors of estates and other inhabitants of this colony.

It is well known that measures of this import have long and deeply engaged the attention of His Majesty's government at home, and it is equally well known, that as the best result of their consultation on this subject, an ordinance was framed and adopted under the sanction of the privy council, for the establishment of a registry of Slaves in the Island of Trinidad.

The provisions of this Act, a copy of which I had the honour to communicate to your excellency, have been considered to be so rigorous and effectual in their nature, as to render all evasion of the Abolition Acts impossible, if the enactments of this registry ordinance are carried into full and complete effect.

I am so fully convinced of the efficacy of the measure to which I have referred, that I feel it to be my duty, charged with the attributes of the commissary of justice under your excellency's government, to press in the strongest terms upon your excellency's consideration, the necessity as well as the propriety of establishing immediately, and as nearly as possible in the very terms of the ordinance in question, a registry of Slaves for the Island of Mauritius and its dependencies.

As such an Act can only be considered as a subsidiary proceeding, to secure the due execution of the Acts of the British Legislature for the Abolition of the Slave Trade, and in no way trenching upon the existing laws more than they have already been affected by the enforcing the Abolition Acts themselves, I humbly conceive the adoption of such a measure to be perfectly consistent with your excellency's public instructions, and that the expediency of the measure alone, and its adequacy to the great object which your excellency has so much at heart, are the points to which your consideration will be chiefly directed.

I have the honour, &c.

(signed) *Geo. Smith,*
Chief Judge and Commissary of Justice.

— N° 32. —

N° 32.

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 2 April 1815.

To the Right Honourable Earl Bathurst, &c. &c.

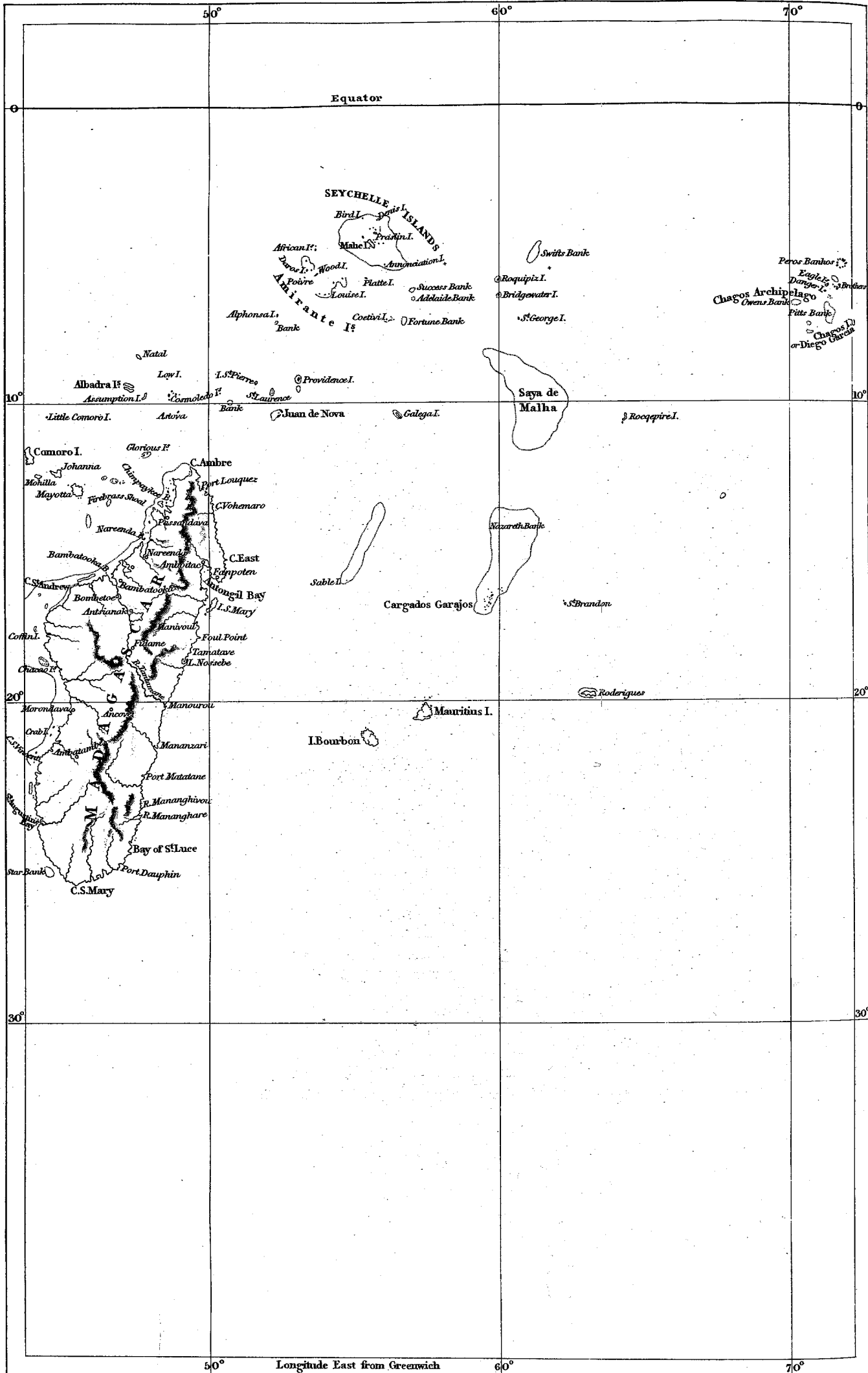
My Lord,

Port Louis, Mauritius, 2d April 1815.

I HAVE the honour to acknowledge the receipt of your lordship's letter of the 24th October 1814, inclosing the order issued by his Royal Highness the Prince Regent in Council, under date the 24th September 1814, for the more effectual prevention

SLAVE TRADE at the MAURITIUS, BOURBON, and the SEYCHELLES.

in N° 33.



prevention of any illegal and clandestine introduction of slaves into the Isle of France and its dependencies, and appointing Mr. Bradshaw, registrar. These commands shall be carried into immediate execution.

Anxious to avail myself of every practicable means for the more certain attainment of this object, I had previously published in these colonies, the Trinidad Registration Act, but as there were certain clauses in it, as modified by Mr. Smith, for these islands, contrary to the established laws of the colony, which I had not the power to change myself, and which it depended on His Majesty in Council, or the legislature exclusively to alter, I determined not to enforce the execution of it, until its provisions should have been adapted to the state of society in these colonies, by the wisdom of His Majesty's government, and stamped by the Royal authority.

I have, &c.

(signed)

R. T. Farquhar.

—N° 33.—

EXTRACT of a Dispatch addressed to the Right Honourable Earl Bathurst by His Excellency Governor Farquhar, dated Port Louis, Mauritius, 20th April 1815; with a Sketch of *Madagascar*, the *Seychelles*, *Bourbon*, &c. (Two Enclosures.)

N° 33.

—“ CONFORMABLY to the 8th article of the treaty of peace of the 30th May 1814, France cedes to England the Isle of France and its dependencies, especially the islands of Roderigues and Seychelles; one an adjacent, the other a very important *distant* dependency.

“ It appears, therefore, that the whole extent of territory comprehended in the boundaries of the Isle of France and its dependencies (without exception) which were unconditionally transferred to the dominion of Great Britain, by the capitulation of Port Louis, in December 1810, forms now a part of the dependencies of this Government, and must still be considered under the sovereignty of Great Britain.

“ Before the conquest, the boundaries of the government general of the French possessions in this hemisphere were marked, on the north by the equinoctial line; on the south, by the circle of latitude of the Cape; on the east, by the meridian of Point de Galle in Ceylon; on the west, by a line proceeding from the 47th degree of east longitude, down the centre of the Mozambique Channel, till it cuts the latitude of the Cape; of which a Sketch is subjoined.

“ Within these limits is the Island of Bourbon, which was taken possession of in July 1810, having no dependencies, and in that state restored on the 6th instant, agreeably to the treaty of peace. All the other islands and islets comprehended in the above boundaries were, without exception, immediately subject to the government general of the Isle of France; from which all acts of authority relative to those dependencies emanated, and from which the officers appointed to the charge of those dependencies received their powers; and although I have cautiously avoided any interference with the native chiefs in Madagascar, and my attention has been principally directed to the improvement of the two islands more immediately under my control, a British agent has been kept at Madagascar, preserving our rights, facilitating the importation of cattle and rice into these colonies, and preventing any illegal and clandestine trade in Slaves.

“ After the restoration, therefore, of Bourbon to France, I felt that it was an indispensable duty on my part to promulgate anew those laws, regulations and restrictions, with regard to the commerce of Madagascar, and the dependencies, which have successively emanated from the government whose rights we stepped into; which had been maintained invariably since the conquest, and which have not been abrogated, or even affected, by any act of the respective mother countries in Europe. I felt it was particularly my duty to do so at this moment, to prevent His Majesty's subjects from being inadvertently seduced into a prohibited and felonious commerce; and these considerations acquired additional force from the conflicting circumstances and averse interests of the colonies of Mauritius and Bourbon, from the encouragement given to the Slave Trade (during the few years stipulated

N° 33,
continued.

stipulated in the treaty for the abolition) by the Government of His Most Christian Majesty in the latter, and the wise abolition of that traffic through all the possessions of the British Crown."

PROCLAMATION.

In the name of His Majesty George III. of the United Kingdom of Great Britain and Ireland, King.

His Excellency R. T. Farquhar, Esq. Governor and Commander-in-Chief of the Islands of Mauritius and Dependencies, Captain General, Vice-Admiral, &c. &c. &c.

WHEREAS, in obedience to His Majesty's will and pleasure, communicated under the sign manual of His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, the Island of Bourbon, with the fortifications thereof, has been restored by me to His Most Christian Majesty, conformably to the stipulations of the definitive treaty of peace, signed at Paris, 30th May 1814:

And whereas it becomes expedient in consequence, to promulgate anew, the divers laws and regulations for the intercourse, commerce and good government of the various dependencies of the Isle of France, in order that all concerned may take due notice thereof, and conform thereto accordingly:

And whereas no doubt should exist that the Acts of Parliament for the Abolition of the Trade in Slaves, extend to every even the most remote and minute portion of the possessions, dominions and dependencies of His Majesty's government:

His Excellency the Governor has ordered, and it is hereby ordered, That,—

Article 1st :

All the ordinances, regulations and laws of the government general of the Isle of France, relative to its dependencies, are continued in their full force and vigour, always excepting as of course, any rules, laws or regulations which can in any way militate against the laws of the empire, for the Abolition of the Slave Trade in every part of His Majesty's dominions.

Article 2d :

The inhabitants of the different archipelagoes, and all other islands and islets depending on the government of the Isle of France, shall in like manner continue to conform to and be bound by the laws, rules and regulations hitherto passed, or that may hereafter be passed by the government general of the Isle of France, in so far as regards each and all of them.

This Proclamation to be read, published and registered in the courts, and a copy thereof to be forwarded to the commissary of justice.

Port Louis, 27th April 1815.

(signed) *R. T. Farquhar.*

By order.

(signed) *F. Rossi,*
Acting Deputy Secretary to Government.

— N° 34. —

N° 34,

EXTRACT of a Dispatch, addressed to the Right Honourable Earl Bathurst, by his excellency Governor Farquhar, dated Port Louis, Mauritius, 26th July 1815. (Two Enclosures.)

— "IMMEDIATELY on the receipt of the intelligence of the extraordinary events which took place in France in March last, I took measures for communicating the same to General Bouvet, the governor of Bourbon, for his Most Christian Majesty, in such a manner as to ensure to his excellency the earliest information, which enabled him to adopt means for ensuring the fidelity of the garrison and the consequent tranquillity of that island. I have the honour to enclose copies of the correspondence."

To

TO his Excellency General Bouvet, Governor, &c. &c. &c. Bourbon.

Sir,

Mauritius, Port Louis, 11th July 1815.

I HAVE the honour to enclose to your excellency, a copy of the extraordinary gazette published here, relative to the events which have recently occurred in France, in direct contravention of the engagements concluded with the Allied Powers in Paris, in the month of April 1814.

Your excellency will therein find the message from His Royal Highness the Prince Regent to the House of Lords, and the declaration of the Allied Powers, unanimously stating their determination to adhere to the treaty of Paris, and to make a common cause against all those who should undertake to compromise it.

Your excellency's wisdom in this conjuncture will, no doubt, point out the line of conduct your loyalty will lead you to pursue. The circumstance of your excellency's intercourse with France being subject to interruption during these troubles, induces me to re-assure your excellency of that continued friendship and cordiality which is due to his Most Christian Majesty's officers from those of the King, my master.

Your excellency will also perceive in this gazette, an edict made by the existing power at Paris, for the Abolition of the Slave Trade in all the possessions of France; although any act of this power is disacknowledged by me, yet I deem it my duty to suggest to your excellency the propriety, under existing circumstances, of endeavouring by all means to avoid the possibility of any case connected therewith becoming ever a subject of discussion.

I pray your excellency to accept the assurances of my high consideration, and I have the honour to be,

Sir,

Your most obedient humble servant,

(signed) *R. T. Farquhar.*

(A true Copy.)

C. Telfair,

Acting Chief Sec^y to Government.

EXTRAIT.

—“ VOTRE Excellence m'assure que l'édit, fait à Paris par les chefs des revoltés sur la traite des noirs, et tout autre acte émané de ce pouvoir usurpé n'est pas reconnu par vous; mais que vous m'engagez à éviter dans cette circonstance tout ce qui pourroit faire naître quelques discussions relatives à la Traite des Noirs.

“ Certainement la commerce de Bourbon sera maintenu rigoureusement par moi, dans les limites qui lui sont fixées par le traité de paix, et je veillerai autant qu'il est en mon pouvoir, à ce que sous le pavillon blanc, il ne se fasse aucun traffic prohibé par vos loix, soit avec Maurice, soit avec tel autre pays soumis à Sa Majesté Britannique. Je prendrai même de nouvelles mesures à cet effet; mais toujours sans priver le commerce de Bourbon des avantages qui lui sont assurés par le traité de Paris—traité que bien certainement je n'invoquerai jamais en vain auprès de vous et du gouvernement Britannique.”

EXTRACT.—(Translation.)

—“ YOUR Excellency assures me that the edict, issued in Paris by the chiefs of the revolutionists concerning the Slave Trade, and every other act emanating from that usurped authority, are not recognised by you; but that you advise me in this circumstance, to avoid every thing which might give rise to any discussions relative to the Slave Trade.

“ Certainly the trade of Bourbon will be rigorously maintained by me, in the limits which are assigned to it by the treaty of peace; and I will, as much as is in my power, take care that, under the white flag, no traffic shall be carried on prohibited by your laws, whether with Mauritius, or any other country subject to His Britannic Majesty. I will even adopt new measures for that purpose; but, however, without depriving the commerce of Bourbon of the advantages ensured to it by the treaty of Paris—a treaty which, assuredly, I will never invoke in vain with you or with the British Government.”

— N° 35. —

N° 35.

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 18th September 1815.

—“ I HAVE the honour to inform your lordship, that the period for making the Returns of the Schedules of the Slaves in this Colony, under the Slave Registration Ordonnance, having expired at the commencement of this month, I have much pleasure in stating, that I have reason to believe that very few, if any, of the inhabitants have neglected to conform to that primary and fundamental provision. This was not, however, accomplished without much perseverance on the part of the officers of government, and an unremitting attention to instruct the people in their true interests, and in the consequences that would inevitably result from any neglect or indisposition to fulfil the conditions of the law. It was not unaccompanied by an appearance of refractory opposition, on the part of a portion of the lower class of inhabitants, whose prejudices against the measure had been worked upon by certain ill-disposed and worthless people, who seized the occasion of public irritation to urge the inhabitants to resist the law.

“ The only consequence that resulted from these mischievous efforts, consisted in an assemblage, at Grand Port, of four or five hundred inhabitants, of the lowest class, which was quelled by the first intimation of the approach of a military force.”

— N° 36. —

N° 36.

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated 10th September 1816. (Five Enclosures.)

—“ HAVING, by means of the agent of this government at Madagascar, obtained information of the intention of some of the European inhabitants of Tametave, and other parts, to smuggle in Slaves to Mauritius and Bourbon, from Madagascar, I communicated this information to Captain Curran, of H. M. ship Tyne, on the 2d August last, and requested him to scour the coast, and visit the suspected ports.

“ Captain Curran returned from this visit to Madagascar on the 9th inst. having succeeded to the utmost of my expectations, and having sent in to Port Louis the vessels named in the margin, for adjudication.

“ Captain Brine, of H. M. ship Musquito, is at present absent from this port on similar services; and I have every reason to expect from Captain Cochrane, of H. M. ship Orantes, on this station, the most able and zealous co-operation in the suppression of such attempts at Slave traffic as may still be practised.”

Elenore, under French colours, belonging to Bourbon, 137 slaves on board.

Gustave, under British colours, with 64 slaves on board.

(Copy.)

Captain Curran, commanding H. M. S. Tyne, &c. &c. &c.

