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Class A.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

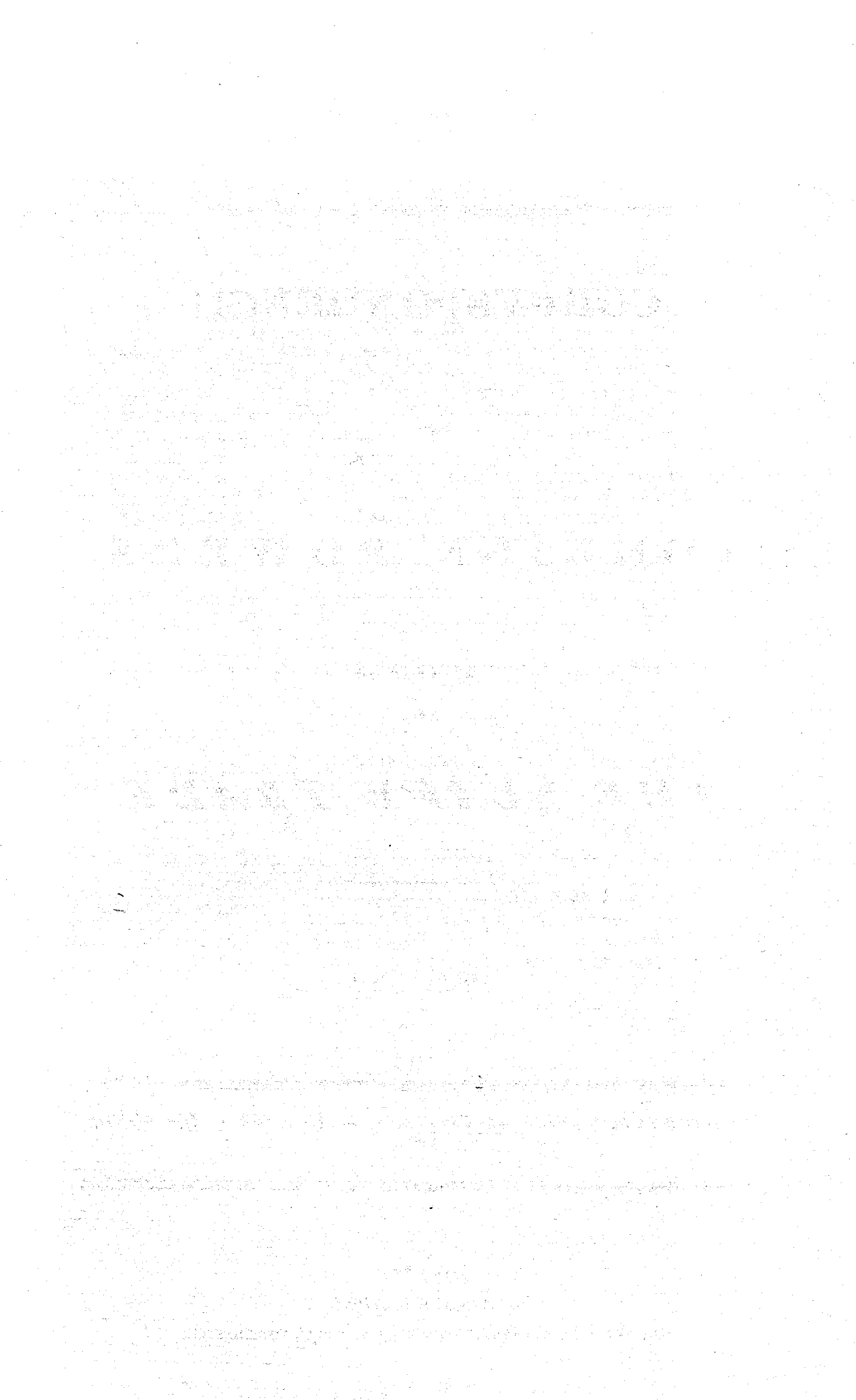
1823. 1824.

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

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Class A.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Mr. Secretary Canning to Sir William à Court.

SIR,

Foreign Office, May 23, 1823.

I TRANSMIT to you the Copy of a Letter from the Colonial Department to this Office, in which are inclosed Communications from the Governor of the Bahama Islands, representing the circumstances under which a considerable number of Negroes have been clandestinely conveyed from those Islands to Cuba :—And I am to signify to you His Majesty's Commands, to represent this matter to the Spanish Government, and to request that Instructions may be given to the proper Authorities in the Island of Cuba, to cause the Negroes so carried off, to be sent back to the Bahamas, and to put a stop to the reception of Negroes under similar circumstances in that Island.

For this purpose, it may be desirable that the Spanish Authorities at Cuba should be instructed to enter into Communication with the Governor of the Bahamas.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir William à Court, G. C. B.

&c.

&c.

&c.

No. 2.

Mr. Secretary Canning to the British Ambassadors and Ministers at Foreign Courts.

(Circular.)

Foreign Office, July 28, 1823.

I SEND you a printed Copy of the Correspondence, relative to the Slave-trade, which was laid before Parliament during the last Session.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Ambassadors and Ministers at Foreign Courts.

No. 3.

Mr. Secretary Canning to Sir William à Court.

SIR,

Foreign Office, October 24, 1823.

THE inclosed Papers, forwarded to me from the Colonial Office, are Letters from Major Moodie, Commissioner for enquiring into the condition of apprenticed Africans in the West Indies: they contain details of a practice, which is stated to be frequent, of enticing away those Apprentices, and selling them as Slaves in Porto Rico, where several, who are therein described, are stated to be now kept in slavery.

You will take an early opportunity of representing these facts to the Government of Spain; and you will express the confidence of His Majesty's Government, that they will send out orders to the Governor of Porto Rico, to release these Persons, and to deliver them over to the nearest British Authority competent to receive them; and also to issue such general directions throughout their Settlements, as shall appear to be best adapted to prevent the continuance at those Places of a practice so repugnant to humanity, and to the Treaty against illegal Slave-trade, as that complained of in the inclosed Papers.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir William à Court, G. C. B.

&c. &c. &c.

No. 4.

Mr. Secretary Canning to the British Ambassadors and Ministers, at Madrid, Lisbon and The Hague, and Consul-General at Rio de Janeiro.

(Circular.)

Foreign Office, November 6, 1823.

I TRANSMIT to you the Copy of an Instruction which I have this day addressed to His Majesty's Commissioners at Sierra Leone, Surinam, The Havannah, and Rio de Janeiro, upon the subject of the Charges which are rendered in by the Marshal of the Mixed Commission Court at those Places, for Articles necessary to the due and decent subsistence of Slaves prior to emancipation, and for personal services performed by the Marshal of the Court, and by other Persons under his superintendence, and under the directions of the Court, in regard to Ships and to their cargoes, brought in for adjudication under the Treaties for preventing illegal Slave-trade.

As these Charges involve no other expences than what are absolutely necessary, for the bringing to proper adjudication the captured Vessels and their cargoes, they are justly chargeable upon the proceeds of such as are condemned, so far as they have been incurred in each particular Case. His Majesty's Commissioners have, therefore, been authorised to deduct their amount, in each Case of a condemned Vessel, from the proceeds of that Vessel and her cargo, before these proceeds are divided into moieties; and they have been instructed to invite the Foreign Commissioners to concur in this arrangement, if not at the moment definitively, at least provisionally, until they can receive further directions from their own Government.

The principle is so simple and so just, and its establishment provides for an object so evidently common to both Great Britain and the Foreign Government,—that of the due execution of the Treaty between them,—that I do not

hesitate to instruct you to urge the Government to issue directions to their Commissioners, under the Slave-trade Restriction Treaties, to conform to the arrangement here suggested, as the best method of ensuring the due execution of those Treaties.

You will communicate to me, at the earliest period, the result of your application upon this point.

I am, &c.

(Signed) GEORGE CANNING.

*His Majesty's Ambassadors and Ministers,
at Madrid, Lisbon, and The Hague, and
Consul-General at Rio de Janeiro.*

No. 5.

Joseph Planta, Jun. Esq. to Sir William à Court.

SIR,

Foreign Office, November 20, 1823.

I AM directed by Mr. Secretary Canning to state to you, that, in the Article signed at Madrid, on the 10th December 1822, additional to the Treaty of the 23d of September 1817, between His Majesty and The Catholick King, there is a Clerical Error, inasmuch as a reference is made to the 14th, instead of to the 13th, Article of the Original Treaty:—And I am to desire that you will have the goodness to cause this Error to be rectified, by some Declaration between you and the Spanish Minister, which shall be equal in form and substance to the end proposed.

(Signed) J. PLANTA, JUN.

The Right Hon. Sir W. à Court, G. C. B.

&c. &c. &c.

No. 6.

Sir William à Court to Mr. Secretary Canning.—(Received December 6.)

(Extract.)

Madrid, November 23, 1823.

IN consequence of your Despatch of the 24th October, I addressed the Note, a Copy of which I have the honour to inclose, to the Spanish Minister of State, and I shall follow it up by such verbal remonstrances as I conceive most likely to hasten the transmission of the necessary orders.

I have the honour to be, &c.

The Right Hon. George Canning,

(Signed) WILLIAM à COURT.

&c. &c. &c.

Inclosure in No. 6.

Sir William à Court to Don Victor Saez.

Madrid, November 23, 1823.

THE Undersigned, &c. has received orders to bring to the knowledge of the Spanish Government, that a practice has been discovered to exist in the West Indies, of decoying away the young Negro Apprentices from the several British Islands, and selling them afterwards as Slaves. This inhuman practice has been carried on, principally, by Spanish Subjects, from the Island of Puerto Rico, to which Place several young Negroes have lately been conveyed, and sold, after having been decoyed away from the British Island of Tortola.

The Undersigned is instructed to request, that orders may instantly be sent out to the Governor of Puerto Rico, to cause all Negro Apprentices, thus carried away, to be given up upon an application from the proper Authorities, and to take measures for putting an end to a practice so revolting to humanity.

The Undersigned, &c.

His Excellency Don Victor Saez,
&c. &c. &c.

(Signed) WILLIAM à COURT.

No. 7.

Sir William à Court to Mr. Secretary Canning.—(Received Jan. 5, 1824.)

SIR,

Madrid, December 18, 1823.

I HAVE the honour to inclose the Translation of a Note I have received from M. Casa Irujo, in answer to mine, complaining of the enticing away Negro Apprentices from the Island of Tortola, which was inclosed in my Despatch of the 23d ultimo.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 7.

The Marquess de Casa Irujo to Sir William à Court.

(Translation.)

SIR,

Palace, December 16, 1823.

I HAVE laid before The King, my august Master, the Note you did me the honour of addressing to me on the 23d ultimo, informing me that you had received orders from your Government to state, that a practice had been discovered in the West Indies of enticing the young Negro Apprentices from the different British Islands, and selling them afterwards as Slaves;—and that this practice had been fomented by Spaniards from the Island of Puerto Rico, to which Place several Negroes, enticed from the British Island of Tortola, had lately been conveyed and sold;—and to request that proper orders might be sent to the Authorities of Puerto Rico, to give up those Negroes.

His Majesty being apprized of the contents of this Note, has commanded me to inform you that, although it is for the Authorities of the British Islands to remedy this abuse, as you are aware, since they ought to adopt every necessary measure to avoid the enticement of the young Negroes, and to take every step their prudence may suggest to prevent it within their jurisdiction; nevertheless, His Majesty, willing to accede to the desires of the British Government, has commanded the proper orders to be issued to the Governor of Puerto-Rico, to use his endeavours that no such causes of complaint may exist in future, and I have this day made a Communication to that effect to the Minister of War.

I profit, &c.

(Signed) EL MARQUES DE CASA IRUJO.

His Britannick Majesty's Minister Plenipotentiary,
&c. &c. &c.

No. 8.

Sir William à Court to Joseph Planta, Jun. Esq.—(Received Jan. 5, 1824.)

(Extract.)

Madrid, December 21, 1823.

IN consequence of your Letter of the 20th November, I addressed a Note to Mr. Casa Irujo, proposing the signature of a Joint Declaration, correcting the Clerical Error in the Additional Article to the Slave-trade Treaty.

Mr. Casa Irujo informed me, verbally, that this matter would easily be arranged; but that nothing could be done till he received the original Documents from Cadiz, which were on the road.

I beg to suggest whether it may not be expedient to send me out a certified Copy of the Additional Article, and its Ratification, in order to prevent any unnecessary delay.

I have the honour to be, &c.

Joseph Planta, Jun. Esq.
&c. &c. &c.

(Signed) WILLIAM à COURT.

No. 9.

Sir William à Court to Mr. Secretary Canning.—(Received February 7.)

SIR,

Madrid, January 21, 1824.

I HAVE the honour to inclose the Copy of a Note I have addressed to the Spanish Government, in consequence of the Instructions contained in your Despatch of the 6th November 1823.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) WILLIAM à COURT.

Inclosure in No. 9.

Sir William à Court to The Conde de Ofulia.

Madrid, January 17, 1824.

THE Undersigned has the honour to inclose the Copy of certain Instructions which the British Government has forwarded to its Commissioners at Sierra Leone, Surinam, The Havannah, and Rio Janeiro, in the full persuasion that the Government of His Catholick Majesty will see the expediency of forwarding similar Instructions to the Spanish Commissioners at the first and third Places.

The object of these Instructions is to authorize the Commissioners to withhold from the proceeds of the condemned Ships, before these proceeds are divided into moieties, the amount of the charges of the Marshal of the Mixed Commission, and of the articles necessary to the decent subsistence of the Slaves, prior to emancipation.

As the Marshal's charges involve no other expences than what are absolutely necessary, for bringing to proper adjudication the captured Vessels and their cargoes, they are justly chargeable upon the proceeds of such as are condemned, so far as they have been incurred in each particular Case. The British Commissioners have, therefore, been authorized to deduct this amount in each Case of a condemned Vessel, and the Undersigned has been instructed

to urge the Spanish Government, to issue Directions to their Commissioners, under the Slave-trade Restriction Treaties, to conform to the arrangement here suggested, as the best method of ensuring the due execution of those Treaties.

The Undersigned, &c.

(Signed) WILLIAM à COURT.

His Excellency The Conde de Ofalia,
 &c. &c. &c.

No. 10.

Sir William à Court to Mr. Secretary Canning.—(Received February 28.)

(Extract.)

Madrid, February 14, 1824.

I HAVE the honour to inclose the Original of the Declaration signed by the Conde de Ofalia and myself, on the 2d instant, correcting the Error which had accidentally occurred in transcribing the Additional Article for the Regulation of the Mixed Commission under the Treaty for preventing a Commerce in Slaves.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

The Right Hon. George Canning,
 &c. &c. &c.

Inclosure in No. 10.

Declaration, Explanatory of the Additional Article between Great Britain and Spain, signed at Madrid, December 10, 1822.

WHEREAS in the Additional Article to the Treaty for preventing an illegal Commerce in Slaves, signed at Madrid the 10th of December 1822, a reference is made, by a mistake of the Copyist, to the 14th, instead of the 13th, Article of the Regulations for the Mixed Commissions. We, the Undersigned, fully Authorized to that effect, do hereby agree and declare, that the reference aforesaid, shall be considered as applying to the 13th Article, according to the evident intention of the High Contracting Parties.

Done at Madrid, this 2d day of February 1824.

(Signed)

(L S.) WILLIAM à COURT. (L S.) EL CONDE DE OFALIA.

No. 11.

Joseph Planta, Jun. Esq. to Sir William à Court.

SIR,

Foreign Office, February 24, 1824.

IN compliance with the suggestion contained in your Letter to me of the 1st of December 1823, I transmit to you, herewith, a certified Copy of the Ratification, by the Catholick King, of the explanatory and additional Articles of the 10th of December 1822, to the Treaty concluded at Madrid on the 23d of September 1817, between His Majesty and the Catholick King for preventing illegal Traffick in Slaves.

I am, &c.

(Signed)

JOSEPH PLANTA, Jun.

The Right Hon. Sir W. à Court, G. C. B.
 &c. &c. &c.

No. 12.

Mr. Secretary Canning to Sir William à Court.

SIR,

Foreign Office, March 31, 1824.

I FURNISH you with a Copy of a Communication received by the Admiralty, from Captain Sir Thomas Cochrane, giving an account of importations of Slaves taking place in the Spanish Colony of Porto Rico, to the extent of from eight to ten cargoes in the course of the Year.

You will take an early opportunity of bringing the attention of the Government of His Catholick Majesty, to this glaring infraction of the Engagements which His Majesty has solemnly contracted, for the abolition of the Slave-trade throughout His Dominions.

You will urge that such orders shall be sent out, without delay, to the Colonial Authorities of Spain, in the West Indies, as shall be calculated to put down, effectually, the practice which is detailed in the accompanying Papers.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir William à Court, G. C. B.

&c.

&c.

&c.

No. 13.

Mr. Secretary Canning to Sir William à Court.

SIR,

Foreign Office, April 5, 1824.

I FURNISH you with the Copy of a Letter, dated the 12th of January last, which I have received from Mr. Kilbee, His Majesty's Commissioner at the Havannah, under the Treaty with Spain for the abolition of the Slave-trade.