Sir,

Port Louis, Mauritius, 2d August 1816.

I BEG leave to request that, if compatible with the orders under which you act, you may run down the east side of Madagascar, on your way to the Cape of Good Hope, and look into the different ports on that coast, in order to detect any attempts at slave traffic.

I have learnt, by the last arrivals from Madagascar, that three small vessels were laying in the port of Tamatave, apparently with the intention of availing themselves of a favourable opportunity of embarking slaves for these islands. Your visit to that coast cannot fail to have an excellent effect, even should you not be able to seize any of the vessels, as it will show that a continual watchfulness is kept on this point.

Should you communicate with Tamatave, it will be desirable to give a salute to Jean René, the king of that part of the country, as he has always evinced his desire of preserving the best intelligence with His Majesty's government here.

I have, &c.

(signed) R. T. Farquhar.

EXTRACT

Enclosure
(1.)

EXTRACT of a Letter from Captain Curran, of His Majesty's ship Tyne, addressed to Governor Farquhar, dated at Sea, August 5, 1816.

N° 36,
continued.

—“ I VENTURE to presume it will afford your excellency no small degree of gratification, to find your requisition attended with such early success.

“ I this day, about twelve o'clock, descried a sail, and at two was in possession of the Gustave schooner, from Foul Point, with a cargo of 64 Slaves.”

Enclosure,
(2.)

EXTRACT of a Letter from Captain Curran, of H. M. ship Tyne, to Governor Farquhar, dated off Port Louis, 7th September 1816.

Enclosure,
(3.)

—“ I HAVE the pleasure to acquaint your excellency of my arrival off Port Louis, having, in conformity to your requisition, visited the eastern ports of Madagascar, capturing on my passage thither the Gustave schooner, with 64 slaves on board, destined to the Mauritius.

“ I may venture to state confidently, that the visit of the Tyne will have had, to the fullest extent, the good effect your excellency proposed, and the manner of it, having examined the three ports, Manivaul, Foul Point and Tamatave, (the principal resorts of the slave dealers,) before they had the least idea of the proximity of a man of war, will at least impress those under your excellency's government, who may venture upon this traffic in future, with the necessity of the utmost circumspection.

EXTRACT of a Letter from Captain Curran, of H. M. ship Tyne, to His Excellency Governor Farquhar, dated Sept. 8th, 1816.

Enclosure
(4.)

—“ I LATELY had the pleasure of announcing to your excellency the capture, by this ship, of the Gustave schooner, under English colours, belonging to Port Louis, with a cargo of 64 Slaves, from Foul Point to the Mauritius.

“ I have now the additional satisfaction of acquainting you of the capture of the Eleanor, French schooner (*chasse marée*) belonging to St. Denis, Bourbon, with a cargo of one hundred and thirty-seven Slaves (one hundred and six male adults, twenty-four women, and seven children) on board, from Tamatave, destined to the Mauritius.”

(Copy.)

Captain Curran, commanding H. M. S. Tyne, &c. &c. &c.

Enclosure,
(5.)

Sir,

Port Louis, Mauritius, 9th September 1816.

I HAVE the honour to acknowledge the receipt of your letters of the 7th and 8th instant; the first announcing to me the seizure of the Gustave schooner, under British colours, with a cargo of 64 slaves; and detention of three other schooners on various grounds; the letter, of the 8th, informing me of the seizure of the Elenore French schooner, belonging to the Isle of Bourbon, with 137 slaves.

I congratulate you most sincerely upon the success which has attended your cruize, in the route indicated in my letter of the 2d August. The benefits ensured to the victims of this traffic whom you have rescued, and the lesson thus given to such miscreants as still engage in its prosecution, cannot be too highly appreciated. It appears to me, also, that we have obtained a desirable point in the seizure of the Elenore, as there is reason to believe that vessels under the cover of the French flag, are more engaged in this trade than any other nation in these seas, from an opinion that they are not subject to the jurisdiction of His Majesty's courts; a question which will probably have a marked effect in abolishing the traffic in slaves, carried on by the ships and vessels of Bourbon.

Captain Cochrane, of His Majesty's ship Orantes, being stationed here, will have an occasion of exercising his usual vigilance and zeal in contributing to the effectual enforcement of the legislative enactments relative to the abolition of the Slave Trade, which your short stay has been so fortunately marked by.

Accept of my best thanks for the readiness with which you complied with my requisition to proceed on this service, and for the successful results, which are eminently due to your intelligence, zeal and assiduity.

I have, &c.

(signed) R. T. Farquhar.

— N° 37. —

N° 37.

Copy of a dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Colonial Office, 3 January 1817. In reply to the foregoing.

To Governor Farquhar.

Sir,

Colonial Office, 3d January 1817.

I HAVE the honour to acknowledge the receipt of your dispatch of the 10th September last, announcing the capture of two slave ships from Madagascar, the *Gustave*, under English colours, and the *Elenore*, under French colours, and to express my satisfaction that your efforts to put a stop to the Slave Trade between Mauritius and Madagascar have been so ably carried into effect by Captain Curran, of His Majesty's ship the *Tyne*. You will not of course fail to avail yourself in a particular manner of the services of such other of His Majesty's ships as may from time to time be on the station, and will in every case of such captures, without loss of time, cause to be instituted the proceedings necessary for the condemnation of the ships, and the punishment of the individuals concerned in the traffic.

I have, &c.

(signed) *Bathurst.*

— N° 38. —

N° 38.

EXTRACT of a dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 12 September 1816. (2 Enclosures.)

—“ I BEG leave to state to your lordship the arrival in this island of two young brothers of Radama, King of the Ovas, the most powerful of the princes of Madagascar, an event which may be of considerable importance to the inhabitants of these colonies, and which may be followed by advantageous results for the ultimate civilization of Madagascar.

“ The different chiefs and sovereigns of that island had been inspired with much jealousy and distrust of the British government by the artifices of such of the French traders as had been interested in the Slave Trade, and whose traffic was suppressed by the establishment of the British government in these islands.

“ I therefore thought it indispensably necessary, for preserving the harmony which should subsist between the British merchants and other subjects settled at Madagascar, and the native princes, to send a person properly qualified to the latter, in the hopes of forming a lasting peace, and procuring protection to His Majesty's subjects in that island.

“ One of His Majesty's subjects, a Frenchman, of the name of Chardeneaux, was indicated to me as peculiarly adapted for the accomplishment of this service, from his long and intimate acquaintance with the different native chiefs, and particularly from the friendship which had subsisted between him and Radama, King of the Ovas, for many years.

“ As my desire was at the same time to endeavour, by every amicable means, to cut off one great source of supply for the slave traffic, and as such a mission would at first appear as eminently contravening the interests of the native princes, I was the more disposed to accept the services of Mr. Chardeneaux on this occasion.

“ Subjoined, is the copy of a private instruction on this head, which I furnished to Mr. Chardeneaux, and his answer.

“ Of these brothers of Radama, now arrived here, one is the presumptive heir of his authority; they are accompanied by two of the chief ministers of their prince, by a son of one of the nobles of the nation of Betaniminies, three ministers of the King of Tamatave, two chieftains of the south, and a numerous suite.

“ We have reason to look on the persons now here, on the part of their respective sovereigns of Madagascar, as representing all that is powerful in the centre, and on the coasts of that vast island.

“ Of those sovereigns, the most warlike, most intelligent, and possessing the
greatest

greatest means, is Radama. His people are the most industrious, and further advanced in the arts of life, than any other nation of Madagascar, and he has incorporated into the mass of his subjects, and reduced to his authority, all the surrounding petty states; his army consists of 40,000 men, armed with fire-arms.

“ It therefore appears that the friendship of so powerful a chieftain cannot fail of being eminently useful in assuring the safety, and facilitating the commerce which may be undertaken, with a view of replacing that traffic in slaves abolished by the legislature.

“ These friendly bonds will no doubt be strengthened, and the prospect of growing civilization opened by the opportunity now given to the young princes to learn the arts and customs of European life, and the principles of our religion.

“ The king, Radama, is himself eager for instruction; writes his language in the Arabic character, and is learning to write French in Roman letters. His brothers who are arrived here appear very intelligent for their age, which is about nine or ten years, and capable of acquiring every requisite principle of morals and religion.

“ There is a British missionary here, of the name of Le Brun, who has been remarkably successful in the education of the numerous class of free coloured people with which this island abounds; and he has conducted himself with so much discretion as not to have given the smallest offence to any of the inhabitants, although his employment is of that nature to be viewed with jealousy by colonists in general. It is my intention to propose to this man to proceed to the court of Radama, and reside there; by which means, I shall have constant communication with the interior of Madagascar, and be able to make the best use of the friendship of that prince for the mutual interests of our respective countries.

“ I trust your lordship will not disapprove of those peaceful and unexpensive overtures to a more constant and safer intercourse with the island of Madagascar; means of this nature will enable us to push our commerce farther than the forts and garrisons which have hitherto afforded protection to the merchants who traded thither. The former governors of these islands have, in every period of their history, in vain endeavoured to obtain that friendly footing which is now sought and offered to us by the native princes.

“ I shall not intrude longer upon your lordship's time by any exposition of the political value of Madagascar, as forming an appendage to the British sovereignty in these seas, as my former letters have been sufficiently explicit on that head; but I may be allowed to observe, that it appears to me, that the means are at present in our hands of cutting off, in a great measure, at its source, the Slave Trade in these seas, and that I shall not neglect so favourable an opportunity of availing myself of them to the fullest extent.”

N° 38
continued.

Enclosure.
(1.)

*Note particulière de son Excellence pour
M. Chardenaux.*

SON excellence ne prétend pas dicter la loi aux puissances de Madagascar, mais son excellence compte sur votre zèle pour les moyens de leur suggérer la substitution d'un commerce utile et réciproquement profitable aux Madecasses et aux Anglais, au trafic odieux de l'espèce humaine.

Vous êtes pleinement convaincu des desordres que ce trafic a constamment occasionné à Madagascar par les guerres continuellement entretenues parmi les naturels, et qui non seulement depopulent cette vaste contrée, mais l'entretiennent encore dans un état d'incultivation opposé à l'accroissement de population.

Le Roi des Havas, le plus éclairé des chefs de cette isle, ne peut manquer de goûter des observations présentées avec délicatesse, circonspection, et avec attention d'établir vos raisonnemens de manière à lui faire toujours entrevoir son intérêt personnel et celui de son pays, dans la défense de la traite des naturels de l'isle.

D'après les rapports qui ont été faits à son excellence sur le compte de Radama, le succès de votre mission près de lui dépend beaucoup du soin que vous prendrez à le bien pénétrer des vues bienveillantes du gouvernement Anglais et du desir qu'il a de lui faciliter l'introduction dans son pays des arts de l'Europe.

(signé) *R. T. Farquhar.*

Port Louis,
Maurice, 4 Avril 1816.

*Private Memorandum of His Excellency
for Mr. Chardenoux.*

HIS excellency has no pretension to dictate to the authorities of Madagascar, but his excellency relies upon your zeal for discovering the means of suggesting to them the substitution of a useful and mutually beneficial commerce, as well for the people of Madagascar as for the English, to the odious traffic in the human species.

You are fully convinced of the disorders to which that traffic has constantly given rise at Madagascar, by the continual wars kept up between the natives, which wars not only depopulate that extensive country, but still keep it in an uncultured state, which is opposed to the increase of population.

The king of the Havas, the most enlightened of the chiefs of that island, cannot fail to attend to observations presented with delicacy, with circumspection, and with a view to establish your reasonings in such a manner as to make him discover that his own interest, and the interest of his country, are concerned in prohibiting the Slave Trade of the natives of the islands.

From the accounts which his excellency has received respecting Radama, the success of your mission to him depends much on the care you may take to persuade him of the benevolent views of the British government, and of the anxiety it feels to enable him to introduce into his country the European arts.

(signed) *R. T. Farquhar.*

Port Louis, Mauritius,
4th April 1816.

Rapport de M. Chardenaux.

LE jour même de mon arrivé à Mazoarivo, après beaucoup de discussions resultantes des fausses insinuations que l'on avait fait parvenir à Radame sur la prétendue défense que devait lui faire le gouvernement Anglais de continuer son commerce d'esclaves, je l'ai rassuré sur ce point en lui disant que son excellence Farquhar ne m'avait envoyé que pour faire alliance avec lui; qu'à la vérité, les Anglais n'achetaient point d'esclaves parcequ'ils ne s'en servaient point, et préféreraient l'emploi des gens libres; mais que le regardant aussi maître de faire chez lui ce que bon lui semblait, comme le Roi d'Angleterre l'était de faire ses volontés dans ses états. M. Farquhar n'avait jamais songé à lui dicter des loix et ne désirait que de pouvoir co-operer à son bonheur, et à lui procurer les moyens d'augmenter la culture dont son pays était susceptible, ainsi que ceux d'y introduire la connaissance des arts des Européens en l'engageant à lui confier des enfans de sa famille pour être élevés à Maurice, à quoi il a en fin consenti, après avoir fait serment de sang entre les deux nations.

Quant à son opinion sur la repugnance des Anglais à se servir d'esclaves, Radame l'approuvait en disant que lui-même ne voudrait pas s'en faire servir, mais qu'il les employait à cultiver ses terres.

J'ai cru prudent de ne pas pousser plus loin la conversation sur ce sujet dans des entretiens au il s'agissait d'effacer des impressions contraires au succès de ma mission.

J'ai pensé d'ailleurs que les ressources de Radame pour procurer des esclaves sont à-peu-près épuisés par la soumission des peuples chez qui il pouvait porter la guerre, et que ce commerce n'est pas loin de s'éteindre de lui-même; ce qui sera encore accéléré, en offrant ou procurant à ce prince des moyens de remplacer ce genre de commerce par toute autre branche de revenu.

(signé) *Chardenaux.*

Port Louis, 13 Septembre 1816.

Mr. Chardenoux's Report.

ON the very day of my arrival at Mazoarivo, after many discussions, resulting from the false insinuations which had been conveyed to Radama, on the pretended prohibition which he was to receive from the British government, of continuing his Trade in Slaves;—I tranquillized him on this point, by saying that his excellency Mr. Farquhar had only sent me for the purpose of forming an alliance with him; that it was true the English did not purchase slaves, because they did not use any, and preferred employing free men; but that also considering him to be master of doing what he pleased in his own territory, just as the King of England was at liberty to exercise his will in his own dominions, Mr. Farquhar had never pretended to dictate laws to him; and had no other wish than to contribute to his welfare and to procure him the means of increasing, in his country, that agriculture of which it was susceptible, as well as of introducing in it a knowledge of the arts of Europe, by inducing him to confide his children to him, for the purpose of their being educated in the island of Mauritius. To which he at last consented, after having made an oath of blood between the two nations.

With respect to his opinion on the repugnance of the English to employ slaves, Radama approved of it, by saying that he himself would never make use of them, but that he employed them in cultivating his lands.

I deemed it prudent not to press any further the conversation on this subject, in interviews in which it was question of removing impressions that were opposed to the success of my mission.

I considered, besides, that Radama's resources for procuring slaves are nearly exhausted, by the submission of the people against whom he might wage war, that this Trade is very near dying away, and that its extinction will be much accelerated, by offering to this prince the means of replacing that kind of traffic by any other branch of revenue.

(signed) *Chardenoux.*

Port Louis,
13th September 1816.

N° 38,
continued.

Enclosure,
(2.)

— N° 39. —

N° 39.

EXTRACT of a Dispatch addressed to the Right honourable Earl Bathurst, by His Excellency R. T. Farquhar, Esq. Governor of Mauritius, &c. dated Port Louis, 20th October 1816. (2 Enclosures.)

I HAVE the honour to forward to your Lordship the establishment of the office of registrar of Slaves for this colony.

—“ Your Lordship will observe that I have been guided by the instructions you have been pleased to favour me with (relative to a registry of Slaves) and by the model forwarded to me of the office establishment of the registry in the island of Trinidad and its dependencies ; and I hope, that considering that the Slave population of these islands is between three and four times as great as that of Trinidad, it will be seen that in the scale of expense the establishment here is proportionably much more economical, as the expenses are 3,775*l.* 4*s.* per annum, instead of 6,150*l.* which would be the rate at which the business of this office is performed at Trinidad.

“ Previously to the receipt of your lordship’s letter under acknowledgment, I had provisionally fixed the salary of the registrar at 2,000*l.* per annum, upon his memorial, which I have the honour to subjoin ;* since the receipt of your lordship’s letter, this salary has been reduced, in obedience to your lordship’s commands, to 1,500*l.* per annum ; but I am strongly urged by the registrar humbly to represent to your lordship, that the provisions of the ordinance itself were calculated to give him, during the two first years of its operation in these islands, not less than 5,000*l.* per annum ; he therefore trusts that your lordship, taking this into consideration, will allow him to continue to draw at the rate of 2,000*l.* per annum, considering the weighty responsibility of his office, the constant superintending vigilance it requires, and the invidious nature of its duties in the colonies.

“ Having thus laid before your lordship, the details of the establishment of the registry, it is my duty to submit to your lordship, the various steps by which I have conducted the registration ordinance, from its first appearance in this colony on the 1st April 1815, until its fulfilment.

“ On the receipt of this instrument I immediately caused it to be translated into French, published, read, and registered in the courts of law with every requisite formality ; and directed Mr. Bradshaw, whom your lordship had selected as registrar, to repair with all expedition from Bourbon to Port Louis, to carry the same into execution without delay.

“ In order to make the proprietors and inhabitants fully acquainted with all the provisions of the law, a number of copies of the ordinance were printed and distributed gratis to all the respectable inhabitants of the different districts of the island, and in our weekly newspaper the law was published entire ; the necessity of an unreserved and immediate compliance was also enforced by repeated notices in the Gazette, and circulars to the magistrates and civil commissaries :

“ It is my duty to inform your lordship, that there appeared, notwithstanding all these steps, a strongly marked disinclination on the part of the proprietors and inhabitants, to the execution of this law, from the enforcing of which they feared the introduction of innumerable evils ; and the period prescribed by the law approached, without a single proprietor or inhabitant of note having registered a single slave.

“ In these circumstances it became indispensable to prevent the extensive calamities which would inevitably have arisen from a confiscation of the great mass of the Slave population to the profit of the State, a measure which its impracticability alone could save from being the source of infinite mischief. It was equally indispensable not to recede, but to carry the law into full execution and effect, as intended by the ordinance of His Royal Highness the Prince Regent in Council. The only unobjectionable means which offered for this purpose were, first, an extension of the time of delay, during which no influence or exertion should be spared to induce the chief proprietors to set an example of obedience to the law in their different districts ; for this delay also there was sufficient reason, in the absence of the registrar, who was unable to commence his functions till after the period prescribed by the law.

“ The

* Vide N° 2, next page.

“ The expenses attending the execution of this law were also considered as oppressive, from the circumstance of the impost on the Slaves being already as high as the planter could possibly afford to pay, and also that, in its origin, it was levied for the express purpose of defraying all charges connected with the security of that class of the population. I was therefore inclined favourably to consider the application of the registrar on that subject, a copy of which is subjoined; and allowed him to receive in payment of the registration, promissory notes for the amount, until your lordship’s pleasure should be known, with a modification in favour of the indigent; exempting such as were absolutely incapable of payment, from the distress they would have been liable to by the seizure and sale of the means of their subsistence.”

N^o 39,
continued.

SLAVES REGISTRATION OFFICE.

Enclosure,
(1.)

SITUATION.	NAMES.	Dollars. Cents.	
		Dollars.	Cents.
Registrar of Slaves - - -	Thomas Bradshaw, esq. - - -	714	28
Deputy Registrar of Slaves - - -	Sir A. Forbes, bart. - - -	160	71
Assistant - - - - -	Mr. F. Michel - - - - -	120	-
Chief Writer - - - - -	Mr. L. B. Michel - - - - -	100	-
2d D ^o - - - - -	Mr. Fortuné Bataille - - - - -	60	-
3d D ^o - - - - -	Mr. C. Petit - - - - -	50	-
4th D ^o - - - - -	Mr. Ant. Beaugendre - - - - -	40	-
Peon - - - - -	Cassime - - - - -	10	-
D ^o - - - - -	Boulamoussemir - - - - -	10	-
	Total Spanish Dollars - - -	1,264	99

Tho' Webster,
P. M. G^t.

The MEMORIAL of Thomas Bradshaw, to His Excellency R. T. Farquhar, Esq. Governor, &c. &c. of the Islands of Mauritius and Dependencies.

Enclosure,
(2.)

Humbly Sheweth,

THAT your memorialist holds the situation of Registrar of slaves for this colony and its dependences; that no fixed salary is attached to the appointment, but that its emoluments arise solely from certain fees appointed by the law to be levied on the inhabitants.

That the state of actual indigence, in which a very large portion of the inhabitants exists, render them utterly incapable of paying the fees enjoined by the law; and the more affluent will, but with the utmost difficulty, be induced to submit to this additional burthen; the more particularly since a tax already exists, as your excellency is well aware, intituled the “Taxe du Maronnage,” which was imposed with a perfect understanding, that no further contribution would at any time be demanded on account of slaves.

It may be objected that the law provides for the due execution of its enactments, by the penalties to which persons refusing to conform to them become amenable; but the inutility of adopting measures of extreme severity for default in the payment of fees, on the part of persons utterly destitute of all means, (and it is to be observed, that such persons constitute not less than one-third of the community), must be perfectly apparent to your excellency.

Your memorialist humbly solicits permission to bring under your excellency’s particular observation, on the one hand, the precarious nature of the emoluments of his situation, and on the other, your memorialist’s personal responsibility for the entire expenditure of the department which, consistently with the efficient execution of the law, will unquestionably demand the sacrifice of a very great portion of the receipts. A numerous establishment of clerks is indispensably required, and it is no less obviously necessary to appoint agents in various parts of the island and its dependencies,

N° 39,
continued.

dependencies, some of which, with extensive slave populations, are at a considerable distance, and to communicate with them, it requires at least a month at the most favourable season of the year; and it is only by means of ample remuneration that persons can be procured to undertake the office. Your memorialist ventures, therefore, to hope that your excellency will be pleased to suggest, for the consideration of His Majesty's ministers, the expediency of placing the office upon the footing on which it existed upon its original formation, by, according to your memorialist, an adequate permanent remuneration, free from all deduction, which will also have the effect of relieving the inhabitants from a burthensome additional contribution, without in any manner affecting the object of the law. And your memorialist humbly trusts, should there be found sufficient ground to entertain the proposal that, in determining the extent of his emoluments, the ample profits which would have resulted, could the fees have been effectually collected and applied, according to the liberal intentions of His Majesty's ministers, to the remuneration of your memorialist, will be deemed worthy consideration; as well as the important and invidious duties and great responsibility attached to your memorialist's situation, and the utter impracticability of living respectably in this colony, otherwise than at an inordinate expense.

Port Louis, Mauritius,
the 19th June 1815.

(signed) *T. Bradshaw,*
Registrar of Slaves.

(A true copy.)

E. A. Draper,
A. D. Sec^y to Gov^t

—N° 40.—

EXTRACT of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 4th August 1817.

N° 40.

—“ WITH respect to the registrar's salary, I am unable to hold out the expectation of any augmentation; but I have much satisfaction in believing, that the arrangement which I recently communicated to you for taking the returns of slaves only once in three years, will materially diminish his labours, and render them not disproportionate to the salary of 1,500*l.* a year.”

—N° 41.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, 1 February 1817. In continuation of N° 36. (6 Enclosures.)

N° 41.

The Right Honourable Earl Bathurst, &c. &c. &c,

My Lord,

Port Louis, 1 February 1817.

REFERRING to my letter to your lordship, N° 33, of the 10 September, I have the honour to submit to your lordship, an account of the further success of our exertions for preventing and crushing the Slave Trade, in these seas.

In consequence of my having received information of an intention of smuggling in slaves to Bourbon and Mauritius, from Madagascar, I have been enabled to adopt measures, in concert with the officers of His Majesty's navy here, the result of which has been that the vessels named in the margin, have been sent in for adjudication before the Admiralty Court here, and condemned.

I avail myself of this opportunity of enclosing to your lordship, a detailed list of condemnations in the Vice-admiralty Court in this colony, since the period of its institution.

I have also the honour to transmit to your lordship, copies of my correspondence with the admiral on this subject; and beg to assure your lordship that no relaxation of that vigilance I have invariably exercised will take place, for annihilating any attempts at this commerce, as far as the means at my disposal will enable me, or my influence can extend.

It would be injustice not to attribute much of this success to the indefatigable and
zealous

St. Jacques, English.
Neptune, d°
Alligator, d°
Therentia, French.
St. Joseph, English.
Petit Aimé, d°
Josephine, French.
Helena, d°
Zephyr, English.
Rose Cecile, French.

(A.)

from 1 to 5.

zealous exertions of the officers of His Majesty's navy, when we have been fortunate enough to have any part of the squadron on this station; and it will be satisfactory to your lordship to learn, that the steady and persevering administration of rigid justice, which distinguish the Judge of the Vice-Admiralty court here, in deciding upon the different slave causes that have come before his court, and the cordial and zealous co-operation I have received from him on this important branch of my government, as well as on every other, on which I have had occasion to recur to his legal advice and assistance, have materially contributed to the success of our measures for the repression of the Slave Traffic, and to the general good of His Majesty's service.

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

(signed) *R. T. Farquhar.*

(Copy.)

To his Excellency Governor Farquhar, &c. &c. &c.

Sir,

Northumberland, St. Helena Roads,
the 14 April 1816.

Enclosure,
(1.)

I DO myself the honour to inform your excellency that I have sent His Majesty's sloop, *Icarus*, Captain Denon, to continue at or cruise in the neighbourhood of the Mauritius, for the purpose of rendering such naval co-operation and assistance as may from time to time be requisite for the advantage of His Majesty's colony under your excellency's government; and I have particularly directed Captain Denon to exert his best endeavours whilst on this service, and to concert with your excellency as to the best measures to be adopted to prevent all illicit traffic in slaves.

So soon as the vessels destined for this station on the peace establishment, reach me from England, I propose sending a more efficient vessel to relieve the *Icarus*; and if the strength of the squadron will admit of it, I shall appropriate two for your part of the station.

I beg permission to take advantage of this first opportunity which has offered me for communicating with the Isle of France, to assure your excellency, that during my continuance in the naval command here, it will at all times afford me the greatest pleasure to meet any views of your excellency, and to attend to any suggestions your excellency may think proper to favour me with.

I have, &c. &c. &c.

(signed) *G. Cockburn*, Rear Admiral,
and Com^r in Chief.

(Copy.)

His Excellency Rear Admiral Sir G. Cockburn, K. B.

Enclosure,
(2.)

Sir,

Port Louis, 4 June 1816.

I HAVE the honour to acknowledge the receipt of your excellency's letter of the 14th April 1816, by Captain Denon of the *Icarus*, and beg leave to express my acknowledgments for the co-operation and assistance thus afforded to His Majesty's government in this colony, by the appropriation of the sloop of war to this part of your excellency's station. I am equally sensible of your excellency's attention, in the intimation you are pleased to convey to me of the probability that you will be able to afford two of His Majesty's ships from the strength of your squadron, for the service of His Majesty in these seas.

I shall be most happy to afford to Captain Denon every information and assistance on my part, in the measures to be adopted to prevent all illicit Traffic in Slaves; and I shall have much pleasure in concerting with that officer as to the means of giving effect to his endeavours on this subject.

The great extent of Slave trading coast, from the eastern confines of the Cape colony to the mouth of the Red Sea, together with the whole of the shores of Madagascar, and the propinquity and practices of the inhabitants of Mauritius and Bourbon, from their first establishment until they fell into British possession have given so many facilities, and formed such strong inducements for the continuance of that traffic, that it has required all the vigilance, zeal and perseverance of the officers under my government to prevent it. I have, therefore, never ceased to represent the expediency of such a description of force being stationed here, as by securing the coasts above mentioned, might intercept and bring to punishment, such individuals as might persevere in such illegal pursuits.

His

N^o 41,
continued.

His Majesty's ministers have been pleased, in consequence of my representations, to establish in this colony two courts of His Majesty's Vice-Admiralty for the trial of all offenders under the Abolition Acts, and for criminal prosecutions under the Felony Act; great facilities are thus afforded for His Majesty's ships, by the prompt administration of justice and the adjudication of such seizures as they may from time to time be enabled to make.

The establishment also of a permanent registry of colonial slaves for these islands, by the orders of His Royal Highness the Prince Regent in Council, and which is now nearly accomplished, forms a very great security to these islands against the illegal introduction of slaves, and gives us the means of tracing such as it may be attempted to land here.

All that was wanted to complete the system, was the appropriation of such a naval force as might be requisite to guard us from without. I have now to return your excellency my acknowledgments for the allotment of such force to this purpose as your means afford; and I rely with confidence on your excellency's favourable dispositions, should the augmentation of your squadron admit of a more extended co-operation.

I am grateful to your excellency for the goodwill with which you offer to attend to my suggestions; I shall not fail to avail myself of your kindness, and shall be happy at all times to receive from your excellency, such communications as you may be pleased to favour me with, and to act in every thing in concert with you for the benefit of His Majesty's service.

I have, &c. &c. &c.

(signed) *R. T. Farquhar.*

(Copy)

Enclosure,
(3.)

To His Excellency Rear Admiral Sir Pulteney Malcolm, K. B. Commander
in Chief of the Cape Squadron.

Sir,

Port Louis, 24 July 1816.

I AVAIL myself of the opportunity of the departure of His Majesty's ship *Alphæus* to join your excellency's squadron, to offer you my congratulations on your arrival at the station of St. Helena, and the assumption of the naval command which extends to these seas.

His Majesty's ship *Icarus* proceeded to Bengal on the 16th inst. for a freight of treasure, which was indispensably required for the service of His Majesty government in these islands. I hope you will approve of Captain Denon's conduct on this occasion, in having acceded to my request and representations on this subject, which I felt authorized to make from the tenor of Sir George Cockburn's communication to me of the 14th April, and of his excellency's orders to Captain Denon.

The arrival of His Majesty's ship *Alphæus* in this port for refit and refreshment, has enabled us to derive considerable advantage in preventing attempts at Slave Traffic, which are checked by the apprehensions which naturally arise from the presence of a naval force. I owe many acknowledgments to Captain Langford for the zealous co-operation he was always ready to evince for the furtherance of His Majesty's service in these islands.

His Majesty's ship *Thais* has also contributed by her presence, to prevent a revival of the Slave Trade; and her departure presents a most opportune occasion for the return to England, of our commander of the forces and his family, who propose to embark on board of her about the 4th of August.

His Majesty's ship *Musquito* arrived here on Sunday the 21st inst. and I have no doubt of receiving from Captain Brine all that co-operation and assistance which has ever been so cordially offered to me on all occasions where I had the honour to act in concert with the officers of His Majesty's navy.

In making this first communication to your excellency, I beg leave to state, that I shall be happy on every occasion to meet your excellency's wishes, and to receive and act upon whatever observations you may be pleased to favour me with for the good of His Majesty's service.

I have, &c.

(signed) *R. T. Farquhar.*

(Copy.)

His Excellency Governor Farquhar, &c. &c. &c.

Sir,

Newcastle, Simon's Bay, Cape of Good Hope,
11 October 1816.N^o 41,
continued.

Enclosure,

(4.)

BY the *Orontes* I am sorry that I unintentionally omitted to address your excellency, but as I find that a vessel is just going to sail from hence for the Isle of France, I avail myself of the opportunity to acknowledge the receipt of your excellency's letter of the 24 July last, and to return you my thanks for your congratulations on my arrival on this station, as well as for the information it contained on the several points therein referred to. I regret to be under the necessity of recalling the *Orontes*, in consequence of orders from the admiralty; but as soon as the stormy season at the Mauritius is past, I will send another frigate or a twenty gun ship to take her station; and in the mean time, I hope the *Musquito* will be able to carry on the naval duties at the Isle of France until that period.

Enclosed I have the honour to transmit to your excellency, an extract of my orders to Captain Cochrane, which will be the same to each officer, who may from time to time command the ships stationed at the Mauritius; and I beg your excellency to be assured, that I shall be happy on every occasion, during my command on this station, to meet your wishes, and to receive and act upon any observations you may be pleased to favour me with for the good of His Majesty service.

I have, &c. &c.

(signed) *Pulteney Malcolm*,
Comm^r in Chief.

EXTRACT of Orders from Rear Admiral Sir Pulteney Malcolm, K.C.B. to Captain Cochrane, of His Majesty's ship *Orontes*, dated 16 July 1816.

—“TO proceed to the Isle of France, and taking the *Musquito* under his orders, to carry on generally the naval duties of that part of the station, rendering such assistance and co-operation to the governor of that colony, as may be within his power, and he may from time to time see occasion to require of him, and particularly consulting with him upon the best means of intercepting and preventing illicit trafficking in slaves.”

(Copy.)

His Excellency Rear Admiral Sir Pulteney Malcolm, &c.

Sir,

Port Louis, 4 December 1816.

Enclosure.

(5.)

I BEG leave to state to your excellency, that His Majesty's ship *Musquito*, which has been stationed here from your squadron, has been remarkably successful in capturing vessels engaged in these seas in the traffic in slaves. He has brought into this port three vessels with above 300 slaves. This success is due to the vigilance, activity, perseverance and intelligence of Captain Brine, with whom I have communicated on all occasions with the greatest frankness, and have been enabled, from many sources, to furnish him with the most useful information.