Mr. Kilbee apprehends, that, under the Regulations now renewed by The King of Spain, respecting the Slave-trade, which Regulations rest only on the vague and loose Decree of His Catholick Majesty, of December 1817, there will not be a sufficient preventive against the exercise of that Traffick in Cuba; and he recommends strongly, as a measure of prevention, the expediency of granting to any Person who shall denounce such illicit Trade, a liberal reward, to be recovered by summary means from the property of the Importer and Possessor of Negroes illegally obtained; the *onus probandi* of the legal importation, if it be one, to rest with the possessor of the Negroes.

A measure of this nature appears unobjectionable, so far as respects the Government, and likely to be effective in deterring Persons from purchasing Negroes illegally imported; and I have, therefore, to desire, that you will urge its adoption by the Government of His Catholick Majesty, and the more particularly, as it may in some degree counterbalance the abolition of those penal Laws affecting Slave-trade, which were framed by the Cortes, and have since been declared by His Catholick Majesty to be null and void.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir William à Court, G. C. B.

&c.

&c.

&c.

No. 14.

Mr. Secretary Canning to the British Ambassadors, and Ministers at Foreign Courts, and Consuls Abroad.

(Circular.)

Foreign Office, April 30, 1824.

I HEREWITH transmit to your information and guidance, Copies of the Act of the Legislature*, providing that British Subjects, and Persons residing within the British Dominions, who shall be concerned in the Trade in Slaves, contrary to the Statutes now in force, shall be adjudged to be guilty of Piracy, and be subject to the penalties which are visited upon that crime, according to the Laws of England.

by The King's Command, for I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Ambassadors, and Ministers at Foreign Courts, and Consuls Abroad.

* 5th Geo. 4. Cap. 17.

PORTUGAL AND BRAZILS.

PORTUGAL.

No. 15.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received August 16.)

SIR,

Lisbon, July 29, 1823.

I BEG to acquaint you, that having addressed a Representation to this Government, on the subject of the complaint made by the Commissioners at Sierra Leone, transmitted in your Despatch of the 24th May last, The Marquess Palmella, under date of the 23d instant, acquaints me that, in consequence of the actual state of Brazil, it is only to the Authorities at Maranham and Pará that he can send fresh Instructions, with the view of causing the practise complained of to cease.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) E. M. WARD.

No. 16.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received September 16.)

SIR,

Lisbon, August 26, 1823.

I HAVE the satisfaction of acquainting you, that, on the 19th instant, I exchanged Ratifications of the Slave-trade Explanatory Articles, signed in March last, with the Portuguese Plenipotentiary; and I forward them by this Night's Mail.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) E. M. WARD.

No. 17.

Mr. Secretary Canning to Sir Edward Thornton.

SIR,

Foreign Office, October 25, 1823.

I FURNISH you with the Copies of two Despatches, dated the 22d April and 6th June last, and of their Inclosures, from His Majesty's Commissioners at Sierra Leone, relating to the Case of the *Sinceridade*, Portuguese Slave-ship.

This Vessel, while engaged in the Traffick in Slaves, was captured by His Majesty's Ship Bann. Her voyage was doubly illegal; first, because the Vessel was not provided with the Passport which the Treaty demands, for the legal prosecution of the Trade; and, secondly, because she had embarked her Slave cargo at Fetish Point, which is a Place, though South of the Line, yet not within the Dominions of Portugal, nor reserved by the Treaty for the Trade in Slaves.

The spot, however, on which she was captured was a few minutes South of the Boundary, within which the Cruizers of either Power were, in strictness, authorized to make captures:—and, on that account the Commissioners under the Treaty, properly restored the Vessel to the Owners.

It then became a question, whether indemnification was or was not due to the Owners for the Slaves captured, or for incidental damages: and the Commissioners, feeling this to be a point the decision of which the Treaty had not clearly or sufficiently provided, left it for the future consideration of the Two Governments; having, in the mean time, induced the Captors and the captured, to enter into a provisional agreement as to the sum which should be held to be sufficient compensation for the Slaves, and for the demurrage; in case the Two Governments should decide, that compensation was due on either or both these points.

His Majesty's Government do not hesitate to declare their opinion, that, in point of equity, no compensation whatever can be due to Traders, in Cases of traffick carried on under circumstances which constitute illicit trade: and, doubtless, on the other hand, no condemnation of a Vessel ought to take place, when the capture is made at a spot, not absolutely within the bounds prescribed for capture by the Treaty.

His Majesty's Government believe that the Portuguese Government will agree with them, that such is the spirit of the Treaty, particularly of the ninth Article of the Instructions for the Mixed Commissions.

I have to instruct you, to state to the Government of Portugal, the fact of this irregularity in the Trade in Slaves, and the frequency of its recurrence; to endeavour to obtain their sanction to the decision, in the immediate Case of the Sinceridade, that no compensation shall be allowed to the illegal Trader, further than the restoration of his Vessel; and, in reference to the seeming ambiguity in the terms of the Treaty, and Convention, as compared with each other, that you will endeavour to induce the Portuguese Government to extend, by an Explanatory Article or Declaration, the penalty of confiscation to all Vessels found trading in Slaves, elsewhere than between the fifth and eighteenth degrees of South Latitude; since, in this latter Territory alone, the traffick is distinctly permitted by the Law of Portugal, according to the second Article of the Treaty.

I am, &c.

(Signed) GEORGE CANNING,

The Right Hon. Sir Edward Thornton, G. C. B.

&c.

&c.

&c.

BRAZILS.

 No. 18.

Mr. Consul Hesketh to Mr. Secretary Canning.—(Received April 19.)

SIR,

Consul's Office, Maranhao, Feb. 28, 1823.

REFERRING to my former Communications respecting the two Portuguese Slave-vessels, viz:—the brig *Apollo*, which arrived from Cacheu, and the Schooner *Maria*, which arrived from the Island of St. Jago; I have now the honour to inclose the Documents I obtained from the Government of this Province, explanatory of the permission allowed to the above-mentioned Vessels on their arrival at this Port.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) **ROBERT HESKETH,**
 &c. &c. &c.

First Inclosure in No. 18.

Documents relating to the Brig Apollo,

(Translation.)

THE Provisional and Administrative Junta of the Government of this Province, directs the Superintendent of the Custom-house of this City, to have copied at the foot of the present Order, any Documents deposited in the Archives of the said Custom-house, that authorised the landing of the Slaves belonging to John Pereira Barreto, and proceeding from Cape Verd on board the Brig *Apollo*, which entered this Port October 5, 1821, and, after procuring the Copy to be signed by the proper Clerk, to transmit it to the Office of this Junta.

(Signed) **JOHN FRANCISCO LEAL**, Secretary, ad interim.

Maranhao, Palace of the Government, Feb. 19, 1823.

Let it be carried into execution.

(Signed) **JOAO JOZE DE MORAES CID**, Administrator.

Custom-House, 19th Feb. 1823.

I, Luiz Franco Pereira de Marcedo, Clerk to the Superior Tribunal of the Custom-house of this City, by order of the Junta of the National Revenue of this Province, &c. certify that, on looking for the Documents, in consequence of which permission for landing was granted to the Slaves owned by John Pereira Barreto, and imported from Cape Verd and Caxeu, in the Brig *Apollo*, which entered this Port on the 5th of October 1821, I only found one Document of the following tenour:—

Most Illustrious, and Most Excellent Sir, Major John Pereira Barreto says, through the medium of his authorised Agent in this City, that, pursuant to the Royal Notification of His Majesty, inclosed, and to the Passports from the Government of the Cape Verd and Cacheu, he caused to be embarked in the latter Port, on board the Brig Apollo, Antonio Daniel Baptista de Barros, Master, 236 Slaves of his family, which likewise appears from the inclosed list, and that they were accompanied by his Son, Antonio Pereira Barreto, and as the said Slaves are now in this Port, it is necessary for your Excellency to have the goodness to give directions for them to be admitted at this Custom-house, that they may obtain the necessary permission to land. He, therefore, requests Your Excellency to be pleased to give such order, and receive his thanks.—As Agent, Antonio Joze Pinto.—Let the Administrator of the Custom-house admit, for the purpose of their being allowed to land, the above-mentioned Slaves, belonging to the family of the Memorialist.

(Signed) SILVEIRA.

Maranham, Palace of the Government, October 6, 1821.

Thus much, and nothing further is contained in the Document just mentioned. (Signed) LUIZ F. P. DE MARCEDO.

Custom-House of Maranham, February 20, 1823.

I declare that the above Order has, indorsed on the back of it, the authorisation of the Administrator of the Custom-house, thus:—Let it be carried into execution. (Signed) CID.

Custom-House, September 6, 1821.

Nothing besides was added.

Maranham, ut Supra. (Signed) LUIZ F. P. DE MARCEDO.

Second Inclosure in No. 18.

Documents relating to the Schooner Maria,

(Translation.)

MOST ILLUSTRIOUS, AND MOST EXCELLENT SIR,

JOAQUIM ANTONIO DE MATTOS, Lieutenant-Colonel of the Regiment of Infantry of the Forces stationed at the Town of Praia, in this Island of St. Jago, says, that, having obtained from His Majesty leave to retire to Portugal to recruit his health, and to go by the way of the Town of Maranham, taking along with him his family, he, on account of a recent illness is unable to undertake that voyage. It is therefore necessary for him, that Your Excellency should direct to be issued to him, by way of certificate, the Order of His Majesty, in which He grants to Memorialist the said leave; and also the requisite Passport for his family, to enable them to proceed to the Town of Maranham, accompanied by his brother-in-law, Jeronimo Antonio Puisch, Commander of the *Maria* Schooner. He accordingly requests your Excellency to have the goodness to give such directions. And he will ever pray.

(Signed) By his Agent, JACINTO ANTONIO PINHEL.

Permission.—Let this be made out that it may be known, as likewise the necessary Passport; and let the list of the said family be, as usual, signed by the Secretary of the Government.

(Signed) PEREIRA.
VASCONCELLOS.
SILVA.

Done in the Junta, Nov. 5, 1821.

Certificate.—In virtue of the above Permission, I do certify, that, upon referring to the Register of Notifications transmitted to this Government, by the Office of the Secretary of State for the Marine and the affairs beyond Sea, there is at page 15, an entry to the following effect:—"it is His Majesty's pleasure that you should give leave to the Lieutenant-Colonel of the Regiment of Infantry of the Forces stationed at the Town of Praia, J. A. de Mattos, to proceed to Portugal, together with his family, by the way of the Port of Maranham." God preserve You.

(Signed) JOAQUIM JOZE MONTEIRO TORRES.

Palace of Rio de Janeiro, April 24, 1822.

M. Antonio Puisch.—The said Register to which I refer, contains nothing further on this subject.—That it might be known, I issued the present, to which I sign my name.

(Signed) LUIS ANTONIO DE ARANJO.

Office of Secretary of the Government, November 6, 1821.

Signed and affixed his Seal to it.

(Signed) LUIS ANTONIO DE ARANJO.

(A true Copy.) ANTONIO MARQUESS DA CORTE SOARES,
Superior Officer.

No. 19.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—
(Received June 24.)

SIR,

Rio de Janeiro, March 18, 1823.

I HAVE the honour to transmit herewith, for the information of His Majesty's Government, the Copy of a Letter, dated the 12th October, lately received from Mr. Consul Hesketh in reply to Instructions sent to him from hence, respecting the Slave-vessels in question: the information this Letter promises, has not yet reached me.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,

&c. &c. &c.

*Inclosure in No. 19.**Mr. Consul Hesketh to Mr. Consul-General Chamberlain.*

SIR,

*Consul's Office,
Maranhã, October 12, 1822.*

I HAVE the honour to acknowledge the receipt of your Letter, dated 12th August, together with the Circular, dated 15th of same month.

In compliance with the directions contained in the former, respecting the two Slave-vessels, viz:—the Brig *Apollo*, and the Schooner *Maria*, I have made every enquiry to ascertain the Parties interested in the cargoes, but regret that I have not yet succeeded in obtaining satisfactory information on this point.

Both these Vessels were allowed to land their cargoes at this Port in consequence of Decretos or Licences, (I am told granted by the late Government at Rio de Janeiro) permitting certain individuals to remove from some parts of the Coast of Africa with their families and Slave domesticks.

These Decretos are deposited in the Government Secretary's Office, and I hope to be allowed Copies of them, for the purpose of forwarding them to you, together with what other information I may in the interim be able to collect.

I feel confident that these Decretos or Licences are abused, and that they are in fact only covers for an illicit trade.

I am creditably informed that two or three small Vessels have at different periods landed clandestinely along this Coast, Slaves which had been illicitly obtained from Africa.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

Henry Chamberlain, Esq.

No. 20.

*Mr. Consul-General Chamberlain to Mr. Secretary Canning.
(Received June 24.)*

SIR,

Rio de Janeiro, April 8, 1823.

I FEEL it to be my duty to acquaint you, that the Ship *Camillus*, George Marcus, Master, under Dutch, or *Netherlands* Colours, arrived here on the 18th ultimo from Bahia, having on board about 400 Slaves for sale. The Owners of this cargo are Brazilian Subjects, who, unable to dispose of their Negroes there, freighted the *Camillas* and came down with them to this Port.

There has been some difficulty about landing them, owing to Custom-House forms, and I believe they will be considered liable to the payment of full duties, as if imported direct from Africa. They are stated to be all Natives of Countries South of the Line.

I thought it right to draw the attention of the Minister to the circumstance of its being unlawful for a *Netherlands* Vessel to be concerned in the Slave-trade, and waited upon him for that purpose: but he was not inclined to direct any proceedings to be instituted against her.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) H. CHAMBERLAIN.
&c. &c. &c.

No. 21.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—Received July 11.)

SIR,

Rio de Janeiro, May 14, 1823.

I BEG leave to transmit herewith, Extract, and Copy, of two Communications from Mr. Consul Parkinson, at Pernambuco, and from Mr. Vice-Consul Follett, at Bahia, respecting the conveyance of some Slaves from the latter to the former Port, in the British Brig *Christopher*; together with Copies of my Replies thereto; in order that His Majesty's Government may be fully apprized of the circumstances of the Case, and of the Instructions I have given on the subject, generally, to Mr. Vice-Consul Follett, in compliance with his request to that effect.

Some weeks ago I heard from Mr. Parkinson, that a French Vessel from the River Bonny, had arrived at Pernambuco, and been permitted to dispose of some of her cargo of Negroes, but the Despatch containing the particulars not having reached me, I hesitated to apply formally to the Minister, until these should be in my possession. I took, however, an opportunity to mention the circumstance to him, and learnt that no intelligence respecting it had been received from the Provisional Government; and that, even if there had, little good could be expected to result from any Orders this Government might send on the subject, owing to the disordered and uncertain state of affairs there.

Later advices having brought accounts of the restoration of tranquillity, I resolved not to delay making the facts officially known to the Minister, and I addressed to him, on the 10th instant, accordingly, the Note of which I have the honour to send herewith a Copy, reciting the stipulation for the renewal of the prohibition contained in the third Article of the Additional Convention to the Treaty of Vienna, signed at London on the 28th July 1817, and urging the immediate enforcement of the latter.

I have the honour to be, &c.

(Signed)

H. CHAMBERLAIN.

The Right Hon. George Canning,
 &c. &c. &c.

First Inclosure in No. 21.

Mr. Vice-Consul Follett to Mr. Consul-General Chamberlain.

SIR,

Bahia, March 25, 1823.

THE question respecting the legality of conveying Slaves from one Port of Brazil to another, in British Vessels, having been agitated here, in consequence of a Mr. Hadwinckle, a German, intending to ship fifty-two Slaves on board the brig *Christopher*, to be conveyed to Pernambuco; but which intention he abandoned, as doubts were raised as to the propriety and safety of such shipments, and he ultimately took with him twelve, whom he represented as domestick Slaves; I have the honour to request your advice and Instructions on this subject, as a guide for my conduct in the event of transactions, similar to the one contemplated above, actually occurring.

If, in parallel Cases, the Slave Treaty of 22d January 1815, has the same force and validity in this Country as on the Coast of Africa, the transport of

Slaves for the purposes of traffick, under the British Flag, is prohibited in the most unqualified and explicit terms, in the first Article of the Additional Convention to that Treaty; and although the ninth Article of the Instructions for British and Portuguese Ships-of-War, licences the conveyance of Slaves as objects of Commerce from one part of Brazil to another, accompanied with regular Passports from the Portuguese Government, could it have been contemplated that this permission should be extended to any other than Portuguese Vessels?

It is probable, owing to the stagnation of trade, and the high price of provisions, that great numbers of Slaves will be conveyed from this City to the neighbouring Provinces, from the separate and united motives, of subsisting them more cheaply, and of traffick; and if British Vessels be allowed to convey them, the inducement will be much strengthened, as an additional security to the property is thereby afforded.

It will be so extremely difficult to distinguish between those who convey Slaves, either as domesticks, or for the *bona fide* purpose of procuring better and cheaper subsistence for them, and those whose object is to dispose of them for a pecuniary advantage, that if it once be admitted that British Vessels may become the channel of transport for Slaves, an opening is made for the traffick to be carried on, which may be cloaked and disguised so completely as to baffle all attempts to discover it.

It appears that British Subjects and British Vessels are restrained from being employed in the transport of Slaves by the British Legislature, as the Act 47 Geo. III. cap. 36, sections 1, 2, 3, forbids and prohibits their conveyance, by heavy penalties, and I am not aware that this prohibition has been removed by any subsequent Act of Parliament.