Your excellency will, I am sure, excuse me for expressing an anxious wish to preserve the *Musquito* on this station. I have never ceased to apply for small vessels, for the purpose of completely putting down that nefarious traffic, and have now the satisfaction of seeing that wish accomplished. I trust your excellency will, if compatible with the disposition of your squadron, allow us the advantage of Captain Brine's continuance on this station, with which he is now acquainted; as a stranger would enter upon these services with many disadvantages, in comparison with Captain Brine, who has been enabled to trace much of this fraudulent and illegal traffic by the documents found on board the vessels he has taken.

I have, &c. &c. &c.

(signed) *R. T. Farquhar*.

N° 41,
continued.
Enclosure,
(6.)

(A.)

LIST of CASES of SLAVE VESSELS captured and adjudged by the Instance Court of Vice Admiralty since its establishment.

CASES of SEIZURES of VESSELS and new-imported BLACKS since October 1814, which have been condemned in the Courts of this Colony, and are now pending before His Majesty's Instance Court of Vice Admiralty at the Mauritius.

N A M E and DESCRIPTION of VESSEL.	Of what Nation.	Tonnage.	By whom Seized.	No. of Blacks seized by Deputation of His Excellency the Governor.	No. of Blacks by Custom-house.	No. of Blacks by Officers of the Navy.	Sentence of the Court.	
Aglæe, schooner	English	40	Capt. Vine	160	-	-	condemned.	
L'Aurelie, d°	-	40	Collector of Customs	-	none	-	restored.	
L'Aimable Creole	-	60	d°	-	none	-	condemned.	
Parisienne, d°	French	160	Capt. Vine	359	-	65	d°	
Circonstance, d°	English	60	Capt. Farquhar	-	-	2	d°	
Reconnaissance, d°	d°	40	Capt. Bowen	-	-	none	d°	
St. Jacques - d°	d°	30	Capt. Curran	-	-	64	d°	
Gustave, d°	d°	45	d°	-	-	1	d°	
Neptune - d°	d°	60	d°	-	-	none	d°	
Alligator - d°	d°	76	d°	-	-	2	d°	
Therentia - d°	French	45	d°	-	-	84	d°	
St. Joseph, lugger	English	15	Capt. Brine	-	-	137	d°	
Eleonore, schooner	French	32	Capt. Curran	-	-	139	d°	
Petit Aimé, chasse-marée	English	50	Capt. Brine	-	-	-	-	
Josephine, schooner	French	32	Capt. Le Sage	88	-	-	-	The case still pending.
Helena - d°	d°	73	Capt. Brine	-	-	100	condemned.	
Zephyr, lugger	d°	30	d°	-	-	101	d°	
Rose Cecile, brig	English	80	Mr. Madge	-	-	-	-	The case still pending.
	French		A Guard on duty at the Port Office	-	1	-	condemned.	

N. B.—Resides the above there were 10 Slaves detained by the Police of Port Louis, and condemned.

— N° 42. —

COPY of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 2 June 1817. In reply to the foregoing.

N° 42.

To Governor Farquhar, &c. &c. &c.

Sir,

Downing-street, 2d June 1817

I HAVE received and laid before the Prince Regent, your dispatch, N° 56, submitting the result of your exertions for preventing and crushing the Slave Trade in the neighbourhood of the Mauritius.

Although it is matter of the most serious regret, to observe that notwithstanding the efforts made for the suppression of this trade, both by the British and French authorities in those seas, it is still carried on with that degree of activity, which the number of captures which you mention, too plainly prove; yet I cannot but rejoice at the success of the measures which you adopted, in concert with His Majesty's naval officers, for bringing the vessels engaged in this trade to condemnation. I trust that the examples thus made, will have their due effect upon those who may be disposed to embark in a similar traffic; but I cannot conceal from you my surprize at not finding in your correspondence on this subject, any trace of criminal proceedings against the owners of the vessels in question, or against the other persons engaged with them in the trade; and I therefore take this opportunity of again calling your immediate and particular attention to the provisions of the 51 Geo. 3, c. 23, of the Slave Felony Act, with a view of inculcating upon you, not only the duty of seizing the cargo of slaves, but the necessity of subjecting to the penalties of the law, any persons who may be detected in importing slaves into the colony, or in violating the other provisions of the statute, to which I have particularly referred.

I have, &c.

(signed) *Bathurst.*

— N° 43. —

EXTRACT of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 20 June 1817.

N° 43.

— “ I BEG leave to state to your lordship that, in pursuance of the views and measures submitted to your lordship, I sent to Madagascar Captain Le Sage, my aide-de-camp, in order to keep up the friendly communication already established with Radama, the most powerful sovereign of that island.

“ The result of this mission has been to assure, in an eminent degree, the safety and facility of intercourse between this Island and the interior of Madagascar, and the impression which it has made in that country, is of the most favourable nature to the British name and interests; that we have reason to be satisfied that the princes of the interior of the Island, will imbibe no hostile feeling towards us, from the vigorous efforts made by our cruizers to abolish the Slave traffic, although it is from that source these princes have been accustomed to draw a great portion of their revenue; and that we may reasonably and confidently hope, by the same friendly means hitherto pursued, to prevail upon those powers to put a final and effectual stop to any attempts at that illegal traffic, at its source, by their own municipal regulations. By these means, combined with those hitherto adopted, by internal vigilance of the authorities under His Majesty's government here, and the watchful activity shown on all occasions by His Majesty's navy on the station, I have every reason to expect the most complete success in extinguishing the Slave Trade throughout this extensive archipelago, radically and definitely, which I humbly conceive, it is impossible to accomplish by any less comprehensive plan, whilst the market itself, so close at hand, is kept open, and the inducements of private interest run so high in these islands, in contravention of the abolition laws of England and France.

“ My confidence in the success of these measures, is strengthened by my conviction, that the cause of humanity, and the abolition of the Slave Trade, will be essentially promoted in Madagascar, by the return of the two young princes,

295.

(brothers

N° 43,
continued.

(brothers of Radama, King of the Ovas) who have been educated under my own immediate inspection, in a due abhorrence of that unnatural traffic, and whom at the request of their brother, I allowed to embark for their native country, on the 29th ultimo.

“ I shall not fail to keep your lordship duly informed of every thing that may occur on this and every other service having any relation to the Slave Trade, for I am most anxious to fulfil the duties of my station to the utmost on this point; not only in devotion to the commands of my Prince and the will of the Legislature, but from the first principles and feelings imbibed in my earliest education, and cherished ever since; and I feel assured, that, were it permitted to me to publish a relation of my efforts, and their practical effects, towards the accomplishment of this object, few individuals would be found to have been more indefatigable and persevering in the pursuit. I should not have dared to intrude, in this public despatch to your lordship, those reflections on my own personal conduct and exertions, did I not observe that the public prints are made the daily vehicles of obloquy and imputations against me, on a subject, where all who know me, know me to be invulnerable.”

—N° 44.—

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst, dated Port Louis, Mauritius, 4th July 1817.

N° 44.

To the Right Hon. Earl Bathurst, &c. &c. &c.

Marie Louise,
English Colours,
11 Negroes, seized
11 March 1817.
Heloise schooner,
French Colours,
85 Negroes, seized
20 June 1817.

My Lord,

Port Louis, Mauritius, 4th July 1817.

I HAVE the honour 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 85 negroes on board, bound to Bourbon, has also been seized at Foul Point, in Madagascar, by the acting agent resident there, Lieutenant Pye, 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 illegal practices, have been secured and handed over for punishment to the Special Court of Vice Admiralty, for the trial of offences committed at sea.

I have the honor, &c.

(signed) *R. T. Farquhar.*

—N° 45.—

COPY of a Dispatch from Earl Bathurst, addressed to Governor Farquhar, dated Downing-street, 1st April 1817. (3 Enclosures.)

N° 45,

To Governor Farquhar.

Sir,

Downing-street, 1st April 1817.

29 March 1817.

I HAVE the honour to transmit to you a copy of a letter which has been addressed to my under secretary, by the secretary of the Admiralty, announcing the capture of two more vessels engaged in the Slave Trade between Madagascar and Mauritius.

Although I trust that you will, upon the first knowledge of this transaction, have directed the adoption of all the measures necessary for the due punishment of the offenders, who, as far as can be collected from the documents enclosed, appear to be resident within your government; yet I cannot avoid expressing the deep regret with which I view these repeated instances of violation of the Slave Trade Abolition Laws, which have recently occurred in the neighbourhood of the Mauritius. It is not more for the honour of His Majesty's government, than for your own character, that these illegal proceedings should be effectually suppressed; and I deem it the more necessary to call your attention to this subject, because, although

although from your exertions on many occasions to check this illegal trade, and especially in the case of the ships consequently captured by the *Orantes*, many persons have been detected in carrying it on between Madagascar and Mauritius, yet I am not aware of any instance in which the parties concerned in it have as yet been brought to trial for felony, when the temptation to commit the crime is so strong, nothing short of the utmost severity of the law can be expected to counteract the evil; and I have therefore to desire, that in this, and in all future cases which may occur, you would bring the offender to trial for felony, according to the ordinary course of law, before the courts of the Mauritius, unless you should have reason to apprehend that there are circumstances in the constitution of those courts which in any degree disqualify them for the investigation; and in such case you will not fail to send the offenders to this country, together with the evidence which may be necessary to substantiate the charges against them.

I have, &c.

(signed) *Bathurst.*

N° 45,
continued.

(Copy.) Henry Goulburn, Esq. &c. &c. &c.

Sir, Admiralty Office, 29th March 1817.

I AM commanded by my Lords Commissioners of the Admiralty, to send you herewith, for the information of Lord Bathurst, a copy of a letter addressed by Captain Brine, of His Majesty's sloop *Mosquito*, to Rear-admiral Sir Pulteney Malcolm, reporting the capture of two small vessels carrying slaves from Madagascar to the Mauritius.

I am, &c.

(signed) *John Barrow.*

Enclosure.
(1.)

(Copy.)

To Sir Pulteney Malcolm, K. C. B. Commander in Chief, &c. &c. &c.

His Majesty's sloop *Mosquito*, Port Louis Harbour,
4th December, 1816.

Sir,

I HAVE the honour to report the capture of two small vessels, carrying slaves from Madagascar to the Isle of France, by the boat of His Majesty's sloop under my command, one having 150 on board, and the other 80; the blacks in the latter vessel, I regret to say, are labouring under small pox and severe dysentery. I have, therefore, conformable to the quarantine laws of this island, landed them on Flat Island, under the care of an officer and proper guard.

I am, &c.

(signed) *G. Brine, Captain.*

Enclosure.
(2.)

N° 45,
*continued.*Enclosure,
(3.)

List of Captures by His Majesty's Sloop Mosquito.

DATE.	To what Nation belonging.	Vessel's Name.	Master's Name	Owner's Name.	Ship Brig Schooners.	No. of			Where belonging.	Where bound.	How long out.	From whence.	Lading.
						Men.	Guns.	Tons.					
1816:													
15th October	English	Petit Amie	Debase	Debase	Schooner	13	-	50	Port Louis	Port Louis	21 Days	Tamatave	150 Slaves
18th October	D°	San Josef	Planch	Debase	Lugger	6	-	15	D°	D°	D°	Tamatave	80 Slaves

(Copy)

(signed) *Puiz Malcolm,*
Commander-in-chief.(signed) *Geo. Brine,* Captain.

— N° 46. —

COPY of a Dispatch from Governor Farquhar, addressed to Earl Bathurst dated 15th October 1817. In reply to the foregoing. (14 Enclosures.)

N° 46.

To the Right Hon. Earl Bathurst, &c. &c. &c.

My Lord,

Port Louis, Mauritius, 15th Oct. 1815.

I HAVE the honour to acknowledge the receipt of your lordship's letter, under date the 1st April last, transmitting a letter from the Secretary of the Admiralty, on the subject of the capture, by Captain Brine, commanding His Majesty's sloop *Mosquito*, of two small vessels engaged in the Slave Trade, between Madagascar and Mauritius, and directing that in this and all future cases, the offenders should be brought to trial for the felony.

Although aware that the offenders alluded to in your lordship's despatch had not been brought within the limits of this jurisdiction, yet in order to give your lordship the official statement of the parties concerned, I wrote to Captain Brine, requesting him to state his reasons for not delivering up the persons engaged in this illegal traffic for trial before the special court established by His Majesty in this colony for the trial of offences committed at sea.

N° 1.

Captain Brine's reply shews, that the officer of the *Mosquito's* boat, who seized the schooners at sea, was obliged to give them up to the crew, after having taken the slaves out of them; and since that period, notwithstanding every search possible, those persons have not been found to be within this colony.

N° 2.

Permit me to assure your lordship, that it is not more from a sense of public duty, and of the importance to my own character, that these illegal proceedings should be effectually suppressed, than from my conscientious feeling as a man, a cordial hatred and detestation of this traffic in human beings, that I have, with unremitting zeal, labour and perseverance, pursued all the legal means within the scope of my power or influence in these islands, to crush and eradicate it; and with this object in view, I have invariably, on the first knowledge of any instance of a violation of the Slave Trade Abolition Laws, directed the adoption of the most vigorous measures necessary for subjecting offenders to the pains and penalties of the Slave Trade Felony Act.

But, in order to reply more in detail to that part of your lordship's despatch, it may be desirable to take a retrospective and cursory view of the measures of my government, for enforcing the strict operation of the Slave Trade Felony Act, from the first moment when it reached these colonies.

Amongst the early instances, I may refer to the proclamation I issued in February 1814, suspending the judges at Bourbon for "prevarication" in a trial for the felony, in the case of an introduction of blacks into that island, which had been brought before the courts there by my orders. This measure was honoured with your lordship's approbation.

I also had the honour duly to report to your lordship the several trials that took place in the courts of Mauritius, for the same crimes, during the years 1813, 1814, and 1815.

On the capture of the schooner *Diligent*, in April 1814, with a cargo of negroes on board, (also duly reported to your lordship in my dispatch of the 10th April, 1814,) I determined, in consequence of the many difficulties I had experienced in procuring a conviction in the French courts under the Abolition Laws, to send the master and crew to be tried in the English Court of Vice Admiralty at the Cape of Good Hope, which I could only legally do, by retaining the culprits on board, and not permitting them to land within the range of the jurisdiction of the ordinary courts of this Island.

I accordingly gave orders that the vessel in which they were taken should be moored in the middle of the harbour, and that the prisoners should be confined on board, under the charge of a strong British military guard. Notwithstanding these precautions (a serjeant and twelve soldiers being posted over the prisoners), Malfigue, the master, obtained the sentry's consent at midnight to go forward, from whence, letting himself down into the water, he disappeared.

Immediately on the report of this prisoner's evasion, I issued a proclamation, offering a reward of 2,000 Spanish dollars for his apprehension; but to this day this offer, and every possible effort on my part to discover and apprehend him, have been fruitless. The other prisoners were put on board His Majesty's ship *Laurel*,
Captain

N° 46,
continued.

Captain Proby, and conveyed for trial to the Cape. All the papers and documents connected with this seizure, were forwarded, together with the most ample instructions, to the King's procurator at the Cape, to prosecute these offenders, who were ultimately discharged by order of the court.

Before any new case of slave dealing was discovered, Mr. Smith, holding a commission from His Majesty, investing him with all the high judicial powers and attributions of chief judge and commissary of justice, and judge of the Admiralty Court, arrived in this colony. From this period, my immediate superintendence of the judicial departments of course ceased; this duty devolving specially on Mr. Smith, appointed for this express purpose by His Majesty; a prominent feature of this duty was to watch over and carry into the fullest execution the Slave Trade Abolition Acts.

In order, therefore, to afford your lordship the most authentic and detailed account of the trials that have taken place since that period, and the best information of all the circumstances respecting the seizures that have been subsequently made, which have any reference to or connection with the Slave Trade Felony Bill, I beg leave, in addition to my dispatches of the 10th September 1816, and of the 1st February and 4th July 1817, to refer your lordship to the accompanying reports of Mr. Smith and the attorney-general under him, which I have from time to time called for from these officers, charged *ex officio* with all the law proceedings necessary for bringing offenders to punishment, as well as with the superintendence of the prisons and the custody of the prisoners.

I should be wanting in my duty, were I here to omit my most ample testimony in favour of Mr. Smith's knowledge of law, zeal and indefatigable exertions to enforce it, against all concerned in any attempts at slave dealing; but it is also my duty to inform your lordship, that my own opinion invariably was and is, that the felony trial by the special court should take precedence of all other; and so strong has been my feeling on this point, that I have never ceased to act upon it, as far as depended on myself. Mr. Smith, on the contrary, has constantly maintained, that the trial for the forfeitures, in the Instance Court of Admiralty, should have the precedence.

The opinion of Mr. Smith, on a legal question of this nature, was likely to be more accurate than any thing I could advance; it became me, at all events, so far to submit to it, as, after giving my orders to the law officers of the Crown to prosecute the offenders with the utmost rigour, to leave it on the responsibility of Mr. Smith and the attorney-general, to follow the due graduation and course of proceeding necessary for carrying the Slave Trade Abolition Acts into the fullest effect.

Your lordship's letter, however, of the 2d June last, appearing to me to lean towards the view that I had invariably taken of the above point, I did not hesitate to address such peremptory commands to His Majesty's attorney-general, as might ensure the trial for the felony having the priority, in every instance of a violation of the Slave Acts, and the adoption of the most vigorous measures; to remedy other local difficulties, which were represented to me by the law officers as having operated in this colony against obtaining convictions for the felony.

In a colony thus situated, with a population constituted as this is, with an extensive slave market close at hand, the settlement of a neighbouring power within a night's sail of it, surrounded by clusters of islands, favourable to the daring enterprize of smugglers, and occasionally visited only by cruisers, at long intervals, I may perhaps be permitted to observe, without presumption, that more could not have been done than has been done, for crushing the Slave Trade, by the means at our disposal, and by the powers vested in the authorities here, by His Majesty's instructions, and by law. I have only to add, on this subject, that there being a British court established at Mauritius, for the trial of the felony, under the royal commission, and an Instance Court in the person of Mr. Smith, it does not appear to me that I could, legally, take up any culprit, and send him elsewhere for trial.

It was from an experience of the limited and partial efficacy only of the measures of internal law and police, which have been enforced at Mauritius, in furtherance of the Abolition Acts, in comparison with the magnitude of the evil in these seas, and of the physical impossibility of guarding such extensive ranges of coast, without constant naval co-operation, that I have for these many years past, directed my attention to render available the more certain and radical means which appeared within my grasp, and conformably to my instructions, of extinguishing the Slave Trade throughout this archipelago. With this end in view, I have been led to
endeavour,

endeavour, by all possible efforts (but without, in the smallest degree, interfering with the rights of the natives) to obtain, from the native powers in Madagascar, the total relinquishment, and positive prohibition of this traffic, through the whole extent of that vast and populous island, which for the last century has afforded a convenient and permanent source of supply to Mauritius, Bourbon and their dependencies.

Much has been already obtained on this important point; and there is every reason to hope, that the measures now in progress will be speedily and extensively effectual in finally extinguishing this traffic. They will at all events, I trust, exhibit to your lordship that unremitting and anxious attention to an object in which I feel and have ever felt that my own character, and the honour of His Majesty's government are deeply involved.

I have the honour to be,
My Lord,
Your Lordship's most obedient and humble servant,

R. T. Farquhar.

(Copy.)

To Captain Brine, commanding H. M. sloop Mosquito.

Sir,

Port Louis, 4th August 1817.

I BEG leave to hand over to you the inclosed Returns of Slave Vessels seized by you, and request you will enable me to inform Earl Bathurst of the reason which prevented you from prosecuting the delinquents before the regular Court of Vice Admiralty here for the felony.

I have, &c.

(signed) *R. T. Farquhar.*

Enclosure.

(1.)

(Copy.)

To Captain Stanfell, commanding H. M. ship Phaeton.

Sir,

Port Louis, 4th August 1817.

I REQUEST you will have the goodness to furnish me, in writing, for the information of Earl Bathurst, with the circumstances of the late seizure you made of a Slave schooner, that I may be able to report on the measures adopted for bringing the delinquents to justice.

I have, &c.

(signed) *R. T. Farquhar.*

Enclosure.

(2.)

(Copy.)

To his Excellency Governor Farquhar, &c. &c. &c.

Sir,

His Majesty's sloop Mosquito, Isle of France,
6th August 1817.

I HAVE to acknowledge your Excellency's letter of the 4th instant, enclosing a copy of a Report from me of two Slave vessels (the *Petit Amie* and *St. Joseph*) seized by the *Mosquito*, and requesting a statement, for the information of Earl Bathurst, of my reasons for not prosecuting the delinquents for the felony.

In reply, I cannot, I am of opinion, more fully put you in possession of the information required, than by detailing the circumstances attending the seizure of these vessels, which are as follow :

A small French schooner had been detained by me, with Slaves on board, on the 28th of September 1816, and an officer, with a boat, armed, sent to carry her to the Isle of France; with directions, in the event of his falling in with any vessel carrying Slaves, to use every possible means, with the boat under his command, to seize her. Fortunately, he fell in with two, (one on the 15th, the other on the 18th of October,) and by stratagem and indefatigable exertion, which reflects infinite credit on him, succeeded in getting hold of them both; but from the number of the prisoners, assisted by some free natives of Madagascar, he found it impossible to secure his prizes; and as they had shown an inclination to rescue their vessels, and being unable to discover the master, without bringing the whole to the Isle of France to have them identified, he found it absolutely necessary, for his safety,

Enclosure.

(3.)

N^o 46,
continued.

to remove the Slaves from the smaller vessel, (the St. Joseph) and give her up to the prisoners; in the hope, from her bad sailing, he should reach the Island before she possibly could, and afford the necessary information to enable me to secure her. Unfortunately, she was under the necessity of bearing up for Madagascar to procure provisions, and on her return was seized; but I regret to say, that the whole of the people on board at the time of her being given up, after her first capture, had effected their escape on shore.

I have, &c.

(signed) *G. Brine, Captain.*

(Copy.)

Enclosure.

(4.)

To his Excellency Governor Farquhar, &c. &c. &c.

His Majesty's ship Phaeton, Port Louis,
5th August 1817.

Sir,

I HAVE the honour to transmit, for your Excellency's information, a copy of my letter to Sir Pulteney Malcolm, K. C. B. Commander in Chief, St. Helena, detailing the circumstances of the seizure of the Slave schooner Heloise, by a boat of His Majesty's ship Phaeton, under my command, on the morning of the 29th June last; and have the honour to be,

Your Excellency's, &c. &c. &c.

F. Stanfell, Captain.

To Sir Pulteney Malcolm, K. C. B. Commander in Chief, St. Helena.

His Majesty's ship Phaeton, Port Louis,
30th June 1817.

Sir,

I HAVE the honour to inform your Excellency, that after sending H. M. sloop Mosquito off the S. E. end of the Isle of Bourbon, agreeable to my letter of the 21st instant, per the ship Triton, the boats of H. M. ship under my command were prepared to give effect to your order of the 26th March, which has been attended with the capture of a schooner named Heloise, of 50 tons, and 85 slaves. The master and two men are reported to be lost in crossing the surf, to procure boats to land the slaves at the N. W. part of the Island. The remaining part of the crew have been taken possession of by the police, and orders given to prosecute, to the attorney general; and I hope, by levying the penalties to the full, it will tend to check the trade which is still carried on here.

His Majesty's sloop Mosquito has returned to this anchorage, after a cruize of fifteen days, without a capture.

I have, &c.

(signed) *Francis Stanfell, Captain.*

(Copy.)

Enclosure.

(5.)

Monsieur Virieux, Attorney General, &c. &c. &c.

Port Louis, 27th January 1817.

Sir,

IT being my duty to lay before His Majesty's Ministers every information respecting the measures adopted here, for the strict enforcement of the Slave Trade Abolition Laws, I request that you will, without loss of time, send to me, for transmission to His Majesty's Ministers, a statement showing the causes which have been brought before the Special Court, for offences committed against the Slave Trade Felony Act, since the period of the institution of that court in this colony, and your nomination to the office of attorney general for that court, together with the sentences that have been pronounced. The many instances of violation of these laws, which have lately come to my ears, imperatively call upon me to demand from you a full explanation why, in these instances, the provisions of the Felony Act, which offered such essential means for deterring British subjects from the commission of the odious crime of Slave trading, have not been invariably and rigidly enforced; and also your report on what measures are now in progress for applying that law to the several delinquents.

I have, &c. &c. &c.

(signed) *R. T. Farquhar.*

A Son Excellence R. T. Farquhar, Esq. Gouverneur et Commandeur
en Chef des Isles Maurice et Dependances, &c. &c. &c.

Monsieur le Gouverneur,

Port Louis, 3 Février 1817.

J'AI l'honneur de vous remettre ci-après le compte que vous m'avez demandé par votre lettre du 27 Janvier dernier.

La première affaire qui se soit présentée en cette colonie en execution des Actes du Parlement prohibitifs du commerce des esclaves, est celle du navire L'Aglaé. A l'époque de la condamnation de ce bâtiment son honneur le grand juge m'a observé que la cour qui seul pouvoit prendre connaissance de la felonie n'étoit point établie en cette isle. En effet, la condamnation du bâtiment et des noirs a été prononcé dans le mois de Novembre 1814, et la commission de la cour speciale n'est arrivée que dans le mois de Novembre 1815.

L'armateur Salmon s'étant évadé au moment de la saisie du navire a été connu et le capitaine Suzor, qui le commandoit, ayant été relâché du consentement des saisisants et sur l'intervention de son honneur le grand juge, à raison de sa nombreuse famille, de son bon caractère sous tous les rapports, et de l'impossibilité où il se trouvoit de repondre en aucune manière aux amendes prononcés contre lui, je n'ai pas cru devoir reprendre les poursuites lorsque la commission de la cour speciale est arrivée.

Depuis l'établissement de la cour Anglaise d'Amirauté dans la personne du commissaire de justice, il y a eu dix-sept bâtimens saisis, dont un seulement a été rendu, et douze ont été déjà condamnés.

Parmi ces douze navires il y en a huit, savoir, La Parisienne, La Circonstance, La Reconnaissance, Le Gustave, Le Neptune, Le St. Joseph, L'Eléonore, et La Petite Aimée, qui ont été saisis ayant des noirs à bord. Les quatre autres, savoir, L'Aimable Créole, Le St. Jacques, L'Alligator, et La Therencia, ont été saisis sur le soupçon seulement d'avoir été employés dans le commerce des esclaves, et d'après les preuves produites son honneur les a condamnés.

La première occasion qui s'est présentée de mettre en activité la cour speciale a été celle de la circonstance dont le sieur Parmentier a paru être armateur et capitaine. Je n'ai pas hésité à poursuivre Parmentier devant la cour spéciale presidé par votre excellence. Je n'ai pas besoin de vous rappeler vos efforts et ceux du commissaire de justice, juge en Vice-Amirauté, pour pénétrer les grands jurés alors assemblés de l'importance et de la dignité de leurs fonctions. Les resultats de mes poursuites en cette occasion ne vous est que trop connu. Quant à la Reconnaissance, au Gustave, au Neptune, et à la Petite Aimée, les coupables ont trouvés les moyens de s'échapper de ces bâtimens avant de m'être remis par les autorités competentes, et ont disparu d'une jurisdiction où ils auront le plus grand soin de ne pas reparaitre. Je n'ai donc pas cru devoir intenter des poursuites inutiles en leur absence.

Il n'y a huit jours que le lougre le St. Joseph a été condamné, et que les peines pécuniaires ont été prononcées contre les sieurs Chelin et Jean Marie Aubeau. Il est donc dans mon intention de poursuivre ces deux personnes devant la cour speciale, et si je ne l'ai pas déjà fait, c'est seulement parcequ'il est venu à ma connoissance que le jugement du Zephir devoit avoir lieu incessamment, et qu'alors j'aurois un sujet de plus à presenter à la consideration de la cour.

En ce qui concerne les quatre bâtimens qui ayant été saisis sans noirs à bord, ont été condamnés par le juge, sur les circonstances et les preuves qui lui ont été administrées, je n'ai pu me dispenser de considerer que dans l'espèce il étoit impossible de provoquer l'accusation devant les grands jurés. Ma discrétion à cet égard est fondé;—1°. Sur la rigueur des preuves exigibles pour tous les crimes rangés par leur gravité sous le titre de felonie; et,—2°. Sur l'indulgence de la justice, toujours prête à accorder au coupable tous les avantages qu'il peut tirer de sa position. Si votre excellence veut bien communiquer cette lettre à son honneur le grand juge et commissaire de justice, je suis convaincu qu'il certifiera que dans toutes mes demarches, je l'ai toujours consulté sur les principes qui devoient régler ma conduite dans cette jurisprudence, pour moi nouvelle; et je crois avoir constamment suivi ses conseils.

Des dix-sept causes dont j'ai parlé plus haut, il n'en reste que trois, dont deux celles relatives à La Joséphine et à L'Helene, bâtimens François, ne peuvent donner lieu à aucune poursuite devant la cour speciale. La dernière, La Rose Cecile, ou plutôt, La Marie Louise, saisie par M. Madge, agent du gouvernement aux isles Seychelles, est encore en instance dans la cour de Vice-Amirauté. Cette cause

N° 46,
continued.

Enclosure,
(6.)

N° 46,
continued.

est trop compliquée pour que j'aie pu me permettre de présenter jusqu'à présent l'accusé à la cour spéciale. J'attends le développement de cette affaire devant la cour de Vice-Amirauté où elle est actuellement pendante.

Je suis, avec respect, &c. &c.

(signé) *Virieux*, Procureur General.

(Translation.)

Port Louis, 3 February 1817.

To his Excellency R. T. Farquhar, Esq. Governor and Commander-in-Chief of the Islands and Dependencies of Mauritius, &c. &c. &c.

Governor,

I HAVE the honour to send to you herewith, the account which you demanded from me by your letter of the 27th January last.

The first affair which happened in this colony, in execution of the Acts of Parliament prohibitory of the commerce in Slaves, is that of the ship *L'Aglaé*. At the period of the condemnation of that vessel, his honour the grand judge observed to me, that the court which could alone take cognizance of the felony was not established in this island. In fact, the condemnation of the ship and of the blacks, was pronounced in the month of November 1814, and the commission of the special court did not arrive till the month of November 1815.

The fitter-out Salmon, having absconded at the moment that the seizure of the ship was known, and captain Suzor, who commanded her, having been released by consent of the seizers, and by the interposition of his honour the grand judge, on account of his numerous family, of his good character in every respect, and of the impossibility he was placed in to answer, in any measure, to the fines declared against him, I have not thought it my duty to resume the prosecutions when the commission of the special court arrived.

Since the establishment of the English court of Admiralty, in the person of the commissary of justice, there have been seventeen ships seized, of which only one has been restored, and twelve have been condemned.

Among these twelve ships there are eight; viz. *La Parisienne*, *La Circonstance*, *La Reconnaissance*, *Le Gustave*, *Le Neptune*, *Le St. Josef*, *L'Eléonore*, and *La Petite Aimee*, which were seized having blacks on board. The four others; viz.—*L'Aimable Creole*, *Le St. Jacques*, *L'Alligator*, and *La Therencia*, were seized on the suspicion only of having been employed in the trade of Slaves, and after the proofs were produced his honour condemned them.

The first opportunity that offered to put in activity the special court, was that of the circumstance in which the *Sieur Parmentier* appeared to be the fitter-out and captain. I did not hesitate to prosecute *Parmentier* before the special court, presided by your excellency. I need not recal to you your efforts, and those of the commissary of justice judge in the Vice Admiralty, to impress the grand jury, then assembled, with the importance and dignity of their functions. The result of my prosecutions in that matter are too well known to you. As for the recognizance of the *Gustave*, *Neptune* and *La Petite Aimée*, the guilty persons found means to escape from these ships before they were given over to me by the competent authorities, and disappeared from a jurisdiction to which they will take especial care not to return. I have not, therefore, deemed it necessary to institute useless prosecutions in their absence.

It is but eight days since the lugger *St. Joseph* was condemned, and the pecuniary penalties were awarded against *Sieurs Chelin* and *Jean Marie Aubeau*. It is therefore my intention to prosecute these two persons before the special court, and if I have not already done so, it is solely because it has come to my knowledge that the judgment of the *Zephyr* is to take place directly, and that then I shall have another subject still to present to the court.

As to what concerns the four ships which having been seized without blacks on board, were condemned by the judge upon the circumstances and proofs which were laid before him, I cannot help thinking, that in that case it was impossible to bring forward the accusation before the grand jury. My discretion on this subject is founded;—1st. On the rigorous proofs to be admitted for all crimes classed by their heinousness under the name of felony; and,—2d. On the indulgence of justice, always ready to grant to the guilty all the advantages which he can derive from his situation.

situation. If your excellency will be pleased to communicate this letter to his honour the grand judge and commissary of justice, I am convinced that he will certify, that in all my steps, I always consulted him about the principles which ought to regulate my conduct in that jurisprudence, to me new; and I think that I have invariably followed his counsels.

Of the seventeen causes of which I have spoken above, there are but three left, of which two, those relative to the Josephine and Helene, French ships, can not give occasion for any prosecution before the special court. The last, La Rose Cecile, or rather La Marie Louise, seized by Mr. Madge, agent of government in the Seychelles Islands, is still in course in the court of the Vice Admiralty. That cause is too complicated to enable me as yet to present the accused at the special court. I await the developement of that affair before the court of Vice Admiralty, where it is now pending.

I am with respect, &c. &c. &c.

(signed) *Virieux.*
Attorney General.

(Copy.)

Sir,

Port Louis, 4 August 1817.

I HAVE the honour to transmit to you a copy of Earl Bathurst's letter, of the 1st April last, and referring to my letter to you of the 27th January last, I request you will furnish me with the further report of your proceedings, in all cases of Slave seizures under the Felony Act of 1811, giving it as much in detail as possible, and stating the causes of the escape of any delinquents, or any other reasons which may have operated to prevent the fulfilment of the legislative enactments in this colony.