I have the honour to be, &c.

Henry Chamberlain, Esq.

(Signed)

WM. FOLLETT.

Second Inclosure in No. 21.

Mr. Consul-General Chamberlain to Mr. Vice-Consul Follett.

SIR,

Rio de Janeiro, April 30, 1823.

WITH reference to your Letter, dated 25th March, on the subject of the conveyance of Slaves in British Vessels from one Part of Brazil to another, and requesting Instructions in such Cases, I have to inform you, that, independent of the Stipulation by Treaty with this Country, the Law of Great Britain strictly prohibiting British Subjects from any participation whatever in the Slave-trade, or the removal of Slaves in British Vessels (with some exceptions in the British West Indies) I have little doubt but that the Master and crew of the *Christopher* have rendered themselves liable to a criminal prosecution, by conveying the 12 Slaves belonging to Mr. Hadwinckle, from Bahia to Pernambuco.

It may be, that the carrying of Slaves, *bona fide* domesticks, from one Part to another of this Country, might not be considered a breach of the Laws for the Abolition of the Slave-trade; though I do not assert that this supposition is correct. But, granting that it be so, no one can have believed for a moment that those Mr. Hadwinckle had selected out of fifty-two, to carry to Pernambuco, were domesticks, when it is notorious that he would have embarked the whole if he had dared: and it is not likely that this gross subterfuge, if it can be called one, would be permitted to cloak the transaction, and protect the Parties from the operation of the Law; if, as I presume to be the case, they have infringed them.

With respect to your future conduct, in the event of such transactions

recurring, I conceive it will be your duty to caution all Masters of Vessels not to be concerned in the removal of Slaves, and to let it be known that if any infraction of the Abolition Acts takes place, it will be your duty to transmit the facts to His Majesty's Government, and to me, without delay.

William Follett, Esq.

(Signed)

I am, Sir, &c.

H. CHAMBERLAIN.

Third Inclosure in No. 21.

Mr. Consul Parkinson to Mr. Consul General Chamberlain.

(Extract.)

Pernambuco, April 16, 1823.

THE *Christopher*, Doyle, took a cargo at Bahia for Pernambuco. She was about to take, likewise, 40 new Slaves belonging to a German removing to Pernambuco, and having received the Blacks in payment of a doubtful debt.

Four Officers, invalided out of the *Doris*, had engaged a passage hither in the *Christopher*. They had their doubts and misgivings as to proceeding in a Vessel with Slaves. Their doubt was suggested to the Commodore, and according to the assertion of the German Merchant in question, he treated the doubt as perfectly idle. Other persons were consulted, and, in short, the opinion at Bahia seems to have been, that there was nothing irregular or illegal in a British Merchantman carrying Slaves from one Port of the Brazils to another. However, to obviate risk, it was determined that twelve only, of the Blacks, should be brought here, under the qualifying designation of servants, to M. Von Hadwinckle. They accordingly arrived, and as you will readily conjecture, ere many days had elapsed, the circumstance came to my knowledge. I called for Captain Doyle, who bears a respectable character, and is sole Owner of the *Christopher*, and explained to him more than doubts of the legality of his proceeding, candidly telling him that I should submit the Case to His Majesty's Government, and was most ready to transmit on his behalf, any Documents or Evidence that might extenuate, or if possible, justify the act.

Both *Captain Doyle* and *Mr. Hadwinckle* have desired to make oath before me, that they had the sanction of the Commodore, as well as of the Vice Consul to the shipment of the twelve Blacks.

I am, &c.

(Signed)

JOHN PARKINSON.

Henry Chamberlain, Esq.

Fourth Inclosure in No. 21.

Mr. Consul General Chamberlain to Mr. Consul Parkinson.

SIR,

Rio de Janeiro, May 10, 1823.

I had the pleasure to receive by Mons. L'Ainé, on the 3d instant, your Letter, dated the 16th of April.

I perfectly coincide with you in opinion, respecting the illegality of conveying Slaves from one Port of Brazil to another, in British Shipping; unless perhaps (but I speak doubtingly), when they are *bona fide* domesticks, and consequently I consider that you were bound to report to His Majesty's Government that the Brig *Christopher* had been so employed.

Had the Case been one which left no doubt in your mind of a wilful participation on the part of the Master and crew, in the Slave-trade, or, in other

words, in the conveyance of Slaves for Sale, it would have been your duty to seize the Parties concerned, and send them to England for trial.

With respect to the asserted sanction of Sir Thomas Hardy, and of Mr. Follett to the transaction, I incline to believe that Mr. Doyle and Mr. Hadwinckle must have misunderstood what passed; for I feel perfectly sure that neither the Commodore, nor His Majesty's Vice Consul, can have sanctioned the proceeding.

I am, &c.

(Signed) H. CHAMBERLAIN.

John Parkinson, Esq.

Fifth Inclosure in No. 21.

Mr. Consul-General Chamberlain to M. de Andrada e Silva.

Rio de Janeiro, May 10, 1823.

THE Undersigned, His Britannick Majesty's Consul General, begs leave to make known to His Excellency, M. de Andrada e Silva, Councillor, Minister, and Secretary of State for the Affairs of the Empire, and for Foreign Affairs, (should His Excellency not have already learnt the fact,) that a French Vessel, from the River Bonny, laden with Slaves, has put into Pernambuco, where she has disposed of several Negroes; it is stated, of as many as twenty.

The prohibition to import Slaves into Brazil, under any Flag, other than that of Portugal, being stipulated to be renewed, by the third Article of the Additional Convention of London, of the 28th July 1817, viz. "and, at the same time, to renew the prohibition which already exists, to import Slaves into the Brazils, under any Flag, other than that of Portugal;" The Undersigned feels persuaded, that he has only to draw His Excellency's attention to the circumstance, to ensure an immediate enquiry into the facts; and a prompt and effectual enforcement of the prohibition thus stated to be already part of the Law of the Land; and become doubly so, if the expression may be used, by the Stipulation just cited.

He profits with great pleasure of the opportunity thus afforded him to renew to His Excellency, &c. &c.

(Signed)

H. CHAMBERLAIN.

His Excellency M. de Andrada e Silva,

&c. &c. &c.

No. 22.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—
(Received July 21.)

SIR,

Rio de Janeiro, May 24, 1823.

WITH reference to my Despatch, dated the 14th instant, I have the honour to transmit herewith a translation of the Note, this day received from M. de Andrada e Silva, in reply to that which I had addressed to him on the 10th instant, (of which a Copy was sent in the before-mentioned Despatch), pressing for the enforcement of the prohibition to import Slaves into the Brazils under any other Flag than that of Portugal.

The French Vessel, from the Bonny, whose arrival at Pernambuco has given rise to this Correspondence, having, as I have learnt within these two days, left that Port, after being allowed to dispose of her whole Cargo of Negroes, my application will be fruitless with respect to her: but, I trust it may have the effect of causing the prohibition to be enforced hereafter.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,

&c. &c. &c.

*Inclosure in No. 22.**M. Andrada e Silva to Mr. Consul General Chamberlain.*

(Translation.)

Rio de Janeiro, May 23, 1823.

JOZE BONIFACIO DE ANDRADA E SILVA presents his compliments to Mr. Henry Chamberlain, Consul General of the British Nation, and, acknowledging the receipt of the Note he addressed to him on the 10th of the present month, with the information that a French Vessel had entered Pernambuco from the River Bonny, with Slaves, whereof several were disposed of, contrary to the stipulation in the Additional Article to the Convention of London of the 28th July 1817; has to state in reply, that as soon as the necessary information shall be obtained from the Government of Pernambuco, which will be immediately called upon to explain this matter, His Imperial Majesty will continue to take every measure for the execution of the respective Treaty, which it is His Imperial Intention to observe religiously, Mr. Chamberlain being already aware, that though the disagreeable event to which he alludes should have happened, it would have been owing to the unsettled state of that Province, and not to any premeditated desire of infringing the Treaty.

Joze Bonifacio de Andrada e Silva renews to Mr. Chamberlain the protestation of his true esteem and consideration.

Henry Chamberlain, Esq.

No. 23.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—
(Received Oct. 15.)

SIR,

Rio de Janeiro, August 15, 1823.

I HAVE the honour to transmit herewith the Copy of a Statement of the number of Slaves imported into Maranham during the Year 1822. Two of the Vessels mentioned therein, the *General Dom Antonio*, with 224 living Negroes; (23 having died during the passage), and the *Maria*, with 130 on board, having openly come from Bissau.

Mr. Consul Hesketh having mentioned, in the Despatch inclosing this statement, that he had forwarded to your Office the Documents he had been able to obtain from the local Government respecting the Importation of Negroes by the *Apollo* and *Maria*, direct from the Cape de Verds and Cacheu in 1821; and from Bissau, by the *Maria*, in 1822, I have written to desire him to forward to you all the information he can procure relating to the importation of the cargo of Negroes from Bissau, last Year, by the *General Dom Antonio*.

The Documents that have been forwarded, carry but too convincing evidence of the readiness of the Portuguese Authorities upon the Coast, and of the Local Authorities at Maranham, to allow any pretext to be sufficient to cover the importation into the latter Port, of Negroes from the prohibited Districts, and of their want of inclination to enforce the Law passed in completion of the Treaty of Vienna.

So long as the permission of The King for the removal of a family from these Ports, is sufficient to cloak the exportation of cargoes of Negroes, there is little chance of the prohibited Trade being prevented.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) H. CHAMBERLAIN.
&c. &c. &c.

Inclosure in No. 23.

Statement of the Slave Importations into the Port of Maranham, in the Year 1822.

Date of Arrival.	Description of Vessels.	Name of Vessels.	Port of loading.	Slaves Em-barked.	Slaves died.	Slaves landed.
1822.						
Jan. 12	Brig	Delfim	Mosambique	221	84	137
" 18	Schooner	Conceição Telegrafo	Pernambuco	12	-	12
" —	Brig	Conceição Matozinho	Bahia	66	1	65
" 23	Brig	Bizarria Triunfante	Pernambuco	27	-	27
March 23	Brig	Triunfo de Inveja	Angola	41	3	38
" 26	Brig	São Morreos	Pernambuco	112	-	112
April 23	Brig	Ligeiro	Rio Janeiro	8	-	8
" 26	Brig	Paquete Diligente	Ditto	6	-	6
" —	Brig	Dona Candida	Bahia	27	-	27
May 7	Brig	Vulcano	Rio Zayre	418	8	410
" 14	Ship	Hermelinda	Rio Janeiro	78	-	78
" 15	Brig	Paquete de Ceará	Bahia	2	-	2
June 1	Sumaca	Bomfim	Pernambuco	35	-	35
" 5	Brig	Novo Brillhante	Rio Janeiro	9	-	9
July 1	Brig	Feliz Destino	Pernambuco	14	-	14
" 10	Sumaca	Constancia	Ditto	13	-	13
" 11	Brig	São Joze Restaurador	Rio Janeiro	3	-	3
" 26	Brig	General Dom Antonio	Bissau	247	23	224
Aug. 12	Sumaca	Purificação Nenus	Bahia	78	-	78
" —	Brig	Bom Caminho	Angola	484	43	441
" 19	Brig	Maria	Bissau	130	-	130
October 2	Ship	Jaquiá	Bahia	125	-	125
" 10	Brig	Josefina	Rio Janeiro	9	-	9
Dec. 10	Brig	Conde de Villa Flor	Bahia	49	-	49
" 12	Schooner	Toninha	Ditto	214	-	214
" 14	Brig	Maria de Gloria	Molembo & B.	383	3	380
" 27	Sumaca	Santo AntonioAventureiro	Pernambuco	2	-	2
				2,813	165	2,648

No. 24.

Mr. Secretary Canning to Mr. Consul-General Chamberlain.

(Extract.)

Foreign Office, August 25, 1823.

YOU are aware that a question has arisen at Rio de Janeiro, as to who should pay the expences of Slaves (captured under the Treaty) between the time of their detention, and that of the pronouncing of the Sentence, when that Sentence is condemnation.

The Brazilian Government have expressed their opinion and wish, that these expences should, in preference, be considered in the nature of costs, and should be paid by the product of the Ship and cargo: they gave up their moiety of the proceeds of the *Emilia* for that purpose.

The proceeds not being sufficient, the British Commissioners advanced the remainder, by Bills upon His Majesty's Victualling Board.

His Majesty's Government have never hitherto called upon the Brazilian Government to pay any portion of such surplus of expence, in the case of Slaves carried into Sierra Leone, and condemned there; and a very large sum is annually expended by this Country under that head.

You will, therefore, state to the Brazilian Minister, that His Majesty's Government are willing to accede to this principle, to be mutually carried into effect at Rio de Janeiro, and at Sierra Leone, namely, that the expences of Slaves, between the time of their detention, and of the Sentence on the Vessel bearing them, when that Sentence is a condemnation, should preferably be paid out of the proceeds of the Ship and cargo; and that when these proceeds are not sufficient, the excess of expence of the Slaves beyond that amount should be borne by the Government of that Country which will afterwards have the benefit of the free labour of the Slaves, who are on board of the condemned Vessel.

I shall send to you by an early opportunity, a statement of the amount of the excess of expences in the Case of the Emilia, in order to the settlement of that account by the Brazilian Government.

Henry Chamberlain, Esq. I am, &c.
(Signed) GEORGE CANNING.

No. 25.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received December 20.)

(Extract.)

Rio de Janeiro, October 6, 1823.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th July, accompanied by a printed Copy of the Correspondence on the Slave-trade, which has been laid before Parliament, for which I beg leave most respectfully to express my thanks.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

No. 26.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received December 20.)

SIR,

Rio de Janeiro, October 7, 1823.

I HAVE the honour to acquaint you that I have this day taken my Seat as His Majesty's Acting Commissary Judge of the Mixed Commission, during the absence of Mr. Hayne:—the customary oaths having previously been administered by the Great Chancellor (Chanceler Mor) of the Empire.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

No. 27.

Mr. Secretary Canning to Mr. Consul-General Chamberlain.

SIR,

Foreign Office, October 25, 1823.

THE inclosed Copy of a Communication, which I have received from His Majesty's Commissary Judge at Sierra Leone, dated the 8th of June last, will put you in possession of the particulars of a practice that prevails in the Brazils, of stating, in the Passports granted to those Vessels which are engaged in a lawful Trade in Slaves, that the Vessel is of more tonnage burthen, than, upon a *bond fide* admeasurement, she is found to be.

As the number of Slaves which a vessel is allowed to carry, is regulated according to her admeasurement, the practice to which I refer, if not defeated in its object by subsequent investigation, is calculated to do away the effect of the humane intentions of the Legislature of Brazil, and to evade the Stipulations of the Treaty with Great Britain.

The liberal views which the Brazil Government are known to entertain on this subject, leave no doubt but that, upon your making to them a communication of the facts stated in these Papers, they will hasten to give effectual orders to prevent the evil complained of.

I am, &c.

(Signed) GEORGE CANNING.

H. Chamberlain, Esq.

No. 28.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received January 24, 1824.)

SIR,

Rio de Janeiro, November 10, 1823.

I HAVE the honour to transmit a Copy of the intimation which, in obedience to the Instructions contained in your Despatch, dated the 25th August last, I have made to the Minister, stating the accession of His Majesty's Government to the principle proposed by Snr. Pedro Alvarez Diniz, in his two Portarias to the Mixed Commission in this City, dated 28th August and 4th September 1821, for regulating the mode of payment of the excess of expences of Negroes, over the amount of nett proceeds, in cases where the detained Vessels are condemned by the Courts of Mixed Commission at Sierra Leone, or at Rio de Janeiro.

The present agitated state of this City, and the struggle evidently commencing between the political Parties, into which it is divided, render it unlikely that the Minister will be able to acknowledge its receipt before the Packet sails.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 28.

Mr. Consul-General Chamberlain to M. Carneiro de Campos.

Rio de Janeiro, November 8, 1823.

THE Undersigned, His Britannick Majesty's Consul-General, has the honour to announce to His Excellency M. le Commandeur Joze Joaquim Carneiro de Campos, Counsellor, Minister, and Secretary of State for the Internal and Foreign Affairs of the Empire, that he is authorized by his Government to signify its adherence to the principle proposed by M. Pedro Alvarez Diniz, in the two Portarias addressed by His Excellency to the Mixed Commission, under date the 28th August and 4th September 1821, for the payment of the expences of the Negroes, captured under the Treaty, from the moment of their detention till that of Sentence being passed, when such Sentence is a condemnation, viz: that these expences should be considered in the nature of costs, and be paid in preference out of the proceeds of the Vessel and its cargo; and that when the proceeds are not sufficient to cover the expences of the Slaves, the balance should be at the charge of the Government of the Country which profits by the free labour of the Negroes found on board of the condemned Vessel.

This principle being admitted by the British Government, will be henceforth regarded as the rule mutually established at Rio de Janeiro, as well as at Sierra Leone, where the Government annually expends very considerable sums, in payment of the excess of the expences in question, although it has not hitherto proposed that the Brazilian Government should defray a portion thereof.

When the Undersigned shall have received the exact account of the excess of expence incurred for the Slaves of the *Emilia*, condemned by the Mixed Commission at Rio de Janeiro, he will have the honour to transmit it to His Excellency M. le Commandeur Carneiro de Campos, in order that the same may be settled by the Brazilian Government.

The Undersigned, &c.

(Signed) H. CHAMBERLAIN.

His Excellency the Commander J. J. Carneiro de Campos,
&c. &c.

No. 29.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—(Received March 11.)

(Extract.)

Rio de Janeiro, January 5, 1824.

I HAVE the honour to transmit herewith a Statement of the number of Negroes imported into Rio de Janeiro during the Year 1823; shewing, as far as I have been able to ascertain, the number that have died during the passage. A diminution of one third is to be remarked in the importation, as compared with that of 1822, owing no doubt to the distracted state of the

African Colonies of Portugal : but, from whatever cause arising, I beg leave most respectfully to offer my congratulations on the fact of so considerable a reduction having taken place.

By the accidental arrival here of His Majesty's Ship Driver, Captain Bowen, from the African Station to repair, I have become acquainted with two facts leading to the belief, or rather to the conclusion, that the Slave-traders of Rio de Janeiro are following the example of those of Bahia ; and, clearing their Vessels out ostensibly for the Congo, Molembo, and the other Ports where the traffick is still permitted, make their way direct for Places North of the Line, and there take in their cargoes of Negroes.

That some of them, at least, do so, appears but too probable from the following instances :

The Driver being off Whydah on the 3d of September last, saw a Brig at anchor near that Place, which she boarded, and found completely fitted up for the Slave-trade, but without any Negroes on board. Upon examining her Papers she was ascertained to be the Brig Zefiro, of Rio de Janeiro, Joao N. da Silva, Master, from whence she had sailed, on the 11th July, with a Royal Licence to trade for Slaves at Molembo ; but to which Port she had not gone, because of contrary winds and bad weather. The Master pretended that, disappointed in the first object of the voyage, he had come to Whydah to endeavour to procure a cargo of palm-oil and ivory—in which hitherto he had been unsuccessful. Having no Negroes on board, the Vessel was not liable to detention. She is not yet returned to Rio de Janeiro.

Being off the Cameroons, Captain Bowen sent his boats up to examine the River ; and these, on the 12th of the same Month, at a Place called King Acqua's Town, about 50 miles from the Sea, found a Brig at anchor.

Upon examination of her Papers, this Vessel also turned out to be from Rio de Janeiro, being the Polifemo, J. C. Roiz Lopes, Master, with a Royal Licence to trade for Slaves at the River Congo ; for which Place she had sailed from hence on the 7th July. The Polifemo, like the Zefiro, was completely fitted for the traffick, and, like her, had been forced, by contrary winds and bad weather, (according to the Master's account) to desist from going to the Congo, and had, therefore, come to King Acqua's Town, to purchase a cargo of palm-oil and ivory.

But the Native Chiefs pointed out, to the Officer in command of the boats, two large buildings, in which they said were confined some Negroes belonging to the Supercargo, who had gone up the Country with goods to purchase more.

The Vessel having no Negroes actually embarked, the boats returned without molesting her.

She returned to Rio de Janeiro on the 22d of November (seven days before the Driver arrived) without any Negroes on board ; reporting herself to have come from the River of Cameroons, where she had been robbed by the Natives ; and she left this Port a second time on the 21st ultimo, outwardly destined for Ambris.

As there existed no proofs of her having been engaged in the Slave-trade, within the prohibited Districts, I have not brought the Case before the Government.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 29.)

A LIST of Vessels arrived with Slaves at the Port of Rio de Janeiro, during the Year 1823.

Date of Arrival.	Denomination of Vessel.	Name.	From whence.	Slaves.			Remarks.
				Em-barked.	Died.	Landed.	
1823.							
Jan. 6	Schooner	Lucrecia	Angola	292	18	274	
" 16	Ship	Flor de Sintra	Mosambique	492	52	440	
" "	Brig	Zephiro	Quilimane	416	9	407	
" "	Do.	Desengano	Benguella	460	14	446	
" 20	Ship	Principe Regente	Mosambique	733	44	689	
" 22	Brig	Trajano	Quilimane	517	24	493	
" 28	Smack	San Joao	Bahia	55	—	55	
Feb. 3	Brig	Bon Jesus Triunfo	Angola	526	65	461	
" 5	Ship	Henriqueta	Cabinda	542	10	532	
" 9	Brig	Amazonia	Mosambique	465	8	457	
" 13	Ship	Marianna	Do.	520	79	441	
" "	Do.	Nové de Janeiro	Do. and Benquella	594	66	528	
March 6	Do.	Leopoldina	Quilimane	481	201	280	
" "	Brig	Minerva	Do.	440	45	395	
" 7	Do.	Senhora da Guia	Do.	338	98	240	
" 18	Ship	Camillus	Bahia	238	—	238	Under Dutch Colours.
" 21	Brig	Mercurio	Benguella	421	12	409	
April 8	Ship	Santo Antonio	Cabinda	632	2	630	
" 10	Brig	Santa Roza	Do.	331	10	321	
" 11	Ship	Amalia	Angola	692	31	661	
" "	Do.	Feliz Eugenia	Do.	632	65	567	
" 23	Do.	S. A. Flor da Loanda	Mosambique	519	86	433	
" "	Do.	Derpique	Do.	440	4	436	
May 1	Brig	Luiz	Angola	501	46	455	
" 7	Schooner	Donna Anna	Angola	337	22	315	
July 3	Ship	San Joaqm. Guerreio	Morro de St. Paulo	161	—	161	Taken off Bahia and sent here by Lord Cochrane's Squadron, for whose account the Vessel and Slaves have been sold.
" 21	Brig	Gram Penedo	Cabinda	433	—	260	This Vessel was boarded by a Spanish Pirate, and 173 Slaves taken from on board.
Aug. 27	Ship	Mercantil	Angola	625	—	625	
" 29	Smack	Miliciano	Bahia	150	—	150	
Sept. 18	Brig	Trajano	Benguella	460	—	460	
" 27	Do.	Divina Providencia	Bahia	107	—	107	
Oct. 29	Do.	Paquete do Rio	Ambris	490	3	487	
" 30	Do.	Bella Americano	Do.	421	27	394	
Nov. 9	Do.	Bon Jesus Triunfo	Angola	573	76	497	
" 22	Do.	Polifemo	Rio dos Camaroens	None.	—	None.	This Vessel arrived here from the Rio dos Camaroens to re-load, having been robbed by the Natives of that part of the Coast where she went to trade. She has since sailed outwardly destined for Ambris.
" 24	Do.	Principe Real	Do.	559	12	547	
Dec. 2	Ship	Imperador do Brazil	Do.	458	12	446	
" 4	Brig	Desengano Feliz	Benguella	526	16	510	
" 7	Schooner	Donna Anna	Angola	335	21	314	
" 10	Brig	Africano Constitucional	Quilimane	758	14	744	
" 12	Ship	Principe Regente	Mosambique	735	128	607	
" 15	Brig	Trunfo do Brazil	Ambris	600	10	590	
" 19	Schooner	Urania	Angola	302	12	290	
" 29	Brig	Marquez de Pombal	Benguella	454	20	434	
" 30	Do.	Conceicao e Passos	Angola	450	26	424	
" "	Do.	St. André Diligente	Pernambuco	272	—	272	Taken off Pernambuco by the Imperial Brig-of-War Bahia, Captain Hayden, and sent here for adjudication.
				20483	1388	18922	

No. 30.

Mr. Consul-General Chamberlain to Mr. Secretary Canning.—
(Received March 11.)

SIR,

Rio de Janeiro, January 7, 1824.

IN my Despatch, dated 14th of May last Year, I had the honour to forward a Copy of the Note addressed to the Minister for Foreign Affairs, respecting a French Vessel from the River Bonny, that had been allowed to land and sell her cargo of Negroes at Pernambuco, contrary to the 3d Article to the Additional Convention of London of the 28th July 1817.

The Diario do Governo of this day, contains the first notice that has been taken of my Representation, and, as it is amongst the Official Articles, I beg leave to transmit herewith a Translation, for the information of His Majesty's Government, who will perceive therefrom, that the conduct of the Provisional Junta of Pernambuco is disapproved of, in so far as respects allowing the sale of the whole of the Slaves, and that they are warned not to allow such an occurrence to be repeated.

I have honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 30.

Extract taken from the Diario do Governo, published at Rio de Janeiro,
January 7, 1824.

(Translation.)

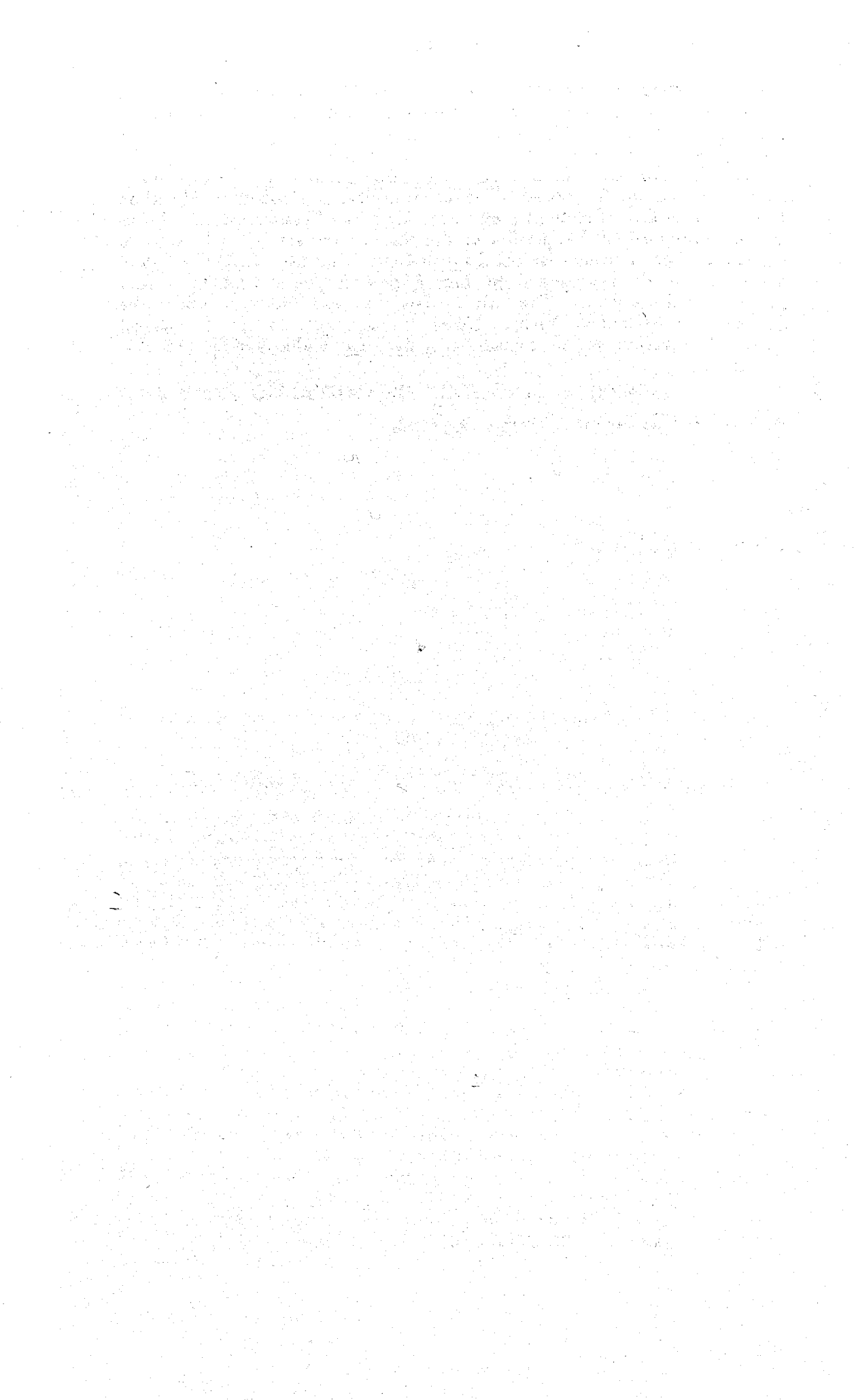
Department for Foreign Affairs.

HIS Majesty The Emperor having seen the Office, No. 41, of the Provisional Junta of Government of Pernambuco, of the 18th of November last past, reporting, as it had been ordered to do, upon the contents of the Note of His Britannick Majesty's Consul-General at this Court, wherein he complained that there had entered into that Port, and sold some Slaves, contrary to the stipulation in the Additional Article to the Convention of London of the 28th July 1817, a French Vessel loaded therewith, which had come from the River Bonny. And the same august Lord having taken into due consideration all that the Provisional Government states, to secure itself against what had been agreed upon in the said Article: he is pleased to order it to be declared to the said Junta, that it acted rightly, considering the unforeseen and urgent necessity in which that Vessel appeared to be, in admitting her to entry, and in granting the permission which her Master required, to sell some of the Slaves to defray the expences of the Ship. But His Imperial Majesty cannot equally give His approbation, as respects the Government having allowed him to sell all the Slaves, as was well explained by the Dezembargador Procurator of the Crown and Revenue, in his Report given to the Junta of Government, in consideration of the last Treaty with the British Crown, wherein it was agreed that even Slaves negotiated from the Ports to the South of the Equator, could only be so in National Vessels; and by so much the more, as there was a suspicion that this Vessel came from Ports to the North of the Line.

By this opportunity, therefore, the Provisional Government is warned, that in every other occurrence it must refuse entry to Vessels and their cargoes that may be under similar circumstances, never granting it but in most urgent Cases, after a previous and rigorous examination, whereby it may be known that the entry in distress is not a pretext, and the Vessel is in a situation to require the offices of innocent utility, prescribed by Maritime Right, and the Law of Nations ; and even then the Vessel must sail, being only permitted to sell that portion of the Slaves necessary for indispensable expences, after shewing that she has no Correspondents in the Place, and having previously represented to her respective Consul that he should provide for this object. The which His Imperial Majesty orders the Secretary of State for Foreign Affairs to participate to the Provisional Junta of Government of Pernambuco, for their understanding and due execution.

(Signed) **LUIZ JOZE DE CARVALHO E MELLO.**

Palace of Rio de Janeiro, December 29, 1823.



NETHERLANDS.

No. 31.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD,

Foreign Office, July 8, 1823.

THE accompanying Communication, from His Majesty's Consul-General at Rio de Janeiro, dated the 8th of April last, will put your Excellency in possession of the fact, that a Vessel, called the *Camillus*, under Netherlands Colours, has entered that Port with a cargo of Slaves.

The Government of The King of the Netherlands will be grieved to learn, that the humane intentions of their Sovereign are thus openly frustrated; and I am sure your Excellency will only have to state the circumstances to the Netherlands Minister, to be submitted to The King, his Master, in order that a rigid enquiry may be instituted into the particulars of the transaction, and that the Persons concerned in this lawless traffick, may be visited with the punishment which is due to this flagrant violation of the Treaty of the 4th of May 1818.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
 &c. &c. &c.

No. 32.

The Earl of Clancarty to Mr. Secretary Canning.—(Received July 15.)

(Extract.)

Brussels, July 11, 1823

YOUR Despatch of the 8th instant, together with its Inclosure, reached me last Night; and, in obedience to the Instruction contained therein, I have this Morning addressed the Note, of which the inclosed is a Copy, to His Excellency Monsieur Le Baron de Nagell.

I have the honour to be, &c.

The Right Hon. George Canning,
 &c. &c. &c.

(Signed) CLANCARTY.

Inclosure in No. 32.

The Earl of Clancarty to The Baron de Nagell.

Brussels, July 11, 1823.

THE Undersigned, &c. is well persuaded this Government will be grieved to learn that the humane intentions of His Netherlands Majesty have been frustrated, and His Flag abused, by being used as a cover to the trade in Slaves.

The Communication, a Copy of which the Undersigned has the honour to inclose herewith, has been received by the British Government, from the British Consul-General at Rio de Janeiro. This, together with other cir-

cumstances attending it, will put His Excellency M. Le Baron de Nagell in possession of the principal fact, that a Ship, called the *Camillus*, George Marcus, or Marcaay, Master, under Dutch or Netherlands Colours, arrived at the Port of Rio de Janeiro on the 18th of March last, having on board about 400 Slaves for sale.

The Undersigned has received the Commands of The King, his Master, to lay the account of this transaction before this Court, well assured as His Majesty is, that the bare statement of the circumstances to The King of the Netherlands, will induce the immediate institution of a rigid enquiry into all the particulars relating to it, and that the Persons, Subjects of this Crown, concerned in this lawless traffick, will be visited with the punishment which is due to such a flagrant violation of the Treaty of 4th May 1818.

From the identity of the name of the Ship, it is possible that this Government will find some further light thrown upon the subject of the present complaint, by referring to a Correspondence which the Undersigned, in obedience to the Orders of his Court, had the honour of carrying on with M. de Nagell in the Months of June and August 1821, and which terminated with the assurances, upon the part of His Excellency, that measures were in progress for the due punishment of Mr. Trippensee, an Officer of the Dutch Navy, and of those implicated with him in that transaction.

(Signed) CLANCARTY.

His Excellency M. Le Baron de Nagell,
&c. &c. &c.

No. 33.

The Earl of Clancarty to Mr. Secretary Canning.—(Received July 18.)

SIR,

Brussels, July 15, 1823.