I have, &c. &c. &c.

Monsieur Virieux,
Attorney General, &c. &c. &c.

(signed) *R. T. Farquhar.*

A Son Excellence R. T. Farquhar, Esq. Gouverneur et Commandant en Chef des Isles Maurice et Dependances, President de la Cour Spéciale de Vice-Amirauté.

Monsieur le Gouverneur,

Port Louis, le 18 Août 1817.

DEPUIS le compte que j'ai eu l'honneur de rendre à votre excellence, le 3 Fevrier dernier, en exécution de ses ordres en date du 27 Janvier, lequel compte comprend toutes les affaires de la competence de la cour spéciale de Vice-Amirauté, pour crime de félonie, à commencer de celle relative au navire L'Aglaë, jusqu' à cette concernant La Marie Louise, saisie par M. Madge, agent du gouvernement aux Isles Seychelles; il ne s'est présenté que deux causes, dont j'aie à faire le rapport à votre excellence.

Ces deux causes naissent de l'affaire de l'Heloïse, arrêtée par une chaloupe de la frégate de Sa Majesté, Le Phaëton, ayant quatre-vingt-cinq noirs à bord. Ce bâtiment a donné lieu à deux instances devant la cour spéciale; la première a été dirigée contre six matelots employés et trouvés à bord au moment de l'arrestation du navire; et la seconde contre le Sieur Louis Clermont, lieutenant du même vaisseau. La cour spéciale est dans ce moment saisie de ces affaires. D'après la déclaration du grand jury, la cour a ordonné que le petit jury seroit convoqué pour Jeudi prochain, 21 du courant. J'aurai l'honneur d'informer, subsequemment, votre excellence du résultat qu'aura produit la déclaration du petit jury.

Je passe maintenant au compte que me demande votre excellence par sa lettre du 4 du courant, de l'évasion de quelques prisonniers, et des causes qui y ont donné lieu.

Le Sieur Parmentier, capitaine de la goëlette, La Circonstance, acquitté par le petit jury, étoit resté cependant dans les prisons faite par lui d'avoir acquitté l'amende à laquelle il avoit été condamné par le juge d'Amirauté Anglaise. Le 8 Mai 1816 il fut envoyé à l'hôpital civil de la Grande Rivière, d'où il a trouvé les moyens de s'évader. N'étant point chargé de la surveillance de cet hôpital, je deviens étranger au compte particulier que peut désirer votre excellence sur l'évasion du Sieur Parmentier, et sur les circonstances qui l'ont accompagné.

N° 46,
Enclosure.

Le Sieur Le Mer, capitaine de la goëlette, Le Gustave, s'est évadé des prisons le 18 Octobre 1816, et le Sieur Dabadie, commandant le Chasse-Marée, Le Zéphir, s'en est aussi évadé le 29 Mars 1817; telle a été la cause de mon silence à l'égard de ces deux individus, qui m'ont enlevé la possibilité de les traduire devant la cour spéciale. L'incendie desastreux, qui en ravageant, en Septembre 1816, une partie de la ville, a détruit entièrement les prisons de la police dites Le Violon, n'a pas peu contribué à fournir aux Sieurs Le Mer et Dabadie les facilités de se soustraire à la surveillance confiée à cette époque à des gardes de police. Les détenus de la prison dite Le Violon, ayant été réunis momentanément à ceux des prisons civiles, il a été possible aux Sieurs Le Mer et Dabadie, dans une pareille confusion, de s'échapper sans être aperçue des gardes, qui étoient obligés de porter dans toutes les parties une attention qu'ils ne pouvoient cependant pas multiplier assez en raison du grand nombre des prisonniers. Je dois ajouter, que les prisons n'étoient pas gardées, à cette époque, comme sous le gouvernement François, par des militaires, qui se rélévoient la nuit, comme le jour; et qu'il étoit impossible d'attendre une surveillance bien active de la part des gardes de police, qui n'étoient pas assujettis à la discipline qui rend le soldat plus attentif dans l'accomplissement de ses devoirs.

Je ne puis omettre dans ce rapport, l'évasion du nommé Jean Deardieu, aussi du navire L'Héloïse. Celui-cy a disparu au moment de son débarquement. La foule étoit tellement grande sur le plein, que le député prévôt maréchal n'a pu le conserver parmi les autres prisonniers dont la garde lui étoit confiée, et qu'il s'est vu obligé d'en abandonner la poursuite, pour ne pas diminuer la force de l'escorte, que ne repondoit pas au nombre des prisonniers; il lui a été, au surplus, impossible de reconnoître la route qu'avoit prise Jean Deardieu en s'évadant. Ces circonstances resultent d'un procès-verbal rapporté et affirmé par le député prévôt maréchal.

Je terminerai ce rapport par une déclaration qu'il m'importe de consigner ici; c'est que tous les individus, sans exception, contre lesquels étoient intervenus à la cour du Vice-Amirauté Anglaise, des condamnations pecuniaires, et des confiscations basées sur leur contravention aux loix prohibitives du commerce des esclaves, et que, par les motifs déjà déduits en mon rapport du 3 Fevrier dernier, je n'ai pas cru devoir poursuivre devant la cour spéciale, ont été relâchés des prisons et mis en liberté; les uns, sous le mérite d'un cautionnement; les autres, sans cautionnement; d'après les ordres de son honneur le grand juge, ainsi qu'il est constaté par les pièces que j'ai en ma possession, et par les registres de la geôle.

Je suis, avec respect, &c. &c. &c.

(signé) *Virieux*,
Procureur Général.

(Translation.)

TO His Excellency R. T. Farquhar, Esq. Governor and Commandant in Chief of the Islands of Mauritius and Dependencies, President of the Special Court of Admiralty, &c. &c. &c.

Governor,

SINCE the account which I had the honour to give to your excellency, on the 3d of February last, in compliance with your orders, dated 27th January, which account comprehends all the affairs in the competence of the special court of Vice Admiralty for crimes of felony, beginning with that relative to the ship L'Aglæ, to that concerning the Marie Louise, seized by Mr. Madge, agent of government in the Seychelles Islands; but two causes have come on, of which I have to make a report to your excellency.

These two causes originate from the affair of the Heloise, detained by a boat of the frigate of His Majesty, Phæton, having eighty-five blacks on board. This ship has given rise to two suits before the special court; the first was directed against six sailors, employed and found on board at the moment of the seizure of the ship; and the second against the Sieur Louis Clermont, lieutenant of the said vessel. The special court is at this moment occupied with these affairs. After the declaration of the grand jury, the court ordered the lesser jury to be convoked for Thursday next the 21st current. I shall have the honour of subsequently informing your excellency of the result which shall be produced by the declaration of the lesser jury.

I now pass to the account which your excellency demands by your letter of the 4th current, of the escape of some prisoners, and of the causes which gave rise thereto.

The

The Sieur Parmentier, captain of the schooner *La Circonstance*, acquitted by the lesser jury, was nevertheless kept in prison, on account of his not having acquitted the fine to which he had been condemned by the judge of English Admiralty. On the 8th of May 1816, he was sent to the civil hospital of the Great River, whence he found means to escape. Not being charged with the custody of that hospital, I am of course unacquainted with the particular account which your excellency may desire concerning the escape of the Sieur Parmentier, and the circumstances attending it.

The Sieur Lemer, captain of the schooner *Le Gustave*, escaped from prison on the 18 October 1816, and the Sieur Dabadie, commanding the *chasse-marée* *Le Zephir*, also escaped therefrom, on the 29 March 1817. This has occasioned my silence in respect of these two individuals, as it has taken from me the possibility of bringing them before the special court. The disastrous conflagration, which ravaged, in September 1816, a great part of the town, destroyed completely the prisons of the police called *Le Violon*, and did not a little contribute to furnish the Sieurs Lemer and Dabadie with facilities to withdraw themselves from the custody at that period entrusted to the guards of police. The persons detained in the prisons called *Le Violon*, having been momentarily united to those of the civil prisons, it was easy for the Sieurs Lemer and Dabadie, in such a confusion, to escape without being perceived by the guards, who were obliged to carry their attention to all quarters, which, however, they could not sufficiently extend, on account of the great number of prisoners. I must also add, that the prisons at that period were not guarded, as during the French government, by soldiers, who relieved each other by night as well as by day; and that it was impossible to expect any very great or active watch on the part of guards of the police, who were not amenable to any discipline, which makes the soldier more attentive in the fulfilment of his duties.

I cannot omit in this report the escape of the person named Jean Deardieu, also of the ship *Heloïse*; this person disappeared the moment of his disembarkation; the crowd was so great on the spot, that the deputy prevot marshal was not able to retain him amongst the other prisoners, of whom he was entrusted with the custody, and then he found himself obliged to abandon the pursuit of him, in order not to diminish the strength of the escort, which did not seem sufficient for the number of the prisoners; it was moreover impossible for him to observe the road which Jean Deardieu took in effecting his escape. These circumstances are the result of a verbal process, reported and affirmed by the deputy prevot marshal.

I will finish this report, by a declaration which it is of consequence for me to make in this place; it is, that all the individuals, without exception, against whom, in the court of the English Vice Admiralty, pecuniary condemnations and confiscations were given, founded on their contravention of the laws prohibitory of the commerce of slaves, and whom, for the motives already assigned in my report of the 3d of February last, I did not think it my duty to prosecute before the special court, have been released from prison and set at liberty, some in favour of a security, others without security, according to the orders of his honour the grand judge, as is proved by the documents which I have in my possession, and by the register of the jail.

I am, with respect, &c. &c. &c.

(signed) *Virieux*,
Attorney General.

A Son Excellence R. T. Farquhar, Esq. Gouverneur et Commandant en chef des Isles Maurices et dépendances, &c. &c. &c.

Enclosure.
(9.)

Monsieur le Gouverneur,

Port Louis, le 10 Septembre 1817.

LES deux instances auxquelles a donné lieu la saisie du navire *L'Heloïse* arrêté par une chaloupe de la frégate de Sa Majesté, *Phaëton*, ayant quatre-vingt-cinq noirs à bord, et dont mon rapport du 18 du mois dernier fait mention, ont été portées devant les petits jurés et terminées définitivement. Les six matelots qui faisoient l'objet de mes poursuites dans la première affaire, ont été condamnés à garder prison pendant six mois; au Sieur Louis Clermont porté comme lieutenant sur le rôle d'équipage du même navire, et contre lequel mes poursuites se dirigeoient dans la seconde instance a été acquitté par le petit jury. A quoi peut-on attribuer un pareil resultat? certes, on ne pourroit l'attribuer, sans injustice, aux officiers

N° 46,
continued.

officiers auxquels par la loi étoit confié le soin des poursuites et de l'accusation ; ils ont fait leur devoir, et pour en administrer le preuve, il me suffiroit d'invoquer le temoignage des juges qui siegeoient à la cour spéciale lorsque cette cause y a été présentée. Le prisonnier a été identifié autant qu'il a été possible de le faire : il a été prouvé qu' il s' étoit embarqué sur l'Héloïse dans le port de cette colonie pour Madagascar. Il a été prouvé par sa propre confession, librement fait, qu'il remplissoit à bord de l'Héloïse les fonctions de lieutenant ; enfin il avoit été trouvé sur ce bâtiment, au moment où le navire avoit été saisi en contravention aux Actes prohibitifs du commerce des esclaves. Etoit-il nécessaire dès lorsque le prisonnier fût identifié comme Louis Clermont ? Je le pense d'autant moins qu' il est notoire que les personnes qui se livrent au commerce prohibé des esclaves, prennent, presque toutes, des noms supposés pour se soustraire plus facilement à tout reconnoissance et à toute poursuite. Quoiqu'il en soit le prisonnier a été acquitté, il en est sans doute redevable au bienfait de l'institution des jurés, qui permet à ceux-ci dans le cas où il s'éleveroit dans leur esprit le moindre doute sur la culpabilité du prevenu, de faire jouir l'accusé de tous les avantages que lui procure leur propre incertitude.

Je suis, avec respect, &c. &c. &c.

(signé) *Virieux*, Procureur Général.

(Translation.)

Port Louis, 10 September 1817.

To His Excellency R. T. Farquhar, Esq. Governor and Commander in chief
of the Islands of Mauritius and Dependencies, &c.

Governor,

THE two suits instituted on account of the seizure of the ship *Heloise*, detained by a boat of the frigate of His Majesty's ship *Phæton*, having eighty-five blacks on board, and of whom my report of the 18th of last month makes mention, have been carried before the lesser jury, and terminated definitively. The six sailors, which made the objects of my first prosecutions in the first affair, have been condemned to a further imprisonment during six months ; the *Sieur Louis Clermont*, borne as lieutenant on the roll of the crew of the same ship, and against whom my prosecutions were directed, in the second instance, has been acquitted by the lesser jury. To what can one attribute such a result ? Assuredly, it cannot be attributed, without injustice, to the officers to whom the law has confided the care of prosecutions and of the accusation ; they did their duty ; and, to adduce a proof of it, it is only necessary for me to invoke the testimony of the judges who sat in the special court when that cause was tried there. The prisoner was identified, as much as it possibly could be done ; it was proved that he had embarked on board the *Heloise*, in the port of this colony, for Madagascar. It was proved, by his own confession freely made, that he fulfilled on board the *Heloise* the functions of Lieutenant ; in short, he was found in this ship at the moment that the said ship was seized for contravention of the Acts prohibitory of the Slave Trade. Was it then necessary that the prisoner should be identified as *Louis Clermont* ? I think it was the less so, inasmuch as it is notorious that the persons who give themselves to the prohibited commerce in Slaves, take, almost invariably, supposititious names, to withdraw themselves the more easily from recognition and all prosecutions. However that may be, the prisoner has been acquitted. He is undoubtedly indebted to the favourable clause in the institution of juries, which permits them, in a case where there exists in their minds the smallest doubt as to the guilt of the accused, to make the accused enjoy all the advantages which the uncertainty on their part procures for him.

I am, with respect, &c. &c. &c.

(signed) *Virieux*, Attorney General.

(Copy.)

His Honour, Judge Smith, &c. &c. &c.

(10.)

Sir,

Port Louis, 22nd August 1817.

I BEG leave to forward to your honour a letter from Earl Bathurst, of the 1st April 1817, on the subject of the illegal Slave traffic which has been carried on, in these seas, and the trials had thereon in this island.

I also enclose to you two reports delivered in to me, from the attorney general, upon

upon this subject, and I request your honour will afford me such further information as may be necessary, to put His Majesty's ministers in possession of every circumstance that can throw a light on the subject.

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

(signed) *R. T. Farquhar.*

His Excellency the Governor, &c. &c. &c.

Sir,

Port Louis, 6th September 1817.

I HAVE the honour to acknowledge the receipt of your excellency's letter of the 22nd of August, enclosing for my perusal and report, the letter addressed by Lord Bathurst to your excellency, under date the 1st of April last.

I trust that the report which I have now the honour to transmit to you, will, as far as we are concerned, be a satisfactory answer to his lordship's observations.

I humbly presume to think that it is impossible for the governor and the judge single handed to do more than we have done; and I trust that I may be permitted to appeal with safety to the records of the Instance Court of Admiralty, to prove that no vessel whose condemnation depended solely on my judgment and authority, has escaped confiscation where the law and the proofs warranted such judgments; and I can have no hesitation in giving it as my humble opinion, that in every one of those cases, a prosecution properly conducted before an English jury, with the advantage of the police and prisons in England for seizing and securing the culprits, must have terminated in the conviction of every one connected with those vessels, whose employment in them subjected him to the penalties of the Felony Bill.

It is certainly a mortifying reflection for us, that in no one instance have we yet been able to bring any person liable to a charge of felony, under the Slave Felony Act, to justice: either they have contrived to escape from the vessel, before they have been delivered up to the officers of justice, or having been secured in our prisons, have contrived to escape from them, or when brought to trial have been discharged by the grand jury, or acquitted by the petty jury.

I am well aware that as the head of the judicial department the largest portion of responsibility may attach upon me, and I am equally aware of the weight of censure, however undeserved, which is likely to be poured out upon my head, by those, who, ignorant of the difficulties that surround us, may impute to me if not a want of zeal, at least a want of skill in the execution of my duties. Yet your excellency can attest the pains I have always taken to impress upon the jurors, the nature and importance of their duties, and the necessity of making examples for the purpose of putting an end to that extensive contraband traffic in slaves, which has so long existed, and which is still, to a certain extent so notoriously persevered in. But while our prisons continue to be more insecure as places of confinement than many private houses, while the inferior department of the police are, either so corrupt, or so negligent, or so feeble, that the last prisoner who escaped, paraded the streets daily, for a length of time, without any interruption from the police, and while a vast majority of this population considers the Abolition of the Slave Trade as an act of injustice to themselves, and every individual who engages in it as a meritorious character, and every one whom we may condemn, as a martyr in a good cause; I repeat, that no governor or judge, however great their talents, or however animated their zeal, will ever in my humble opinion, be able by any exertions, individually on their part, to overcome such difficulties.