I HAVE the honour to inclose, for your information, the Copy of a Despatch received by me on Saturday last, from Mr. Lance, His Majesty's Commissioner of Arbitration at Surinam, under the provisions of the Treaty with the Netherlands of 4th May 1818.

The intelligence of the capture of a Slave-trader, (the Schooner *Snow*,) by a Ship of this Country; the subsequent condemnation of the prize by the Mixed Court; and the conduct of the Dutch Governor in securing a British Subject, serving on board the captured Ship, with a view to his being made over to us, for the purpose of taking his trial under British Jurisdiction, and according to British Law, for having engaged in the Slave-trade, cannot fail to afford great satisfaction to His Majesty's Government, as evincing the sincere determination of this Court to carry the Provisions of the Treaty into effect.

To impress this the more, as shewing that the Orders issued by this Government to the Commander of the *Kemphaan*, were from the outset precise to this effect, it may not be improper to remark, upon the authority of Monsieur Falck, the Colonial Minister, that the Netherlands Sloop-of-War, the *Kemphaan*, did not meet with the prize in the Neighbourhood of Surinam, but in the middle of the Antilles.

The capture, therefore, was not the consequence of any immediate representation on our part, neither could it have occurred from any apprehension in the Commander, of being charged by us with laxity in the execution of the Treaty;—it seems to have proceeded exclusively from his having paid due obedience to the Orders of his own Government, and is to be considered entirely as a Netherlands transaction.

I remain, with great respect, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) CLANCARTY.

(Inclosure in No. 33.)

J. H. Lance, Esq. to The Earl of Clancarty.

MY LORD,

Surinam, May 11, 1823.

IN obedience to the instructions conveyed in a Despatch from the late Marquess of Londonderry to His Majesty's Commissioners at Surinam, dated 28th November 1820, I have the honour to inform your Excellency that the Mixed British and Dutch Court at this Place, for preventing the illegal traffick in Slaves, condemned on the 5th instant a Schooner, called the *Snow*, captured and brought in by His Netherlands Majesty's Sloop-of-War the *Kemphaan*, with 50 Slaves on board, and that a seaman on board the above-mentioned Schooner, named William Askens, acknowledged himself to be a British Subject.

I have, therefore, applied for, and obtained of His Excellency the Governor of this Colony, his assistance in securing and keeping the said William Askens in safe custody, until an opportunity shall occur of sending him, together with copies of such of the proceedings of the Mixed Court as will be necessary, to some British Settlement, to the end that he may take his trial for being engaged in the Slave-trade.

(Signed)

J. H. LANCE.

His Excellency The Earl of Clancarty, G.C.B.

&c. &c. &c.

No. 34.

The Earl of Clancarty to Mr. Secretary Canning.—(Received July 21.)

SIR,

Brussels, July 18, 1823.

WITH reference to my Despatch of the 11th instant, I have now the honour to transmit the Copy of a Note received from Monsieur le Baron de Nagell, on Tuesday evening last, but at too late an hour to be forwarded by the Messenger despatched hence on that day.

The only material fact communicated by this Note is the death of Mr. Tuppensee, an Officer of the Dutch Navy, and a person much implicated in a Slave-trade transaction, in which a Ship, named the *Camillus*, and which formed the subject of a former complaint, was employed.

The late representation made by me on the 11th instant, under your Instruction of the 8th of this Month, relating to a debarkation of Slaves from a Ship also named the *Camillus*, has been put in a course of enquiry.

I remain, with great respect, &c.

The Right Hon. George Canning,

(Signed)

CLANCARTY.

&c. &c. &c.

(Inclosure in No. 34.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 15 Juillet, 1823.

LE Soussigné, &c. a l'honneur d'informer Son Excellence Le Comte de Clancarty, qu'il s'est empressé de communiquer aux Autorités qui le concerne la Note par laquelle Son Excellence lui a fait part de l'arrivée à Rio Janeiro, sous le Pavillon des Pays-Bas du Navire le *Camillus*, Capitaine George *Marcus* ou *Marcaï*, avec une cargaison d'Esclaves.

Il est très possible que ce Navire soit le même que celui qui a déjà fait le sujet d'une Correspondance antérieure avec l'Ambassade Britannique. Le

18 Août, 1821, le Soussigné a fait part à Son Excellence que toutes les Pièces concernant la plainte, survenue alors, seroient communiquées aux Départemens de la Justice, et de la Marine, afin de donner leur avis, sur les mesures qu'il conviendrait de prendre, pour que le nommé *W. Trippensée*, ci-devant patron du *Camillus*, et Officier Commissionné de la Marine Militaire des Pays-Bas, et ceux qui avec lui se seraient rendus coupables d'avoir pris, directement ou indirectement, part au commerce des Esclaves, fussent poursuivis, d'après les lois et Ordonnances existantes. Les dits Départemens ayant démontré dans leur Rapport la nécessité d'entendre le *Sr. W. Trippensée* sur les faits à sa charge, le Ministre de la Marine a dépêché dans le tems, un ordre au *Sr. Trippensée* de revenir dans les Pays-Bas, et de se présenter dans ses bureaux. Malheureusement cet ordre n'a pu avoir de suite, attendu qu'on a été informé en Septembre dernier, au moyen d'une communication qui a été faite à la Mission des Pays-Bas à Paris, de la part du Ministère des Affaires Etrangères de France, que d'après un rapport du Consulat de France à Bahia, le dit *W. Trippensée* a été assassiné dans l'intérieur du Brazil, à quatre-vingt lieux du dit Port; évènement d'autant plus facheux qu'il a paralysé jusqu'ici les poursuites auxquelles aurait pu donner lieu l'examen du *Sr. Trippensée*, et l'instruction *cum quo* de son procès.

Le Soussigné, &c.

Son Excellence M. I^r Comte de Clancarty, (Signé) A. W. C. DE NAGELL.
&c. &c. &c.

(Inclosure in No. 34.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.)

Brussels, July 15, 1823.

THE Undersigned, &c. has the honour to inform His Excellency the Earl of Clancarty, that he has taken the earliest opportunity of communicating to the proper Authorities, the Note in which His Excellency announced the arrival at Rio Janeiro of the Vessel the *Camillus*, Captain George *Marcus*, or *Marcay*, with a cargo of Slaves, under the Flag of the Netherlands.

It is very possible that this Vessel may be the same which has already been the subject of a former Correspondence with the British Embassy. On the 18th of August, 1821, the Undersigned acquainted His Excellency that all the Documents relative to the complaint, then received, would be referred to the Departments of Justice and of the Marine, that they might give their opinion on the measures which it would be best to take for the prosecution of *W. Trippensée*, formerly Master of the *Camillus*, and a Commissioned Officer of the Netherlands Navy, and those who with him had been guilty of taking part, either directly, or indirectly, in the Slave-trade, according to the existing Laws and Ordinances. These Departments having shewn in their Report the necessity of hearing *Sr. W. Trippensée* on the acts laid to his charge, the Minister of Marine immediately despatched an order to *Sr. Trippensée* to return to the Netherlands, and to attend at his Office. Unfortunately this order could not be obeyed, for, in the month of September last, information was received, by means of a communication made to the Netherlands Mission at Paris, by the French Minister for Foreign Affairs, that, according to a Report from the French Consulate at Bahia, the said *W. Trippensée* had been assassinated in the interior of the Brazils, eighty leagues from that Port; an event the more to be lamented as it has paralysed the prosecutions, to which the examination of *Sr. Trippensée*, and the commencement of the process against him, might have given rise,

The Undersigned, &c.

His Excellency The Earl of Clancarty, (Signed) A. W. C. DE NAGELL.
&c. &c. &c.

No. 35.

The Earl of Clancarty to Mr. Secretary Canning.—(Received July 28.)

(Extract.)

Brussels, July 25, 1823.

IN consequence of the length of time which has elapsed since the proposal made by me under your Instructions, for the establishment of Slave-registries in this Country and in its Colonies, and of the silence observed upon this subject, by the Ministers for Foreign Affairs, and of the Colonies, subsequent to M. de Nagell's Note to me of the 26th of March last, I thought it my duty to seek such information from M. Falck as he could afford, as to the precise state in which this matter now stands.

The result of a conference, which I have lately had with His Excellency, has been as satisfactory as I could expect.

He has assured me that he is favourable to the adoption of this measure, and that no time has been lost by him in endeavouring to promote it; that immediately upon the first subsequent occasion, after his having received the Copies of our Colonial Laws, Regulations, and Forms of Registry, in the Month of March last, they were, accompanied by his recommendation, transmitted to the Governor of Surinam, with directions that he should forthwith convoke the Assembly or Council there, in order that they should, without delay, be submitted to their consideration, and that such observations as should result from their deliberations, should be reported home with all convenient dispatch, for the purpose of enabling The King to decide, and to issue His final Orders respecting the measure of Slave-registry.

This is all which we could well expect to receive as information up to the present period.

I have the honour to remain, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) CLANCARTY.

No. 36.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD,

Foreign Office, July 30, 1823.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 15th instant, on the capture of the Netherlands Slave-trader *Snow*, by the Sloop-of-War *Kemphaan*, and her condemnation in the Mixed Court of Commission established at Surinam.

His Majesty's Government have learnt with sincere satisfaction, the readiness displayed in this instance by the Officers of His Netherlands Majesty, in execution of the Orders of their Sovereign, to carry into full effect the provisions of the Treaty for preventing a traffick in Slaves.

I am, &c.

(Signed)

GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 37.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD,

Foreign Office, August 5, 1823.

I FURNISH your Excellency with the Copy of a Despatch from Mr. Lance, His Majesty's Commissary Judge at Surinam, dated the 18th of May last, respecting the Mode of Procedure proposed to be adopted in the Mixed Netherlands and British Court of Commission at that Place.

It appears that the Netherlands Commissioners are waiting for the return of the Form of Procedure submitted by them to The King of the Netherlands.

Your Excellency will, therefore, have the goodness to press the Government of His Netherlands Majesty to send out Instructions to Surinam, which may enable the Commissioners to settle, definitively, the arrangements, as to their proceedings, in strict conformity with the tenour and spirit of the Treaty under which they act.

On this point I beg to refer your Excellency to the Papers, marked Nos. 82, and 90, (Surinam) in the Correspondence on the Slave-trade, recently laid before Parliament, and transmitted to you with my Despatch (Circular) of the 28th of July last.

I am, &c.

GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 38.

The Earl of Clancarty to Mr. Secretary Canning.—(Received August 8.)

(Extract.)

Brussels, August 5, 1823.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th ultimo, together with the printed Copy of the Correspondence relating to the Slave-trade, laid before Parliament in the late Session.

I have not omitted to express to Mons. Le Baron de Nagell, the satisfaction experienced by His Majesty's Government at the late conduct of the Officers of His Netherlands Majesty, in the capture and subsequent condemnation of the *Snow* Slave-trader.

His Excellency assured me, that he felt great pleasure at this communication.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) CLANCARTY.
&c. &c. &c.

No. 39.

The Earl of Clancarty to Mr. Secretary Canning —(Received August 15.)

(Extract.)

Brussels, August 12, 1823.

I RECEIVED on Sunday last, your Despatch of the 5th instant, with its Inclosure; and, in obedience thereto, I yesterday addressed the official Note, of which I have the honour to enclose herewith a Copy, to M. Le Baron de Nagell.

The manner in which I was directed by your Despatch to refer to the *Projet* of the Forms of Proceeding of the Mixed Court at Surinam, and to your particular observations thereon, as they appear in the Slave-trade Papers recently laid before Parliament, necessarily led me into the details which appear on the face of this Note.

I sincerely hope I have rightly conceived your meaning, and followed your wishes in this respect.

I remain, with great respect, &c,

The Right Hon. George Canning, (Signed) CLANCARTY.
&c. &c. &c.

Inclosure in No. 39.

The Earl of Clancarty to The Baron de Nagell.

Brussels, August 11, 1823.

THE Undersigned, &c. has received Instructions from his Court to press upon the immediate attention of that of the Netherlands, the necessity of sending out Instructions to Surinam, by which the Mixed Court of Justice established at that Settlement under the Treaty of May 4, 1818, may be enabled, in strict conformity to the tenour and spirit thereof, definitively to settle the Form of their Process, and the course of their proceedings.

In M. de Nagell's Official Note of the 28th October last, His Excellency was so good as to acquaint the Undersigned that M. A. F. Lammens, who had been appointed to succeed M. Changuion as Judge of the Mixed Court on the part of the Netherlands, had drawn up the *Projet* of a Form of Procedure, which was then actually the subject of a Correspondence between their Excellencies the Ministers of Justice and of the Colonies, on one side, and the Colonial Authorities of Surinam on the other; and further, that The King of the Netherlands would be in a state, within a short time, to decide thereon.

From recent advices received by the British Government, from the British Commisary Judge at Surinam, it appears that the Netherlands Commissioners are still waiting for the return of this Form of Proceeding, with the Royal Sanction of The King, their Master, for its permanent adoption, either as originally transmitted, or with such emendations as Superior Authority may have deemed it convenient to annex thereto.

A Copy of the Form of Process, above-mentioned, has been forwarded to the British Government, and some Communications have passed upon it between the British Commissary Judge and M. Lammens, who appears from the Correspondence, and the Undersigned takes real pleasure in stating it, to act with an honourable and zealous regard to the duties of his Situation.

The Netherlands Government will not fail to perceive, as well from the whole body of the Treaty itself (see particularly Article 7), as from the Regulations for the Mixed Courts, thereto annexed, (see particularly Article 1), that, to avoid all complexity and delay in the proceedings, and to render the adjudications as summary as the ends of justice will permit, are objects of the very first importance; and, consequently, that in the arrangement of the Forms of Process by which the proceedings in the Mixed Courts are to be permanently regulated, prime regard should be had to ensure their attainment.

To effect this, the British Government are disposed to think that the proceedings should, as far as possible, be continued, *de die in diem*, under the sanction of the Judges, by Minutes of the Court, recording the bringing in of instruments and proofs, and the Petitions of the Parties, in the simplest form; and especially that it should not be laid down as one of the regulations by which the proceedings are to be permanently regulated, as in Article 4. of

the *Projet*, that the process should be proceeded in, from *three days to three days*. The British Government have, indeed, been informed that the adoption of this extended period of adjournment in the *Projet* has arisen from the circumstance of the Netherlands Commissary Judge, M. Lammens, being also President of the Court of Civil Justice, with the proceedings of which a regulation for enforcing the daily sittings of the Mixed Court might interfere. But the special circumstances of this highly respectable Gentleman could not well authorise the adoption of a permanent regulation, by which not only such extended adjournments would be authorised, but shorter adjournments, and greater continuity of juridical sitting become permanently precluded.

His Britannick Majesty's Government are doubtful whether the entertainment of intermediate questions relative to costs, arising out of the projected regulations of the third Article, and further, whether the mode of proceedings by way of memorial, answer, reply, and rejoinder, as set forth in the eighth Article of the *Projet*, (when that by Minutes of Court already observed upon is open to adoption), are Forms best calculated to promote summary adjudication, and to prevent that delay and complexity which it is so much the object of the Treaty to avoid.

The Undersigned has only one observation more to make upon this *Projet*. A suggestion, similar to that which appears in the sixteenth Article, had been already suggested to the British Government for the regulation of the Mixed Court, at Sierra Leone; but it was deemed, on the whole, more expedient not to authorise a deduction from the proceeds of prizes for the purpose of paying the expences of the suit.

The Undersigned has been commanded to submit these observations to the consideration of His Netherlands Majesty's Government; and as they have, doubtless, already come under their view in their Correspondence with the Colonial Authorities of Surinam, upon the subject of the *Projet*, it is hoped that the decision upon them need not be delayed, and that he may be speedily authorized, by an Official Communication from M. de Nagell, to acquaint his Court, that Instructions for the permanent regulation of the Mixed-Court-proceedings at Surinam, have been finally adopted and sent out, in strict conformity with the tenour and spirit of the Treaty of May 1818.

The Undersigned, &c.

The Baron de Nagell,
&c. &c. &c.

(Signed) CLANCARTY.

No. 40.

The Earl of Clancarty to Mr. Secretary Canning.—(Received September 8.)

SIR,

Brussels, September 5, 1823.

WITH reference to your Instruction of the 5th August; with reference also to my Despatch of the 12th of the same Month, and to the Copy of the Note addressed by me to M. le Baron de Nagell on the 11th of August, in obedience to your directions therewith transmitted: I have now the honour to forward for your information, a Copy of the answer of this Government to the latter Document, from whence it appears that already, before this Correspondence had begun, viz: on the 24th June last, Instructions had been issued by this Court, under which the Local Authorities will have been enabled definitively to settle the Form of Process requisite for the government of the proceedings in the Mixed Commission Court at Surinam.

I remain, with great respect, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed) CLANCARTY.

Inclosure in No. 40.

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 4 Septembre 1823.

LE Soussigné, &c., a reçu la Note que Son Excellence M. le Comte de Clancarty, &c. lui a transmise le 11 Août dernier, touchant la manière de procéder par devant la Cour Mixte à Surinam, érigée en vertu du Traité du 4 Mai 1818, pour l'abolition de la Traite des Nègres.

Il s'empresse d'informer Son Excellence M. le Comte de Clancarty, que Le Roi Son Maître ayant adopté, par résolution du 24 Juin dernier, *un Ordre de Procéder*, ainsi que les formulaires y relatifs, le tout a été dépêché à Surinam, de manière que le Tribunal, qui s'y trouve établi pourra bientôt en faire le norme de ses opérations.