I have the honour, to be, Sir,

Your Excellency's most obedient and very humble servant,

George Smith.

Chief Judge and Commissary of Justice.

AGLAE.—THIS schooner belonged to a man of the name of Salmon, who had acted as the registrar of the court of Admiralty under Mr. Shaw, and was commanded by a Frenchman of the name of Suzor. She was seized by the government schooner Magnet, in the month of November 1814, with 160 slaves on board. She was tried before the ordinary courts, and after a considerable difficulty and hesitation she was condemned. The owner absconded immediately that the seizure of the vessel was known; and though a reward of 2,000 dollars was offered for his apprehension, he contrived to elude every search which was made after him, and only made his appearance

N^o 46,
continued.

Enclosure,
(11.)

Enclosure.
(12.)

N^o 46,
continued.

appearance at Bourbon, where he is now living, after that island had been restored to the French. The captain was never brought to trial, the special court not having been at the time established in the island; he was a mere man of straw, without a penny to pay the penalties; and after being kept some time in prison was allowed to go at large, for the sake of his wife and a large family of young children. His subsequent conduct has shown that this lenity has not been thrown away upon him, as he has carefully abstained from ever putting himself in a situation where he could be suspected, in the most remote degree, of again following the same course; and he has latterly been employed by Mr. Madge, at the Seychelles, in the police department, and has conducted himself to that gentleman's satisfaction.

L' AURELIE.—This vessel was owned and commanded by a man of the name of Oliver; was seized by the collector of the Customs in July 1815, in the harbour, on suspicion of having been engaged in the Slave Trade. I acquitted her, because I did not consider the evidence sufficiently strong to warrant her condemnation, though it was sufficiently so as to justify the collector of Customs suspicions.

L' AIMABLE CREOLE.—This vessel belonging to, and commanded by a man of the name of Frederick Mace, was also seized by the collector of Customs in this harbour, in August 1815, on suspicion of having been engaged in a slave voyage. She had no slaves on board when seized, but the circumstantial evidence was so strong against her, that I had no hesitation in condemning her. As there was no previous positive evidence to warrant the arrest and commitment of Mace previous to the judgment, he took care not to be forthcoming afterwards.

PARISIENNE.—Seized with 359 slaves on board, condemned in September 1815, to the government schooner Magnet; her property and destination French, therefore not liable to our Felony Act.

CIRCUMSTANCE.—Owned and commanded by a man of the name of Parmentier; this vessel was seized by His Majesty's ship Liverpool, off Cape Brabant, on the coast of this colony in October 1815, in the act of landing her slaves, and having actually 65 on board. She was of course condemned in the Instance Court of Vice Admiralty; but notwithstanding that Parmentier was taken on board, *flagrante delicto*, and that the evidence against him was clear and indisputable, the grand jury threw out the bill. I, however, peremptorily insisted upon his being detained in prison until the penalty should be paid, notwithstanding a variety of threatening applications to the contrary. Some short time afterwards he effected his escape.

RECONNAISSANCE.—This vessel owned and commanded by a man of the name of Louis Compte, was chased by His Majesty's ship Salsette, off Bourbon; the captain ran her on shore, and the sloop of war, as she approached, plainly distinguished her landing slaves; the boats, however, came up in time to seize her while she had yet three of her cargo on board, but the captain and crew had escaped. This seizure took place in October 1815.

St. JACQUES.—Owned and commanded by a coloured man of the name of Lelord, a notorious slave dealer. This vessel was seized by H. M. ship Tyne in September 1816, on suspicion of having been engaged in the Slave Trade; the proceedings were long and intricate, but at last the proofs, though circumstantial, were so conclusive, that I had no hesitation in condemning her. Lelord kept out of the way; but independent of his not being forthcoming, I have always been of opinion, that until we can obtain some convictions where we have all the advantages of direct and positive evidence, it would be an useless expense and trouble to attempt a prosecution, where we have only circumstantial testimony, in which we should be certain to fail before a colonial jury; and where every failure on our part is an additional encouragement to slave smuggling.

GUSTAVE.—Owned and commanded by one Duval. This vessel was in the act of landing her slaves, in the month of August 1816, on the coast of this colony, when she was descried by H. M. ship Tyne. Duval escaped on shore in the boat with 10 slaves; the vessel was seized with 64 on board; and a young Frenchman, of the name of Lemaire was taken in her as the mate. The vessel was condemned, and Lemaire committed to take his trial for the felony, but before the grand jury could be summoned he effected his escape out of prison.

MARIE LOUISE.—This vessel was owned by two persons at the Seychelles, of the name of Sausse and Allarede, and commanded by a man of the name of Arnoux. She

was

was seized at the Seychelles by the government agent Mr. Madge, in February 1816; she having recently introduced a number of new blacks, and with them the small-pox into those islands. Mr. Madge having no force with him sufficient to secure her, Arnoux, with the assistance of her crew, seized her again; went down to one of the islands where Mr. Madge has placed several of the slaves as a lazaretto, and carrying them off in the vessel, made good his escape with both to Bourbon, where he sold both the vessel and the slaves, and is supposed to have proceeded himself to France. Sausse, the owner, whom Mr. Madge had also put under arrest, also contrived to seize a small schooner, in which he also made the best of his way to another island, on which were also some of the slaves, and after taking away twelve of them, made the best of his way also to Bourbon, where he is now. Aebarede, the other owner, was sent up here by Mr. Madge, in custody, and committed by me to take his trial; and Mr. Quincy, the justice of the peace at the Seychelles, was sent up by Mr. Madge at the same time, upon a charge of aiding and assisting Sausse in his escape.

This is the case to which the procureur-general refers in the last paragraph of his report to your excellency of the 3d of February last; and is also the same case which has given occasion to Mr. Quincy's memorial to his Royal Highness the Prince Regent, against Mr. Madge and myself. This cause is not yet decided in the Instance Court, and the vessel has since been detained in this harbour, whither she came under the name of the *Rose Cecile*.

NEPTUNE.—This vessel, owned and commanded by a man of the name of Phillibert, was seized at sea by H. M. ship *Tyne*, in September 1816, with 157 slaves on board. Captain Curran sent the schooner with one slave for condemnation at the Mauritius, and carried on in his own ship the other 156 to the Cape. The vessel was confiscated, and Phillibert was condemned in one penalty of 100*l.* in the Instance Court, which he immediately paid; the procureur-general declined to prosecute under the Felony Act, because Phillibert was a native and subject of Bourbon, having his family and his domicile there, and never had been, even nominally, a resident here. The procureur general acted in this instance with my entire concurrence.

ALLIGATOR.—This vessel owned and commanded by one Paul Cartier, was detained at Tamatave, on suspicion of being engaged in slave trafficking, and brought in here by the *Tyne*. She had no slaves on board, and was condemned on circumstantial evidence; but as there was no chance of a conviction before a jury upon such evidence, no prosecution has been instituted against Cartier for felony. She was seized in August 1816.

THERENCIA.—Owned and commanded by one Laroche; seized by Captain Curran of H. M. ship *Tyne*, in September 1816, on suspicion of having been concerned in the Slave Trade; was condemned under the 46th of the King as a French vessel, repaired and equipped in this port for the purpose of carrying on the Slave Trade under French colours. Laroche was a French subject, and not subject to our Felony Act.

PETITE AIMEE and ST. JOSEPH.—The first of these vessels owned and commanded by a man of the name of Debaise, was seized by his Majesty's ship *Musquito*, in the month of September 1816, at sea, with 139 slaves on board. Captain Bryan, put one of his officers and some men on board to bring her into Port Louis, and left her, making the best of his own way to this port. The *Petit Aimée* on her voyage fell in with the *St. Joseph*, having 84 slaves on board. The *St. Joseph* is owned by a man of this colony, of the name of Chelin, and was commanded, at the time of her seizure, by one Aubeau. The officer of the *Mosquito* in charge of the *Petit Aimée*, finding himself not strong enough to secure both seizures, took the slaves of the *St. Joseph*, which was a small lugger, on board the *Petit Aimée*, a schooner of 50 tons burthen, and got rid of his prisoners by giving them up the *St. Joseph*. The *St. Joseph* arrived in this port with the coasting flag flying; but when the provost marshal went on board he found nobody in her; and although I issued my warrants the moment I had the necessary information before me, for arresting the captain, and particularly Chelin, the owner of the *St. Joseph*, who is an inhabitant of this colony, not one of them has hitherto been forthcoming.

ELEONORE, JOSEPHINE, and HELEN.—These three vessels were French, belonging to Bourbon, and were all three seized at sea, in the month of September last; the *Eleanore*, with 137 slaves on board, by his Majesty's ship *Tyne*; the *Josephine*, with 88 slaves, by Captain Le Sage, the government agent, on his return from Madagascar;

N° 46,
continued.

gascar; and the Helen, with 100 slaves on board, by his Majesty's ship Mosquito. Of course none of the officers of these vessels were liable to prosecution under the Felony Act; but there is an anecdote relating to one of them, which deserves to be told. Captain Le Sage, when he brought the Josephine in, told me that he had been informed that the person who passed as the captain and owner, under the name of Jacques Leblond, was the identical Parmentier, whom I had ordered to be detained for the penalties, in the case of the circumstance after the grand jury had in so extraordinary a manner thrown out the bill against him, and who had afterwards escaped out of custody. Upon this information I directed him to be identified by the different persons who had had the most access to him, during the period he was before in confinement; and I confess that I was somewhat surprized when I found that neither jailer, who had seen him daily for some weeks, the provost-marshal who had also seen him frequently, nor the proctor or the procureur-general, who had also seen him occasionally during the same period, would take upon themselves positively to declare that he was the same individual. I then ordered him to be brought before myself; and though I had seen him only once, when he underwent an examination before me previous to my committing him to prison, I certainly had not a shadow of doubt, in my own mind, as to his identity; and when I charged him peremptorily with being the identical Parmentier, whom I had myself sometime before examined in the office, at the door of which he was then standing, he hung his head in silence and in evident confusion. When I found, however, that every other person persisted in his uncertainty, as to the prisoner's identity, I did not think it became me, as a judge, to press against him my own intimate conviction, in opposition to the uncertainty of every other person, and accordingly I ordered him to be discharged. The man then threw himself upon his knees before me in, an agony of joy and gratitude, confessed that he was the person I knew him to be, pleaded his destitute condition, and his inability to procure regular employ; and implored of me, if possible, to get for him the lowest station in any regular ship belonging to the colony. I endeavoured to do so, but at the moment I was unable to effect it, and I believe the man returned shortly after to Bourbon; and I have reason to think that he has never since taken up the same kind of trade again.

ZEPHYR.—A lugger of 30 tons, commanded and nominally owned by one Dubadie, taken near the coast in September 1816, by the Mosquito, with 101 slaves on board. Dubadie was about to be brought to trial for the felony, when he sent to desire to speak with me. I had him brought up, when after complaining of the manner in which he had been abandoned to his fate by the real owner, offered, upon condition of a pardon, to turn King's evidence. I perfectly well knew at the time who the real owner was; it was matter of public notoriety throughout the colony that a man of the name of Bourguine was the owner; and there were letters and papers on board the ship, which, though in themselves insufficient to convict Bourguine, would have so connected themselves with and strengthened Dubadie's testimony as to have rendered Bourguine's escape impossible except through the partiality of a jury. I therefore held out to him, as far as I considered myself warranted in doing, an assurance of his own safety, provided he faithfully and truly kept to his present purpose. I then took his deposition upon oath, and upon that deposition I issued a warrant for the apprehension of Bourguine, whom I afterwards suffered to go at large upon bail, to the amount of 40,000 dollars, which I considered a better security for his forthcoming than any the prisons afforded. Dubadie having no bail to offer was remanded to prison; but for the better security of his person, I made application to the commander of the forces, and obtained a centinel, whose special and only duty it was to watch this man; but notwithstanding this precaution he effected his escape some days afterwards at mid-day.

MARIA LOUISE.—A lugger belonging to, and commanded by a man of the name of Oliver, whom I understood to be the same Oliver who owned and commanded the L'Aurelie, the second vessel on the present list; this vessel was seized by the Mosquito in April last, with 11 slaves on board, in the roads of Tamatave, Island of Madagascar; Oliver was on shore at the time of seizure, and has never since, as we know of, made his appearance within this jurisdiction.

HELOISE.—A schooner owned and commanded by one Louis Jacques Bourdon; was seized in June last by the boats of His Majesty's ship Phaeton, off the coast of this colony, with 85 blacks on board. When this vessel was seized, the seizers were told, by a person calling himself Louis Clairemont, mate of the vessel, that the captain

captain had gone on shore with the boat to get assistance for landing the slaves, but that from the time that had elapsed without his having been heard of, they supposed him to have been drowned. There is every reason to believe that this man so calling himself Louis Clairemont, was in fact Bourdon the captain; but as he had presented himself as Louis Clairemont the mate, and as a person of that name appeared upon the muster-roll of the schooner's crew, an indictment was preferred against him before the grand jury, and found by them under that name and description. The prisoner, however, soon after his confinement found the means of escaping from prison in company with another prisoner, and he was not retaken by the police, until the effrontery with which he paraded the streets in open day, became the topic of general conversation and derision throughout the town; and he was at last taken upon the public walk of the Champ de Mars, sauntering at his leisure and for his amusement, in company with four other persons, not one of whom have been identified by the police. He has been since tried before a petty jury and acquitted. I consider this acquittal to be principally owing to the mismanagement of the prosecution, not intentional I am convinced, but from inexperience and want of presence of mind at the trial.

Having said thus much, I think it but justice to all parties, in order to prevent misconstruction in any quarter, to state all that I know upon the subject, and all that passed upon the trial. I have always been in the habit of assisting the prosecutors, by whom I mean the Attorney General and the King's Proctor, with such general advice, as I thought myself permitted to do, in the circumstances in which we are placed, so as to prevent the failure of any prosecution by any very gross blunders; but as this practice is not strictly consistent with my judicial character, and necessarily lets me into a kind of premature intimacy with the cause, I have always endeavoured when upon the bench, to divest myself of every species of knowledge upon the subject which did not immediately flow from the evidence before the jury; at least I have always endeavoured to act as if I had so divested myself; and if this feeling has ever operated too favourably for a prisoner, I hope, that at all events the error would be held to be one upon the right side. In the present instance, I knew that the cause was susceptible of the following direct proof;—that the vessel had been registered in Port Louis, as a British vessel belonging to that port; that the harbour master could produce the muster-roll as entered at the port-office, upon which appeared the name of Louis Clairemont, so placed upon the muster-roll as to correspond to our chief mate; that the lieutenant who seized her, could prove that the vessel had a number of slaves on board, and that the prisoner at the bar was found on board at the time she was seized; and that Captain Stanfell, the Captain of the Phaeton, by whose boats she was so seized, could prove that the prisoner when brought before him, acknowledged that he was Louis Clairemont the lieutenant; and that this latter fact could also be proved by the provost marshal, to whom the prisoner had made the same admission when delivered over to his custody. Upon the trial, however, to prove the identity and quality of the prisoner on board, the prosecutors called only the lieutenant, one midshipman and a sailor, not one of whom could tell what was the prisoner's name, either never having asked it of the prisoner, or never having been told it by him. The seaman stated, that the prisoner had told him he was a mate; and the lieutenant of the frigate stated, that the prisoner had told him that he was a lieutenant or mate of the vessel. But on this point there was a confusion in his expression, in so much that I thought he had been speaking of another person; and at all events for any thing that had been actually proved, the individual accused might have been boatswain's mate, or any other petty mate. In this state of the evidence, I expected to hear either Captain Stanfell or the provost marshal called to complete the chain, and fix the prisoner with the offence by the evidence which I knew they were ready to give; but the prosecutor here closed his case, and the prisoner being called upon for his defence, and, being asked if he had any witnesses, after disclaiming all knowledge of the intended voyage for slaves, looked carelessly round the court, and pointed out an individual whom he wished to question as a witness; and the man being brought forward, stated that he had known the prisoner at Madagascar; that he had never heard of him by the name of Louis Clairemont, but had always known him there by the name of Arnaud. I questioned this man closely but he never swerved. I think that I summed up this evidence to the jury, as strongly as I could do for a conviction, upon this ground, that although the prosecutors had not altogether identified him with the muster-roll of the ship, there was evidence so far to go to the jury, that whatever his name might be, he had acted

N° 46,
continued.

acted as a mate on board. The jury retired, and after some deliberation, returned a verdict in the following words:—"The prisoner at the bar is guilty of having been found on board the schooner *Eloise*, which schooner was engaged in the Slave Trade, but whether abetting, in what capacity, or in what name, has not been proved to the jurors." Upon this verdict being declared, I directed them, if that was their real and conscientious opinion upon the evidence, to return a verdict of "Not guilty," which they immediately did. From information I have since obtained, I have not the least doubt that Jacques Bourdon, captain, and Louis Clairemont, mate, inserted upon this muster-roll, were one and the same person, and that the prisoner in question was that person. I had always understood that the lieutenant and the midshipman would have fully identified the prisoner both as to his name and his quality; and I take for granted that the prosecutors expected the same, but the fact certainly was, that they do not prove him to be the person they pretended he was; and the jury gave him the benefit of this defect in the evidence. The boatswain and three of the crew, against whom an indictment for the misdemeanor had been found by the same grand jury, had been tried, convicted, and sentenced to six months imprisonment before Clairemont was retaken.