Du reste, et pour autant que l'Ordre de Procédure et les formulaires dont il s'agit, ne seraient pas, *quant à la teneur* entièrement conformes à ce qui se pratique à Sierra Leone, le Soussigné croit devoir se référer à l'observation qu'il a eu l'honneur de faire à Son Excellence le 25 Janvier 1820, par rapport à la manière de procéder par devant la Cour Mixte à Surinam, savoir : que les Jugemens devant être prononcés au nom de Sa Majesté, il serait nécessaire de suivre un Ordre de Procédure et des formulaires plus conformes à ceux en usage dans les Colonies des Pays-Bas.

Pour prouver d'ailleurs à Son Excellence que *le nouvel Ordre de Procéder* n'est point le même que le projet du S. Hammens, qui a donné lieu aux observations du Gouvernement Britannique, le Soussigné a la satisfaction d'informer M. le Comte de Clancarty, que le premier a été rédigé dans la vue de *terminer promptement les procédures entamées contre les batimens arrêtés sous les dispositifs du Traité*, et qu'il est par conséquent précisément l'opposite de ce qu'on reproche au projet ;—tellement même, que le terme d'assigner a été fixé, dans *l'Ordre de Procéder*, arrêté par le Roi, à six jours de plus rapproché que dans *le Mode de Procéder*, que le Gouvernement Britannique a donné pour règle au Tribunal Mixte à Sierra Leone,—circonstance qui mérite d'autant plus de considération, que les Procédures doivent être terminées dans l'espace de deux mois tout au plus.

Le Soussigné, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,

&c. &c. &c.

Inclosure in No. 40.

M. de Nagell to The Earl Clancarty.

(Translation.)

Brussels, September 4, 1823.

THE Undersigned, &c. has received the Note which His Excellency Lord Clancarty, &c. transmitted to him on the 11th August last, relative to the Mode of Procedure in the Mixed Court at Surinam, framed in virtue of the Treaty of May the 4th 1818, for the suppression of the Trade in Slaves.

He hastens to inform His Excellency the Earl of Clancarty, that The King, his Master, having adopted, according to a resolution of the 24th of June last, *an Order of Procedure*, as well as the forms respecting it, the whole has been dispatched to Surinam, in order that the Tribunal there established, may soon be able to make it the model of its operations.

But, as this Order of Procedure, and these forms, would not be, *as to the tenour*, quite conformable to the practice at Sierra Leone, the Undersigned thinks, it right to refer to the observation which he had the honour to make to His Excellency on January 25, 1820, on the subject of the mode of proceeding before the Mixed Court at Surinam, namely; that Judgment being pronounced in the Name of His Majesty, it would be necessary to follow an Order of Procedure, and Forms, more conformable to those in use in the Colonies of the Netherlands.

To prove, besides, to His Excellency, that the *new Order of Procedure* is not the same as the *Projet* of the Sr. Hammens, which has given rise to the observations of the British Government, the Undersigned has the satisfaction to inform the Earl of Clancarty, that the first has been made with a view to *terminate quickly the Proceedings which have been entered upon against the Vessels seized under the Articles of the Treaty*; and that it is, consequently, precisely contrary to what is found fault with in the *Projet*; so much so, that the time of meeting has been fixed in the *Order of Procedure* given out by The King, at six days earlier than in the *Mode of Procedure* which the British Government has given as a Rule for the Tribunal of the Mixed Commission at Sierra Leone, a circumstance which deserves so much the more consideration as the proceedings will be terminated in the space of two months at farthest.

The Undersigned, &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty.

&c.

&c.

&c.

No. 41.

Baron Fagel to Mr. Secretary Canning.

Whitehall-Place, le 28 Octobre, 1823.

LE Soussigné, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Le Roi des Pays Bas, a l'honneur de porter à la connoissance de Son Excellence Monsieur Le Secrétaire d'Etat Canning, que la Frégate de Sa dite Majesté La *Dageraad* (l'Aurore) de 250 hommes d'équipage, et de 32 piéces de canon, commandée par le Capitaine *Van Der Hart*, et qui partira dans le courant du mois prochain pour la Côte de Guinée et les Indes Orientales, sera pourvue d'un Exempleire du Traité du 4 Mai 1818, répressif du Commerce des Esclaves, et des Piéces qui y sont jointes.

Le Soussigné saisit cette occasion, &c.

Son Excellence Monsieur Canning,

(Signé) H. FAGEL,

&c.

&c.

&c.

No. 41.

Baron Fagel to Mr. Secretary Canning.

(Translation.)

Whitehall-Place, October 28, 1823.

THE Undersigned, Ambassador Extraordinary and Plenipotentiary of His Majesty The King of the Netherlands, has the honour of informing His Excellency Mr. Secretary Canning, that the Frigate of His said Majesty, the

Dageraad, (the Aurora) of thirty-two guns, with a crew of 250 men, commanded by Captain *Van der Hart*, and, which is to set sail in the course of next Month for the Coast of Guinea and the East Indies, will be provided with a Copy of the Treaty of the 4th of May 1818, for the repression of the traffick in Slaves, and of the Documents thereto annexed.

The Undersigned avails himself, &c.

His Excellency Mr. Canning,
&c. &c. &c.

(Signed)

H. FAGEL.

No. 42.

The Earl of Clancarty to Mr. Secretary Canning—(Received Nov. 25.)

SIR,

The Hague, Nov. 21, 1823.

IN obedience to the instruction conveyed in your Despatch of the instant,* received here last night, I have addressed the Note, of which the Inclosure herewith sent is a Copy, to His Excellency M. le Baron de Nagell.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed)

CLANCARTY.

Inclosure in No. 42.

The Earl of Clancarty to The Baron de Nagell.

The Hague, November 21, 1823.

THE Undersigned, &c. has received the orders of his Court, to solicit the attention of this Government to the subject of the Charges which are delivered in by the Marshal of the Mixed Commission Court at Sierra Leone and at Surinam, for Articles necessary to the due and decent subsistence of Slaves prior to emancipation, and for the personal services performed by the Marshal of the Court, and by other persons under his superintendence, and under the directions of the Court, in regard to Ships and to their cargoes brought in for adjudication under the Treaty and subsequent Conventional Arrangements, for preventing the illegal traffick in Slaves.

As these Charges involve no other expences than what are absolutely necessary for the bringing to proper adjudication the captured Vessels and their cargoes, they seem justly chargeable upon the proceeds of such as are condemned, so far as they have been incurred in each particular Case.

The Commissioners of His Majesty The King of Great Britain, have, therefore, been recently authorised to deduct the amount of these expences in each Case of a condemned Vessel, from the proceeds of that Vessel and of her cargo, before those proceeds are divided into moieties: and they have been instructed to invite the Commissioners of His Majesty The King of the Netherlands, to concur in this arrangement, if not at the moment, definitively, at least provisionally, until they can receive farther directions from their own Government.

The principle above set forth is so simple and so just; its practical establishment provides for an object so evidently common to the Two Governments, that of the due execution of the Treaty, and subsequent Articles agreed upon between them, that the Undersigned has been instructed to urge the issue of such directions by His Majesty The King of the Netherlands, to His Commissioners under the Slave-trade Restriction Treaty, as may authorise and induce them to conform to the arrangement above suggested, as

* See No. 4.

the best method of ensuring the due execution of the Conventions upon this subject between the High Contracting Parties.

As the Undersigned has been further directed to communicate to his Court at the *earliest period*, the result of this, his application, upon this point, he takes the liberty of requesting that it may be speedily brought under the consideration of His Majesty The King of the Netherlands with a view to early decision.

He avails, &c.
(Signed)

CLANCARTY.

His Excellency The Baron de Nagell,
&c. &c. &c.

No. 43.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD,

Foreign Office, December 26, 1823.

IN reference to your Excellency's Despatch of the 15th of July 1823, I furnish your Excellency with the Copy of a Communication which has been made by the Governor of Barbadoes to the Under Secretary of State for the Colonial Department.

Your Excellency will acquaint the Government of The King of the Netherlands, in accordance with this Communication, that *William Askens*, the British Subject taken on board of the Slave-vessel the *Snow*, by the Netherlands Cruizer the *Kemphaan*, has been brought before the Vice Admiralty Court at Barbadoes, to be put upon his Trial, and that the Grand Jury, after hearing all the Evidence that had been procured and forwarded upon the subject, considering the same as not bringing home to William Askens the charges alleged against him, took the usual method of declaring their Judgment to that effect, by throwing out the Bill, and, that no charge appearing against William Askens, he was in consequence discharged.

I am, &c.
(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 44.

G. W. Chad, Esq. to Mr. Secretary Canning.—(Received January 7.)

SIR,

The Hague, January 1, 1824.

I HAVE the honour to inclose a Note from the Baron de Nagell, accompanied by a Report from Surinam, to explain and justify the mode of prosecution adopted in respect to *Charles Beverley*.

It is asserted, that, by proceeding against him for having feloniously appropriated to his own use the 22 Slaves landed at Nickerie, the Government have been enabled to inflict a more severe punishment upon him than any to which he could have been condemned, had he been prosecuted under The King's Decree of 16th April 1821, for having imported Slaves from a Foreign Colony, where the traffick with Africa is still permitted.

The Baron de Nagell states, that of the 22 Negroes, 19 have been recovered; that The King has ordered them to be liberated, and has directed that they

should be employed as labourers in the Government works, until an opportunity occurs of sending them back to their Native Country.

His Excellency also mentions, that His Majesty has it in contemplation to augment the penalties contained in the Decree of 16th April 1821, against the importation of Negroes into Dutch Possessions from those Colonies which are still permitted to bring Slaves from Africa.

I have the honour to be, &c.

(Signed) G. W. CHAD.

The Right Hon. George Canning,
&c. &c. &c.

First Inclosure in No. 44.

The Baron de Nagell to G. W. Chad, Esq.

La Haye, le 31 Decembre, 1823.

LE 26 Mars dernier, le Soussigné, Ministre des Affaires Etrangères, eut l'honneur de faire part à Son Excellence Monsieur le Comte de Clancarty, Ambassadeur Extraordinaire et Ministre Plenipotentiaire de Sa Majesté Britannique, que les représentations du Gouvernement Anglais, concernant les procédures entamées contre le nommé *Charles Beverley*, par suite du débarquement de 22 Esclaves à Nickerie (Colonie de Surinam) provenant de la Martinique, allaient faire l'objet d'une Correspondance speciale avec le Gouverneur de la dite Colonie.

La détermination du Gouvernement à cet égard a été suivie de l'envoi d'un rapport présenté à ce sujet à M. le Gouverneur par le Fiscal de la Colonie.

Les détails que cette pièce renferme ayant été mis sous les yeux du Roi, le Soussigné a été autorisé d'en faire part à l'Ambassade Britannique.

Il s'en acquitte, en faisant parvenir à Monsieur Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, une traduction du Rapport dont il s'agit, qui lui fera connaître les motifs qui ont fait agir M. Le Fiscal contre Beverley plutôt du fait d'une faute grave, d'un abus de confiance et d'un attentat à la propriété d'autrui, que du fait d'un trafic illégitime d'Esclaves, et en même temps que Beverley, en subissant un emprisonnement de neuf mois, a été puni plus sévèrement que si on lui avait appliqué les peines portées par l'Arrêté du Roi du 16 Avril, 1821.

Le Soussigné peut encore ajouter à ces renseignements, pour l'information du Gouvernement Britannique, que Sa Majesté a pris occasion du rapport susdit, pour réquerir le préavis du Ministre de la Justice sur les moyens d'arrêter des dispositions plus sévères que celles comminées par l'Arrêté du 16 Avril, 1821, contre l'importation dans les Colonies du Royaume des Pays-Bas d'Esclaves amenés d'une Colonie Etrangère où leur introduction directe d'Afrique est permise.

Et quant à ce qui concerne les 22 Esclaves importés dans le district de *Nickerie* par Beverley, le Roi ayant été informé que sur ce nombre, 19 avaient été recouvrés et que deux autres, un Nègre et une Nègresse, étaient morts depuis leur débarquement, Sa Majesté a fait adjoindre à l'Administration Coloniale à Surinam de faire mettre ces 19 Esclaves en liberté, et de les employer comme travailleurs du Gouvernement jusqu'à ce que l'occasion se présente de les renvoyer dans leur patrie.

Monsieur Chad,
&c. &c. &c.

Le Soussigné a l'honneur, &c.

(Signé) A. W. C. DE NAGELL.

First Inclosure in No. 44.

The Baron de Nagell to G. W. Chad, Esq.

(Translation.)

The Hague, Dec. 31, 1823.

ON the 26th of March last, the Undersigned, Minister for Foreign Affairs, had the honour to inform His Excellency the Earl of Clancarty, Ambassador Extraordinary and Minister Plenipotentiary of His Britannick Majesty, that the representations of the English Government, in regard to the proceedings instituted against *Charles Beverley*, in consequence of the landing of twenty-two Slaves at Nickerie, in the Colony of Surinam, brought from Martinique, were intended to be made the subject of a distinct Correspondence with the Government of that Colony.

The determination of the Government on this point, occasioned the Fiscal of the Colony to present to the Governor a Report concerning this transaction.

The circumstances set forth in that Statement having been submitted to The King, the Undersigned has been authorised to communicate it to the British Embassy.

Accordingly, he transmits to Mr. Chad, Minister Plenipotentiary of His Britannick Majesty, a Translation of the Report alluded to, from which he will learn the motives that induced the Fiscal to proceed against Beverley, rather for having committed a gross fault in being guilty of a breach of trust, and of an encroachment upon another's property, than for engaging in unlawful Slave-trade, and, at the same time, that Beverley, in suffering a nine month's imprisonment, has been more severely punished than if the penalties prescribed by the Royal Decree of the 16th of April 1821, had been enforced against him.

To these particulars, the Undersigned is enabled to add, for the information of the British Government, that, in consequence of the above Report, His Majesty required the opinion of the Minister of Justice, respecting the manner of visiting with greater rigour than that denounced by the Decree of the 16th of April 1821, the importation into the Colonies of the Kingdom of the Netherlands, of Slaves conveyed from a Foreign Settlement, where their introduction from Africa, direct, is permitted.

And as to the twenty-two Slaves imported into the District of *Nickerie*, by Beverley, The King having been apprized that nineteen out of this number had been recovered, and that two others, a Negro and a Negress, had died since their landing; His Majesty has issued His orders to the Colonial Administration at Surinam, to set these nineteen Slaves at liberty, and to employ them as Government labourers, until an opportunity shall offer to send them back to their Native Country.

The Undersigned has the honour, &c.

(Signed)

A. W. C. DE NAGELL.

G. W. Chad, Esq.

Second Inclosure in No. 44.

Report of the Fiscal to the Governor of Surinam.

(Extrait.)

Paramaribo, le 14 Juillet 1823.

OBTEMPERANT à la Résolution de Votre Excellence du 8 Juillet dernier, par laquelle, en me communiquant la Dépêche Ministérielle du 13 Mai dernier, elle m'invite à lui transmettre au plutôt un Rapport touchant son

contenu ; J'ai l'honneur de lui donner connoissance par la présente, que pour développer convenablement cette affaire, il m'a paru utile de faire précéder un Narré succinct de la procédure intentée contre *Ch. Beverley* ; Narré, qui, à ce que j'espère, conduira de lui-même à des conséquences propres, selon moi, à placer la conduite de l'Office Fiscal en cas présent, sous son véritable jour, et à faire disparaître les difficultés et les objections, les quelles à mon grand regret, ont été suggérées à l'encontre dans la mère patrie.

Ce fut le 26 Avril de l'année précédente 1822, que Je reçus une lettre du Sieur *G. La Martinie* demeurant ici à *Paramaribo*, portant en substance, que le Capitaine *Beverley* Commandant la Chaloupe *l'Elliot*, après être parti d'ici le 26 fevrier précédent pour *St. Pierre, Martinique*, y était révenu le 7 Avril suivant, et lui avait communiqué la nouvelle, qu'un certain négociant de l'Isle de la Martinique lui avait envoyé à bord, à sa consignation, douze Nègres et dix Nègresses, les quels, néanmoins, deux jours après, en découvrant un bâtiment de guerre, la crainte de l'exposer à des désagrémens, lui avait fait débarquer sur la côte occidentale de l'Isle. Que deux jours après avoir reçu cet avis, un certain Mulâtre, nommé *Jean Clairac*, qui avait fait le voyage avec *Beverley*, lui avait rapporté que ces nègres n'auraient nullement été débarqués dans l'Isle de la *Martinique*, mais auraient été mis à terre le 27 ou 28 Mars précédent, sur la plantation du Sieur *Cruden* dans le District *Nikeri*. Qu'il avait vainement fait des efforts pour parvenir à des découvertes ultérieures, mais néanmoins pensait devoir présumer que le Capitaine *Beverley* et peut-être même le Sr. *Cruden* cherchaient à s'approprier ces esclaves au préjudice de leurs propriétaires légitimes ; et se croyait donc obligé de porter cette affaire à ma connoissance, afin que par mon intercession ils pussent être restitués à leurs possesseurs légitimes.

Après la réception de cette lettre, je jugeai convenable de me mettre en état par le recouvrement de quelques renseignemens préliminaires, de juger sur le plus ou le moins de fondement de l'accusation que cette lettre renfermait en premier lieu contre *C. Beverley*, lequel, si le contenu de cette lettre venait à être dument vérifié, devrait, selon ma façon de voir, être jugé s'être rendu coupable d'une insigne déloyauté et d'un attentat à la propriété d'autrui.

A cette fin je recueillis les déclarations de deux matelots qui avaient accompagné le Captain *Beverley* dans le voyage en question, d'ont l'un était le sus dit *Jean* ou *Jean Pierre Clairac*. Par leurs dépositions assez uniformes, il me parut clair et certain que le Capitaine *Beverley* avait réellement commis la honteuse action dont le Sr. *C. La Martinie*, l'accusait ; je me trouvais confirmé dans cette opinion, lorsque ces deux déposans eurent confirmé par serment leurs déclarations particulières, le 4 Mai de l'année dernière, tout comme le Sr. *La Martinie* le contenu de sa Lettre, par devant M. M. les Conseillers délégués.

Me jugeant suffisamment autorisé par là, à demander décret de prise de corps contre le Capitaine *C. Beverley*, j'adressai à cet effet à votre Excellence à défaut de cession de la Cour de Police et de Justice Criminelle, la demande nécessaire, ce même 4 de Mai 1822, et par une résolution du même jour, il lui plut d'accorder un pareil Décret Contre *C. Beverley* ; avec autorisation de procéder contre lui *Extraordinario Modo*.

C. Beverley, en consequence de ce décret, ayant été appréhendé et déposé au Fort *Zelandia*, fut à ma réquisition interrogé à diverses fois par M. M. les délégués ; et enfin confessa qu'il avait pris à son bord un chargement de douze nègres et de dix nègresses, à *St. Pierre, Martinique*, du Sr. *P. Derilles* (lequel dans l'entrefaite conjointement avec les Sieurs *Hubert* et *Felix Archambaud*, s'étaient fait connoître comme propriétaires et chargeurs de ce chargement) ; Que ces esclaves étaient consignés au Sieur *C. La Martinie* d'ici ; qu'étant tombé sous le vent et ayant manqué de vivres, il avait crû qu'en cas pareil un Capitaine de Navire pouvait se défaire de sa charge,

et avait vendu son chargement au Sieur *Cruden*, dans le district *Nikeri* ; à l'exception de deux négresses dont il en avait vendu une à certaine mulâtresse sur la Plantation *Good-intent* et avait amené l'autre avec lui à *Paramaribo*.

Après cette confession, le détenu fit les derniers efforts pour réparer la perte soufferte par les Chargeurs et Propriétaires ; la suite en fut que je réussit à faire mettre en Custode Judiciaire au profit de qui de droit, dix-neuf individus de ce Chargement.

L'Affaire étant poussée à ce point, le détenu essaya par une Requête *ex carcere*, de supplier la Cour de Police et de Justice criminelle d'être reçu à soumission du fait des procédures criminelles qui se poursuivaient contre lui. Je crus ne devoir pas m'opposer à la concession de cette demande.

La suite de cette pétition fut qu'on accorda au détenu sa demande, et que par résolution de la Cour du 29 Août 1822, il fut admis à soumission, à l'effet que le tems de sa détention lui serait imputé comme chatiment, et je fus autorisé à le laisser sortir de prison, moyennant le paiement des fraix du procès et des couts et mises de la Justice ; paiement qu'à cause de ses circonstances indigentes, et seulement après rénonciation préalable de ma part à mon Salaire, justement mérité en cause, (par compassion surtout pour sa malheureuse femme, généralement plainte dans la Colonie) ; il n'a été en état d'effectuer que le 11 fevrier de cette année, lorsque en vertu de l'autorisation que j'en avais, Je l'ai délivré de sa détention.

Par la lecture de ce que dessus, votre Excellence aura suffisamment acquis la connaissance du point de vue sous le quel le procès poursuivi contre *C. Beverley* doit être envisagé. Il ne sera donc point échappé à l'attention de votre Excellence, que l'office de l'accusateur public n'a pas été premièrement invoquée, pour cause d'un trafic illégitime d'Esclaves, mais du fait d'une insigne violation de la bonne foi et de la spoliation de la propriété d'autrui ; c'est de ce chef qu'une action criminelle était née contre *C. Beverley*.

On ne sauroit désavouer, que l'objet sur lequel cette odieuse conduite avait roulé, ne consistat en un chargement d'Esclaves, reçu dans l'Île de la Martinique. On saurait aussi peu nier, que ce chargement n'eut été débarqué par *C. Beverley* dans le District *Nikeri* ; il est hors de tout doute que par là il n'eut péché contre la lettre de l'Arrêté Royal du 16 Avril, 1821, et qu'ainsi il n'eut cumulé par une seconde, l'action déjà existante contre lui.

Mais comme les peines qu'il aurait encourues, par cette seconde action, aux termes de l'Arrêté Royal précité, auraient été moins graves, que celles dont il était possible d'après le droit commun, du fait de l'infidélité par lui commise ; je me crus obligé, d'après les règles d'une saine procédure pénale, de borner mon office à l'action, qui aurait pu entraîner les suites les plus graves pour l'accusé. Que dans cette alternative, je me soye borné à la première action, ne pourra causer d'étonnement à votre Excellence, si elle considère que le fait sur lequel portait la première action, allant, à peu près de poir avec un rol d'effets confiés, aurait pu avoir pour suite une peine criminelle, corporelle, ou infamante, ou le bannissement ; tandis que l'importation d'Esclaves, d'une Colonie étrangère, où l'importation directe d'Afrique en est permise, n'étant prohibée que sous les mêmes peines que celles comminées contre l'importation d'objets prohibés dans cette Colonie ; n'aurait pu être suivies d'autres peines que de la confiscation, et en certains cas d'une amende ; l'une et l'autre par la nature de la chose, d'une nature bien plus légère et même telle, que si la conduite frauduleuse de *Beverley* à l'égard de ses mandataires, ne s'y était pas jointe et que j'eusse dû me borner au seul fait de l'importation d'Esclaves de la Colonie de la *Martinique*, je n'aurais pas même été fondé légalement, à demander contre lui un Décret du prise de Corps.

Le cas aurait été différent, si le chargement d'Esclaves débarqué par

Beverley, dans le District *Nikeri*, avait été pris à bord sur la côte d'*Afrique*; pour lors il serait tombé dans les termes de l'Arrêté Royal du 17 Septembre 1818, et pu être puni d'une détention de cinq années, et n'aurait eu certainement en tout cas aucun titre à réclamer le bénéfice de la soumission, mais puisque d'un coté des réclamans directs s'étaient élevés, de l'Ile de la *Martinique*, pour révéndiquer leur propriété prétendue; et que, de l'autre coté, c'était à moi à produire la preuve du contraire, laquelle je me trouvais hors d'état d'obtenir et de présenter; je n'ai pas voulu exposer ma dignité à une défense captieuse, préférant la voye la plus sûre à la plus hasardée, dans la quelle on se trouve presque toujours forcé de revenir sur ses pas, en préjudice de la bonne cause.

Ce que je viens d'avancer suffira j'espère, pour résoudre l'objection, si supposé même que *Beverley* ne put avoir été poursuivi comme trafiquant d'*Esclaves*; cette affaire néanmoins n'aurait pas été susceptible de recevoir une tournure propre à servir d'exemple à ceux qui par la suite voudraient s'en hardir à éluder sous l'un et l'autre prétexte, les lois contre le traffic des *Esclaves*.

D'après ce que j'ai posé ci dessus, à ce que j'espère, sur de solides fondemens, il est évident que *Beverley* en subissant une détention de neuf mois, a éprouvé une peine bien plus rigoureuse qu'il n'aurait été possible de lui appliquer en vertu de l'Arrêté Royal, du 16 Avril 1821, lequel Arrêté aurait uniquement pû lui être rendu applicable comme trafiquant d'*Esclaves*, &c.

Son Excellence Monsieur Le Gouverneur
de la Colonie de Surinam.

(Second Inclosure in No. 44.)

Report of the Fiscal to the Governor of Surinam.

(Translation.)

(Extract.)

Paramaribo, July 14, 1823.

IN compliance with the Resolution of your Excellency of the 8th July, by which, in communicating to me the Ministerial Despatch of the 13th of last May, you invite me to transmit to you, as soon as possible, a Report, relative to its contents; I have the honour now to inform you, that, in order properly to explain the business in question, I have thought it necessary to premise, with a succinct narrative of the proceedings instituted against *C. Beverley*, a narrative which will, I hope, of itself, lead to results, tending, in my opinion, to place the conduct of the Fiscal's Office, on the present occasion, in its true light; and to dissipate the difficulties and objections, which, to my great regret, have been started in the Mother Country. On the 26th of April of the preceding year, 1822, I received a Letter from the Sieur *C. La Martinie*, residing here at *Paramaribo*, informing me that Captain *Beverley*, commanding the Sloop *Elliot*, after having sailed hence, on the preceding 26th February, for *St. Pierre, Martinique*, returned thither, on the 7th of April following, and communicated to him the intelligence that a certain Merchant of the Island of *Martinique* had consigned, and sent on board to him, 12 Negroes and 10 Negresses, whom, nevertheless, two days after, on discovering a Ship-of-War, through fear of exposing himself to disagreeable consequences, he was induced to land, on the Western side of the Island: that, two days after the receipt of this information, a certain Mulatto, named *Jean Clairac*, who had made the voyage with *Beverley*, declared to him that these Negroes had never been landed on the Island of *Martinique*, but put ashore on the 27th or 28th of the March

preceding, on the estate of the *Sieur Cruden*, in the District of *Nickeri*: that he had in vain endeavoured to obtain further information, but was, nevertheless, inclined to think that Captain *Beverley*, and perhaps the *Sieur Cruden*, were attempting to appropriate to themselves the said Slaves, to the prejudice of their lawful Owners: and that, therefore, he thought himself bound to bring the matter under my cognizance, to the end that, through my interference, they might be restored to their rightful possessors.

On the receipt of that Letter, I thought it expedient, by a reconsideration of some of the preliminary information, to enable myself to decide on the degree of credit to be attached to the accusation therein contained; in the first place against *C. Beverley*, who, if the contents of that Letter were duly verified, ought, in my opinion, to be convicted of having rendered himself guilty of a flagrant offence, by an attempt against the property of another.

For that purpose, I collected the depositions of two sailors, who had accompanied Captain *Beverley* in the voyage alluded to; one of whom was the above-named *Jean*, or *Jean Pierre Clairac*.

By their depositions, sufficiently accordant, it appeared to me clear and manifest, that Captain *Beverley* had, in fact, committed the scandalous act of which the *Sieur C. La Martinie* accused him; I was confirmed in my opinion, when these two Deponents established, on oath, in presence of the Delegated Counsellors, on the 4th of May last year, their individual evidence, exactly as it was stated by *C. La Martinie* in his Letter.

On this account, conceiving myself completely justified in demanding a Decree of Arrest against Captain *Beverley*, I, on the said 4th May 1822, addressed for that purpose, the requisite demand, in default of the Court of Police and Criminal Justice, to your Excellency; and by a Resolution of the same day, you were pleased to grant a Decree, as sued for, against *C. Beverley*, authorising measures to be taken against him *extraordinario modo*.

C. Beverley, in consequence of this Decree, having been apprehended, and placed in the Fortress, *Zelandia*, was, at my requisition, interrogated at different periods, by the Delegates; and, at last, confessed that he had received on board his Ship a cargo of 12 Negroes and 10 Negresses at *St. Pierre, Martinique*, from the *Sieur T. Derilles* (who, during this transaction, together with the *Sieurs Hubert* and *Felix Archambaud*, had declared themselves to be the proprietors and shippers of this cargo); that these Slaves were consigned to the *Sieur C. La Martinie* of this Place; that, having fallen to leeward, and being in want of provisions, he thought, under such circumstances, a Captain of a Ship was warranted in getting rid of his cargo, and consequently sold his cargo to the *Sieur Cruden*, in the District of *Nickeri*, excepting two Negresses; one of whom he sold to a certain female mulatto on the plantation *Good Intent*, bringing the other with him to *Paramaribo*.

After this confession, the prisoner did all in his power to repair the loss sustained by the shippers and proprietors: the result of which was, that I succeeded in putting under legal custody, for the benefit of those it might concern, 19 individuals of this cargo.

The matter having been pushed thus far, the Prisoner attempted, by a Petition, suing for his enlargement, to supplicate the Court of Police and Criminal Justice to be admitted to bail for the offence, in the Criminal Proceedings which were instituted against him. I did not think it my duty to oppose this demand.

The result of that Petition was, that the Prisoner obtained his request; and, by a Resolution of the Court of the 29th of August 1822, was admitted to bail, the term of his detention being considered to be a part of his punishment; and I was authorised to discharge him from prison, on payment of the fees of the trial, and of the costs and expences of Courts—a payment which,

on account of his indigence, and notwithstanding the abandonment on my part of my fees, justly earned in the Case (in compassion chiefly to his unfortunate wife, generally pitied in the Colony,) he was not in a situation to make good, until the 11th February of this Year, when, in virtue of the authority I had received, I released him from confinement.

By the foregoing statements, your Excellency will clearly perceive the point of view in which the proceedings instituted against *C. Beverley*, ought to be seen. It cannot, herefore, have escaped the observation of your Excellency, that the duties of the Public Accuser have not been, in the first place, called into action, on account of an illegal Traffick in Slaves; but by reason of the trespass committed, in a notorious violation of good faith, and in the spoliation of the property of another person. Under that head, the Criminal Action was set on foot against *C. Beverley*.

It cannot be denied, that the main spring of this odious conduct was the receiving a cargo of Slaves in the Island of Martinique; and it is notorious that this cargo was landed by *C. Beverley*, in the District of *Nickeri*: therefore it is evident that thus he had contravened the enactments of the Royal Decree of the 16th April 1821, and made himself liable to a second action, over and above the one already pending against him.

But as the penalties which he would have incurred in the second action, under the provisions of the Royal Decree above-stated, would have been less serious than those to which he was liable according to the common Law, for the offence of a breach of trust committed by him, I conceived myself constrained, in reference to a sound principle of penal procedure, to limit my functions to the action which contained the heaviest penalties, in regard to the Accused. That, in such an alternative, I should have confined myself to the first action, cannot be matter of wonder to your Excellency, if you reflect that the offence, on which the first action was founded, being almost tantamount to a robbery of goods entrusted, might have ultimately brought on corporal or infamous punishment, or banishment; while the importation of Slaves, from a Foreign Colony, where the direct importation from Africa is permitted, being only prohibited under the same penalties as those inflicted for the importation of contraband articles from that Colony, could not be punished but by confiscation, and in some Cases by fine, both of which inflictions, considering the state of the Case, were of too slight a nature; and even then, had the fraudulent conduct of *Beverley*, with regard to his Consignees, not been taken into account, and had I been compelled to restrict myself to the sole offence of the importation of Slaves from the Colony of Martinique, I should not have been legally empowered to demand against him a Decree of arrest.

The case would have been different if the cargo of Slaves landed by *Beverley*, in the District of *Nickeri*, had been taken on board on the Coast of Africa; as then it would have come under the Clauses of the Royal Decree of the 17th September 1818, and could have been punished by an imprisonment of five years, and he would have had no privilege to claim the benefit of bail: but since, on one side, direct Claimants would have come forward, to assert their title to a pretended property; and, on the other side, it would have rested with me, to produce proof to the contrary, which I found myself incapacitated to obtain and bring forward; I was unwilling to expose my dignity in a captious defence, preferring the surest to the most hazardous way; in which it is, almost always, requisite to retrace one's steps, to the prejudice of the good cause.

What I have just stated will suffice, I hope, to dispel the objection, that if *Beverley* could not have been prosecuted as a Trader in Slaves, nevertheless this affair might have been rendered susceptible of receiving such a character as might have tended to hold up an example to those who hereafter should be

hardy enough to elude, under either pretext, the Laws against the Traffick of Slaves.

After what I have above set forth, as I hope, on solid foundations, it is evident that *Beverley*, in undergoing an imprisonment of nine Months, has suffered a more rigorous punishment than could possibly have been awarded him, in virtue of the Royal Decree of the 16th April 1821, which Decree could only have been made applicable to him as a Trader in Slaves, &c.

No. 45.

G. W. Chad, Esq. to Mr. Secretary Canning.—(Received January 12.)

SIR,

The Hague, January 8, 1824.

I HAVE the honour to inclose a Note from M. Le Clercq, acceding to the arrangement proposed by His Majesty's Government to The King of the Netherlands, for providing for certain expences incurred by the Marshal of the Mixed Commission Courts, at Sierra Leone and at Surinam.

I have the honour to be, &c.

The Right Hon. George Canning,
&c. &c. &c.

(Signed)

G. W. CHAD.

Inclosure in No. 45.

M. Le Clercq to G. W. Chad, Esq.

La Haye, le 6 Janvier 1824.