L'ESPOIR.—A schooner belonging to Bourbon, and under Arab colours, seized in June last, in the roads of Foule Point, Madagascar, with 85 blacks on board, by Mr. Pye the government agent there, and under the governor's deputation. This vessel was commanded by one Laurent Lemoine a French subject, who was however very instrumental in effecting the seizure of the ship, and himself desperately wounded in the affray which took place on that occasion; he declares that he was deceived by the owners at Bourbon, as to the object of the voyage; and promoted this seizure, by Mr. Pye having discovered among the Arabs a plot to murder him on the return voyage. As a French subject he could have been in no case liable to the Felony Bill.

PETITE AIMEE, } These four vessels were detained by His Majesty's ship
HELOISE, } Tyne, I believe either in the end of August, or the beginning
CIRCONSTANCE, } of September; partly on suspicion of slave dealing and partly
and CARMELLO. } for irregularity of papers. On the latter ground they were perfectly regular, as far as respected the registry regulations of this colony; and on the former ground, as far as I was informed of the proofs, they appeared to me insufficient to justify the seizure, they were accordingly released upon my suggestion. The *Petite Aimée* and *Heloise* have since been taken *flagrante delicto*, and condemned.

There have been also five several proceedings against different sets of blacks, surrendering themselves as newly imported, and condemned as such. The number of blacks so condemned to the present period, amounts to 22.

I declare upon my honour, that the preceding pages contain an exact list of all vessels detained or seized, and brought within this jurisdiction, since my arrival in this colony, for any offences committed against the Act for the Abolition of the Slave Trade: and the statements annexed to each vessel, contain to the best of my information, knowledge and belief, all the circumstances respecting those seizures, which have any reference to or connexion with the execution of the Slave Felony Bill.

Port Louis, 6th September 1817.

(signed) *George Smith,*

Chief Judge and Commissary of Justice, and Judge
and Commissary of the Vice-Admiralty.

(Copy.)

To Monsieur Virieux, Procureur General, &c. &c. &c.

Sir,

Port Louis, 22d August 1817.

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant; and having forwarded the same, together with your former report, to his honour the chief judge, and commissary of justice, for his report, I shall for the present, confine myself to giving you positive orders, to put every person committed to prison by competent authority, for felony, into irons, *so as to prevent the possibility of escape.*

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

(signed) *R. T. Farquhar.*

Enclosure,
(13.)

To Monsieur Virieux, Attorney-General.

Sir,

Mauritius, 20th September 1817.

ON the receipt of your letter of the 18th August, in reply to mine of the 4th, enclosing a copy of Earl Bathurst's dispatch of the 1st April 1817, I had the honour of addressing you a short letter, under date the 22d ultimo.

I am aware that the opinion of his honour the chief judge and commissary of justice, differs with mine, as to the propriety of having the offenders tried in the Criminal Court, for the felony, previously to the hearing of the cause in his court, for the infliction of the penalties.

From his great legal knowledge and talents, I should be disposed to submit still to his better judgment in such cases ; but as it appears to me, that the orders from his Majesty's ministers, confirm the view that I have invariably taken of this point, and never ceased to impress upon you, since the first establishment of the Special Court, namely, the instantaneous trial of all British subjects concerned in the Slave traffic, in the Criminal Court, for the felony,—I consider it my duty, in addition to my orders of the 22d ultimo, to direct, that on the first knowledge of any attempt at the violation of the Abolition Laws, you do not fail, not only to take immediate and the most effectual measures, necessary for the apprehension of all persons concerned in Mauritius and its dependencies ; but that you do bring the offenders to trial, in the Special Court, within 48 hours, and sooner if possible, after their apprehension, and commitment.

I have, &c,

(signed) *R. T. Farquhar.*N° 46,
*continued.*Enclosure.
(14.)

— N° 47. —

EXTRACT of a Dispatch, addressed to the Right Honourable Earl Bathurst, by his Excellency Governor Farquhar, Esq. dated Port Louis, Mauritius, 18 November 1817. (Three Enclosures.)

N° 47.

— “ HAVING finally succeeded in accomplishing the important object of abolishing, throughout Madagascar, the Slave market which has heretofore been open to all nations, I deem it my duty to put your lordship in possession of the treaty with Radama, by which that object was effected ; and also to enclose every document that can throw any light upon the progress of our negotiations which have led to so desirable a result, since my last communication, N° 73, under date the 20th June last.

“ The present despatch, will, in this manner, when combined with my former correspondence with your lordship on this subject, comprehend the whole history of the intercourse between this government and Madagascar, up to the completion of the great object of that intercourse ; viz. the abolition of the Slave traffic, at its source, by the internal municipal regulations of that vast and populous island.

“ In consequence of the favourable dispositions clearly evinced on this occasion, by the government of Madagascar, I lost no time in availing myself of them ; and as Captain Le Sage's health has suffered so severely, I found it necessary to appoint Mr. Hastie, in aid of the assistant Mr. Pye, for conducting the negotiation immediately to a successful issue. Mr. Hastie was the person whom I had selected to conduct the education of the young princes from Ovah ; a task he had executed to my satisfaction, and in which he had succeeded, also, in conciliating the regard and esteem of his pupils.

“ Agreeably to instructions, Mr. Hastie, together with the brothers of Radama, proceeded on board His Majesty's ship *Phæton*, Captain Stanfell, to Tamatave, to join Mr. Pye, who had resided there as agent, since the departure of Captain Le Sage ; there they met Radama, who had descended to the coast, from his capital, in the interior of the island, to receive his brothers.

“ The treaty was concluded at Tamatave, on the 23d October last.

“ This treaty I immediately ratified, and returned and communicated to Radama, that it should continue to be binding until the pleasure of His Majesty's ministers should be known.

N° 47,
continued.

“ The expense which this government incurs by this treaty, may be estimated at about 2,000*l.* sterling per annum, payable quarterly, upon the certificates of the British agent; so that no expense can be incurred, without a certainty being at the same time acquired, that the object itself is attained; and I trust that your lordship will consider this expense as comparatively trifling, when weighed with the magnitude of the object of the treaty.

“ It was impossible to obtain such a treaty, without giving to Radama that equivalence in power which the treaty went to deprive him of; he could not long have maintained his preponderance in Madagascar, had he been deprived of the great source of his supply of money, arms and ammunition, which arose exclusively from that trade.

“ The funds which I have effected for the discharge of this subsidy, arise from sources independent of the colonial revenue, viz. the profits on the supply of gunpowder to merchant ships trading in these seas; so that, in fact, the colony incurs no charge for the fulfilment of this treaty on our part.

“ I beg leave to express my humble hope that your lordship will be pleased to approve of these peaceful and unambitious measures, the success of which, by finally closing the market for the Slave Traffic, and thus abolishing a great source of crime in these seas, must have the effect of promoting the industry of the natives, and quicken their pace in the career of general improvement; at the same time that it provides for the safety of intercourse and facility of trade with a country, on which this island depends for its subsistence; and which is arrived at that point of civilization, that affords a growing and extensive market for bartering its valuable produce, the richest articles of tropical growth, for the manufactures of England and British India.”

TREATY.

Enclosure.
(1.)

Robert Townsend Farquhar, Esquire, Governor and Commander in Chief, Captain General, Vice Admiral of the Island of Mauritius and its dependencies;—

BY his Commissioners, Captain Stanfell, of the Royal Navy, commanding His Majesty's ship *Phæton*, and T. R. Pye, Esquire, Assistant Agent for His Excellency's government, at Madagascar, who are vested with full powers; and Radama, King of Madagascar and its dependencies, by his Commissioners, *Ratzalika*, *Rampoole*, *Ramanou* and *Racihato*, representing the said Radama, and with full powers from his Majesty;—

Have agreed upon the following Articles and Conditions.

Article 1st.

It is agreed by the Parties to these presents respectively, that the mutual confidence, friendship and brotherhood, which are hereby acknowledged to subsist between the Contracting Parties, shall be maintained and perpetuated for ever.

Article 2d.

It is agreed, and the two Contracting Parties hereby covenant and agree, that from the date of this Treaty, there shall be an entire cessation and extinction through all the dominions of King Radama, and wherever his influence can extend, of the sale or transfer of Slaves, or other persons whatever, to be removed from off the soil of Madagascar, into any country, island or dominion of any other Prince, Potentate or Power, whatever; and that Radama, King of Madagascar, will make a Proclamation and a Law, prohibiting all his subjects or persons depending on him, or his dominions, to sell any Slave, to be transported from Madagascar, or to aid, or abet, or assist in any such sale, under penalty that any person so offending, shall be reduced to slavery himself.

Article 3d.

And in consideration of this concession on the part of Radama, the King of Madagascar, and his nation, and in full satisfaction for the same, and for the loss of revenue thereby incurred by Radama, King of Madagascar, the Commissioners

on

on the part of his Excellency the Governor of Mauritius, do engage to pay Radama, yearly, the following articles:—

N° 47,
continued.

One thousand Dollars in Gold.
 One thousand Dollars in Silver.
 One hundred Barrels of Powder, of 100 lb. each.
 One hundred English Muskets complete, with accoutrements.
 Ten thousand Flints.
 Four hundred Red Jackets.
 Four hundred Shirts.
 Four hundred pair of Trowsers.
 Four hundred pair of Shoes.
 Four hundred Soldiers' Caps.
 Four hundred Stocks.
 Twelve Serjeants Swords, Regulation, with Belts.
 Four hundred pieces of White Cloth, }
 Two hundred pieces of Blue Cloth, } India.
 A Full dress Coat, Hat, and Boots, }
 all complete, - - - } For King Radama.

Two Horses—upon a certificate being received, that the said Laws and Regulations, and Proclamations, have been enforced the preceding quarter; which certificate shall be signed by Radama, and countersigned by the agent of his Excellency Governor Farquhar, resident at the court of Radama.

Article 4th.

And further it is agreed by the Contracting Parties, mutually to protect the faithful friend and ally of England, the King of Johanna, from the predatory attacks to which he has been for many years annually exposed, from some of the smaller states of the sea coast of Madagascar; and to use every means in their power, by their *subjects, allies* and dependents, to put a final end to this system of *Piracy*; and for this purpose, Proclamations shall be made by Radama, and the Governor of Mauritius, prohibiting all persons whatever from engaging in this *Piracy*; and these Proclamations shall be particularly distributed in the ports, and on the sea coast of Madagascar.

Additional Article.

The Contracting Parties agree in considering this Treaty as provisional, until ratified and confirmed by His Majesty's Ministers, on the part of the King of Great Britain, which ratification will be forwarded without loss of time, to the King of Madagascar, (Radama), by his Ambassador to that court. This formality, however, is not to prevent the stipulations of the Treaty from being carried into full and complete effect from the date hereof.

Done at Tamatave, Island of Madagascar, October 23d, 1817.

Francis Stanfell, Captain H. M. ship *Phæton*, Senior Naval Officer and Commissioner.

Tho' R. Pye, Agent of the British Government, and Commissioner.

Ratzalika, for *Radama*.

Rampoole and *Ramanou*.

Racihato.

Ramalaza, as witness.

(Copy.)

PROCLAMATION.

Inhabitants of Madagascar,

YOU are none of you ignorant of the friendship we enjoy with the governor of Mauritius, and the devoted attachment we have avowed to him;—his attention, unlike that of all other foreign nations that have visited our shores, have been directed to increase our happiness and prosperity. He has never deprived us of our rights or our properties; he has not suffered the white men to carry off our children into slavery; he has sent us people to teach us arts and industry unknown

Enclosure

N° 47,
continued.

unknown before; to defend us against our enemies, and to prevent famine, by more extensive cultivation. We are happier and safer since the establishment of British dominion in our neighbourhood, and we are grateful to our good Father, who has produced for us these blessings.

His nation and king have made laws to prevent you from being carried out of your island into slavery; and he has punished such of the whites as have presumed to violate this law.

He has called on us to assist him in this work for our own benefit; and he has promised his powerful assistance, to punish such as may be refractory or disobedient.

We willingly agree to this proposal of our Father; and we hereby declare, that if any of our subjects or persons depending on our power, shall henceforward be guilty of selling any slave or other person, for the purpose of being transported from the Island of Madagascar, the person guilty, shall be punished, by being reduced to slavery himself, and his property shall be forfeited to me.

Let my subjects then, who have slaves, employ them in planting rice and other provisions, and in taking care of their flocks; in collecting bees-wax and gums, and in manufacturing cloths and other articles, which they can sell. I set them the first example myself, by abandoning the tax payable to me upon the sale of slaves for exportation.

I direct my brother, Jean René, and other chiefs upon the sea coast, to seize for their own use and profit, all such slaves as may be attempted to be exported in their respective provinces; they will also give every support and assistance to the government agent of Mauritius, in the execution of his duties.

I command all my subjects and dependents, and invite all my allies, to abstain from any maritime predatory excursion whatever; and more particularly, neither to practise nor allow of any attack or attempt upon the friends of our ally, the British nation.

It has been usual to make an annual attack upon the Sultan of Johanna and the Comora Islands. Our good friend, the Governor of Mauritius, dissolved the meditated attack of last year; and we now join with him in forbidding any further enmity to the king or inhabitants of the Comora Archipelago, or other islands on the coast of Africa, or North Archipelago, under the pain of our most severe displeasure, and of incurring the punishment due to pirates of whatever nation or people they may be.

Such is my will, let it be known to every inhabitant of this island; it is for their own happiness and their own safety to pay obedience to this Proclamation.

(signed)	<i>Ratzalika for Radama.</i>
(signed)	<i>Rampoole.</i>
(signed)	<i>Ramanou.</i>
(signed)	<i>Racihato.</i>
(signed)	<i>Ramalaza as Witness.</i>

Done at Madagascar, the 23rd Oct. 1817.

Enclosure.

EXTRACT of a Letter addressed to R. T. Farquhar, Esq. Governor of Mauritius and its dependencies, by Francis Stanfell, Captain of His Majesty's Ship *Phæton*, under date October 26th, 1817.

—“ AFTER receiving your excellency's instructions on the 11th inst. I arrived
“ at Tamatave, on the 5th inst. and soon learnt that Mr. Hastie, the assistant
“ agent had visited the coast, but hearing there were dispatches on the road with
“ other communications of consequence, and seeing the duplicates at Tamatave, he
“ gave himself barely twelve hours rest, when he retraced his steps towards the
“ court of Radama; and by the best calculation that could be made, in ten days
“ at the furthest he would return with the ministers appointed by Radama, and
“ every document to give facility to our negociation.

“ Mr. Hastie arrived before the time expected, after out-travelling the ministers
“ his companions on the road, thereby shewing a zeal for his Majesty's service,
“ which I am satisfied your excellency will fully appreciate, as you are well aware of
“ the journey and the difficulty of travelling in Madagascar. On the day following,
“ the ministers arrived—and, giving them a fair time to rest,—at a meeting at the
“ house of the government agent, after exchanging our full powers, the subject of
“ the negociation was most fully entered upon, and I trust your excellency will be
“ much

“ much satisfied that in acting up most rigidly to the spirit of our instructions, the treaty has been concluded upon a more economical plan than your excellency thought.

“ When the treaty was completed, a Cabar of the European inhabitants under the protection of the British government, with Jean René, Fish, and Simuluza, chiefs of Ivondrau and Foule Point; together with the ministers of Radama; the treaty was read, the proclamation issued, signed by the chief ministers in the name of Radama, and to the respective parties present most fully explained. His Majesty's Ship, Phaeton, fired a salute at the moment, and I have much felicity in congratulating your excellency on this most important point gained.

“ I cannot close this statement, without calling your excellency's attention to the merits of my colleagues, on this difficult and intricate arrangement. With respect to Mr. Pye, my unqualified approbation of his zeal, and unwearied exertions on a former occasion, your excellency is fully in possession of;—and if any thing could have been wanting to increase that approbation, it is on the late important event, where there was much difficulty of explanation, a patient attention to every intricate part, and a mildness of character that perhaps tended to greater benefits with a suspicious people, unused to European manners, and alive to every jealous feeling of their own individual interest, than the more glaring show of loud declamation and useless difficulties. I beg leave to state to your excellency, that I conceive Mr. Pye, from his local knowledge and the best information combined with the revolving interests of Madagascar for these last three months, is most qualified to fill the situation of general agent for Madagascar, resident at the island of Mauritius; and under the most perfect conviction I only meet the benevolent and humane intentions of your excellency, I presume to recommend him as such, for much yet remains to be done to fulfil the treaty.”

N^o 47,
continued.