LE Secrétaire, chargé momentanément du Portefeuille du Département des Affaires Etrangères, a l'honneur de faire part à Monsieur Chad, Ministre Plenipotentiaire de Sa Majesté Britannique, en reponse à la Note adressée par Son Excellence M. Le Comte de Clancarty à Son Excellence M. le Baron de Nagell, sous la date du 21 Novembre dernier, que le Roi a donné Son assentiment, à la proposition qui fait l'objet de cette note, par rapport au mode de subvenir à certaines dépenses, relatives aux procédures qui ont lieu par devant les Cours Mixtes, établies en vertu du Traité pour la repression de la traite et à l'entretien des Esclaves avant leur émancipation.

En conséquence, le Ministre des Colonies a été autorisé d'expédier les ordres nécessaires et conformes à la proposition dont il s'agit, aux Juges des Pays-Bas près des Cours Mixtes précitées.

Le Soussigné, &c.

Monsieur Chad,
&c. &c. &c.

(Signé)

A. LE CLERCQ.

Inclosure in No. 45.

M. Le Clercq to G. W. Chad, Esq.

(Translation.)

The Hague, January 6, 1824.

THE Secretary, entrusted, *ad interim*, with the superintendance of the Department for Foreign Affairs, has the honour to acquaint Mr. Chad, Minister Plenipotentiary of His Britannick Majesty, in reply to the Note addressed by His Excellency the Earl of Clancarty to His Excellency the Baron de Nagell, under date of the 21st of November last, that The King has

consented to the proposal which forms the subject of that Note, relative to the method of defraying certain expences connected with the proceedings carrying on in the Mixed Courts, established pursuant to the Treaty for the repression of the Slave-trade, and the maintenance of Slaves previous to their emancipation.

Accordingly, the Minister for the Colonies has been authorised to transmit the necessary orders to the Judges of the Netherlands attached to the Mixed Courts above-mentioned, agreeably to the proposal in question.

The Undersigned, &c.

G. W. Chad, Esq.
&c. &c. &c.

(Signed) A. LE CLERCQ.

No 46.

Mr. Secretary Canning to G. W. Chad, Esq.

SIR,

Foreign Office, January 31, 1824.

IN reference to the former Correspondence of the Secretary of State with His Majesty's Ambassador to The King of the Netherlands, respecting the expence of crews belonging to Vessels condemned for illegal Slave-trade, I send to you the Copy of a Communication received at this Office from the Colonial Department, dated the 23d of October last, by which it appears that no orders have as yet been received by the Netherlands Commissary Judge at Sierra Leone, in regard to providing for the expence of the clothing, the subsistence, and the passage to their Country, of such Persons forming part of the crews of condemned Vessels as are Natives of the Netherlands, or of Colonies under their Dominion.

It is evidently unjust that the expence arising from the source above-mentioned, should be borne by the British Government. The British Government are willing to take charge of the Subjects of Great Britain, and think it but fair, that the Netherlands Government should take the same course with respect to their own Subjects.

You will, therefore, urge that the Commissary Judge of the Netherlands, at Sierra Leone and at Surinam, should receive, without further delay, positive orders to defray the expence which has arisen, and which may hereafter arise from the charge of Subjects of the Netherlands condemned for illegal Slave-trade.

I am, &c.

G. W. Chad, Esq.
&c. &c. &c.

(Signed) GEORGE CANNING.

No. 47.

G. W. Chad, Esq. to Mr. Secretary Canning.—(Received February 14.)

SIR,

The Hague, February 9, 1824.

I HAVE the honour to acknowledge the receipt of your Despatch of the 31st ultimo, respecting the expence incurred for the support and return of Dutch Subjects, found on board condemned Slave-ships.

It appears by the Correspondence between the Earl of Clancarty, and the Baron de Nagell, on this subject, that The King of the Netherlands acceded to the arrangement proposed by His Majesty's Government, and consented to

bear this charge; nay, that a Decree was issued to that effect, so long ago as the 18th November 1820.

I therefore addressed a Note to the Minister for Foreign Affairs, of which I inclose a Copy.

I have the honour to be, &c.

(Signed) G. W. CHAD.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 47.

G. W. Chad, Esq. to M. Reinhold.

The Hague, February 7, 1824.

The Undersigned, &c. has the honour to call the attention of the Minister for Foreign Affairs, to a Note from His Excellency's Predecessor, the Baron de Nagell, dated 4th December 1820, in which it is stated, that The King of the Netherlands, acquiescing in the desire expressed by the British Government, had directed that orders should be given to the Dutch Commissioners at Surinam and at Sierra Leone, to defray the expences and the passage home, of such persons forming part of the crews of condemned Slave-vessels, as are Natives of the Netherlands, or of the Dutch Colonies. This decision had previously been recorded by a Decree of the 18th November 1820, but has not yet, however, been carried into execution, as is proved by a Report of Sir Charles M'Carthy, dated 13th August 1823, in which it is stated, that "even up to this day, as the Commissary Judge of the Netherlands Commission, M. le Major de Marrer, has not received any instructions from his Government on these points, viz. Provisions, Lodgings, and Passage: the expence has been defrayed by the Commissariat."

The Undersigned has, in consequence, received directions from his Court, to lose no time in representing to the Government of the Netherlands, that, as these intentions have not been carried into effect, Great Britain is obliged to provide for the support and for the return home of Dutch Subjects.

The Undersigned is instructed to point out, at the same time, the injustice of such a state of things, and to urge that the Commissary Judge of the Netherlands, at Sierra Leone, and at Surinam, should receive prompt and positive orders, to defray the expence which has arisen, and which may hereafter arise, from the charge of the Subjects of the Netherlands, belonging to Vessels condemned for illegal Slave-trade.

The Undersigned begs that His Excellency M. Reinhold will accept the assurances, &c.

(Signed)

G. W. CHAD.

His Excellency M. Reinhold,
Minister for Foreign Affairs, *ad interim.*

No. 48.

G. W. Chad, Esq. to Mr. Secretary Canning.—(Received February 23.)

SIR,

The Hague, February 20, 1824.

The enclosed Note is the reply from M. Reinhold, to mine of the 7th instant, which I had the honour to transmit to you in my Despatch, of the 9th instant.

His Excellency states, that instructions, in conformity with the wishes of His Majesty's Government, were sent to Surinam and Sierra Leone on 30th November 1820, and that the receipt of them was acknowledged by advices of 6th August 1821. As, however, there is no promise that renewed directions shall be sent to those Colonies on this subject, I have lost no time in writing a Note in answer, of which the inclosed is a Copy.

I have the honour to be, &c.

(Signed) G. W. CHAD.

The Right Hon. George Canning.

&c. &c. &c.

First Inclosure in No. 48.

M. Reinhold to G. W. Chad, Esq.

La Haye, le 18 Fev. 1824.

LA Note de Monsieur Chad, Ministre Plénipotentiaire de S. M. B. en date du 7 de ce mois, ayant été communiquée au Département des Colonies, le Soussigné, Ministre de S. M. près Le St. Siège et la Cour de Toscane, chargé ad interim de la direction du Département des Affaires Etrangères, se trouve à même de lui faire part, que, dès le 30 Novembre, 1820, il a été expédié, tant au Commissaire Juge des Pays-Bas à Sierra Leone, qu'à celui près la Cour Mixte pour la repression de la Traite des Esclaves à Surinam, copie authentique de l'Arrêté du Roi, du 18 du même mois, touchant l'entretien et le renvoi des individus qui font partie des équipages de navires, sous Pavillon des Pays-Bas, saisis et confisqués en vertu du Traité du 4 Mai, 1818, pour leur servir de règle, conjointement avec la permission de délivrer des lettres de change à charge du Département des Colonies, pour le payement des frais dont il s'agit lorsque le provenu de la confiscation et de la vente des Batimens ne suffirait pas à couvrir ces dépenses.

Ces instructions sont parvenus dans le tems à leur destination, ainsi qu'il conste d'un accusé de réception, expédié le 6 Aout, 1821, par le Juge des Pays-Bas, alors en fonction à Sierra Leone, et le Soussigné croyant ainsi pouvoir attribuer le rapport qui a été transmis sur cet objet par Sir Charles M'Carthy à quelque malentendu, prie M. Chad de bien vouloir porter ces renseignements à la connaissance du Gouvernement de S. M. B.

Il saisit cette occasion, &c.

Monsieur Chad,
&c. &c. &c.

(Signé) J. G. REINHOLD.

First Inclosure in No. 48.

M. Reinhold to G. W. Chad, Esq.

(Translation.)

The Hague, February 18, 1824.

THE Note of Mr. Chad, Minister Plenipotentiary of His Britannick Majesty, dated the 7th instant, having been communicated to the Department of the Colonies, the Undersigned, His Majesty's Minister at the Holy See, and the Tuscan Court, being charged, *ad interim*, with the direction of Foreign Affairs, has to inform him, that since the 30th November 1820, there was sent, as well to the Netherlands Commissary Judge at Sierra Leone, as to the Mixed Commission for the suppression of the Slave-trade at Surinam, an authentick Copy of the Order of The King, relative to the subsistence and return of individuals who made part of the crews of Vessels, under the Flag of

the Netherlands, seized and confiscated in virtue of the Treaty of May the 4th 1818, to serve them for a rule; together with a permission to draw bills of exchange on the Colonial Department, for the payment of expences when the proceeds of the confiscation and sale of the Vessels are not sufficient to defray the same.

These Instructions arrived in time at their destination, as appears from an acknowledgment of their receipt, sent on August 6, 1821, by the Judge of the Netherlands, then in Office at Sierra Leone; and the Undersigned attributing the Report which has been transmitted on this subject by Sir Charles M'Carthy, to some misunderstanding, begs Mr. Chad to convey these explanations to the knowledge of the Government of His Britannick Majesty.

The Undersigned, &c.

G. W. Chad, Esq.

(Signed) J. G. REINHOLD.

Second Inclosure in No. 48.

G. W. Chad, Esq. to M. Reinhold.

The Hague, February 20, 1824.

THE Undersigned, His Britannick Majesty's Minister Plenipotentiary, has the honour to acknowledge the receipt of M. Reinhold's Note of the 18th instant, in which His Excellency states, that, on the 30th November 1820, orders were transmitted to the Judges at Sierra Leone and Surinam, to defray the expences and passage home of persons, Subjects of The King of the Netherlands, and forming part of the crews of condemned Slave-vessels, and that the receipt of these orders was acknowledged, by advices of the 6th August 1821.

The Undersigned will lose no time in transmitting this information to his Government, but as it appears certain that the Decree of the 18th November 1820, has, nevertheless, hitherto been without effect, he hopes the request contained in his Note of the 7th instant, will be acceded to, and that Instructions will be transmitted forthwith to the Colonies, to remedy past inconvenience; and to remove all doubts for the future.

The Undersigned, &c.

His Excellency M. Reinhold,
&c. &c. &c.

(Signed) G. W. CHAD.

No. 49.

G. W. Chad, Esq. to Mr. Secretary Canning.—(Received Feb. 27.)

SIR,

The Hague, Feb. 24, 1824.

THE Government of the Netherlands have acceded to the request which I lately made to them by your direction, and have promised that Instructions shall be sent to the Commissary Judges at Surinam and Sierra Leone, to give full effect to the Decree of the 18th November 1820, respecting the expences arising from the support and passage home of Subjects of The King of the Netherlands, forming part of the crews of condemned Slave-vessels.

I have the honour to inclose a Copy of M. Reinhold's Note, and am, with the greatest respect, &c.

(Signed) G. W. CHAD.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 49.

M. Reinhold to G. W. Chad, Esq.

La Haye ce 21 Fevrier 1824.

LE Soussigné, Ministre de Sa Majesté près le St. Siège et la Cour de Toscane, chargé ad interim de la direction du Département des Affaires Etrangères, a l'honneur d'informer Monsieur Chad, Ministre Plénipotentiaire de Sa Majesté Britannique, en reponse à son office du 20 de ce mois, qu'il n'y a nul lieu de douter, que le Département des Colonies n'ait expédié déjà, ou ne saisisse la première occasion pour expédier derechef au Commissaire Juge des Pays-Bas à Sierra Leone, et à celui près la Cour Mixte pour la répression de la Traite des Esclaves à Surinam, les Instructions prescrites par l'Arrêté de S. M. du 18 Novembre 1820, touchant l'entretien et le renvoi des individus qui font partie des équipages des Navires sous Pavillon des Pays-Bas, saisis et confisqués en vertu du Traité du 4 Mai 1818.

Cependant, pour lever toute incertitude à cet égard, le Soussigné vient d'inviter le susdit Département de donner, *casu quo*, suite à la demande, qui fait l'objet de la note précitée.

Le Soussigné saisit, &c.

Monsieur Chad.

(Signé)

J. G. REINHOLD.

Inclosure in No. 49.

M. Reinhold to G. W. Chad, Esq.

(Translation.)

The Hague, February 21 1824.

The Undersigned, &c, has the honour to inform Mr. Chad, Minister Plenipotentiary from His Britannick Majesty, in answer to his Communication of the 20th of this month, that there is no reason to doubt that the Colonial Department has already sent, or will take the earliest opportunity of sending, direct to the Netherlands Commissary Judge at Sierra Leone, and to the Mixed Commission for the suppression of Slave-trade at Surinam, the Instructions prescribed by the Order of His Majesty of November 18, 1820, relative to the subsistence and return home of the individuals who made part of the crews of Vessels, under the Flag of the Netherlands, seized and confiscated in virtue of the Treaty of May 4, 1818.

To leave, however, no doubt on this subject, the Undersigned has requested the said Department to attend, *casu quo*, to the demand which is the subject of the before-mentioned Note.

The Undersigned, &c.

G. W. Chad, Esq.

(Signed.)

J. G. REINHOLD.

No. 50.

Mr. Secretary Canning to Viscount Granville.

(Extract.)

Foreign Office, May 4, 1824

I WISH your Excellency to avail yourself of the information contained in the inclosed Despatch of the 4th of February last, from His Majesty's Commissary Judge at Surinam, with the view of urging the Netherlands Go-

vernment to make such arrangements, as that the Coast of Surinam shall not, for want of Netherlands Cruizers, be exposed, as it now appears to be, to the open incursions of illegal Slave-traders.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Viscount Granville,
&c. &c. &c.

No. 51.

Mr. Secretary Canning to Viscount Granville.

MY LORD,

Foreign Office, May 5, 1824.

I FURNISH your Excellency with the Extract of a Despatch, dated the 6th of February last, which I have received from His Majesty's Commissary Judge at Surinam, referring to certain regulations in force under the Netherlands Government. By the tenour of these regulations the Commander, capturing a Vessel upon suspicion of Slave-trade, runs all the risk of an action for damages, in the event of her release; and no compensation for such risk is allowed to him, by any bounty or prize-money, in the event of her condemnation.

If such be the state of the Case, it cannot be matter of wonder that Netherlands Cruizers are slow to capture Vessels suspected of being engaged in the Slave-trade.

Your Excellency will enquire from the Netherlands Government how the matter really stands; and if the statement of Mr. Lance shall turn out to be correct, you will represent that such regulations must defeat the object, which it is intended to attain, by furnishing National Cruizers with Instructions under the Treaty; and you will urge the immediate adoption of some arrangement which may render the execution of their duty less inconsistent with the interests of the Netherlands Cruizers, and the object of the Treaty.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Viscount Granville,
&c. &c. &c.

No. 52.

Mr. Secretary Canning to Viscount Granville.

MY LORD,

Foreign Office, May 6, 1824.

IN reference to the Treaty between His Majesty and The King of the Netherlands for the prevention of the Slave-trade, I have to desire that your Excellency will acquaint the Government of the Netherlands, that Instructions under that Treaty have been furnished to the following Ships and Vessels of His Majesty's Navy:—*Isis*, of 50 guns, Thomas Forrest, Commander; *Maidstone*, of 42, Charles Bullen; *Eden*, 26, John Lawrence; *Surinam*, 18, Charles Crole; and that the Instructions which had been issued to His Majesty's Ships *Gloucester* and *Cyrene* have been recalled and cancelled.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Viscount Granville,
&c. &c. &c.

No. 53.

Mr. Secretary Canning to Viscount Granville.

MY LORD,

Foreign Office, May 7, 1824.

I FURNISH your Excellency with the Copy of a Despatch, dated the 16th of February last, from His Majesty's Commissary Judge resident at Surinam, relating to the Case of the French Brig *La Légère*, detained and sent in to Surinam, with 353 Slaves on board, by Sir Thomas Cochrane.

Your Excellency will communicate this Despatch to the Netherlands Government, expressing at the same time the gratification which is felt by your Government at the highly honourable conduct pursued upon this occasion by the Governor of Surinam, in the execution of the Orders of his Sovereign.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Viscount Granville,
&c. &c. &c.

No. 54.

Mr. Secretary Canning to Viscount Granville. *

MY LORD,

Foreign Office, May 8, 1824.

By a Communication which I have received from the Admiralty, it appears that the Instructions annexed to the Treaty between His Majesty and The King of the Netherlands, for the prevention of the Slave-trade, have been issued to the following Ships and Vessels of His Majesty's Navy, viz. :—

Ship's Names.	Guns.	Commanders.
<i>Gloucester</i>	74.....	George F. Rich.
<i>Owen Glendower</i> ..	42.....	Sir Robert Mends.
<i>Ariadne</i>	26.....	Const R. Møorsom.
<i>Victor</i>	18.....	Thomas Prickett.
<i>Swinger, G. V</i>	12.....	Lieutenant John Scott.

And that the Instructions have been recalled and cancelled which had been issued upon this subject to the following Vessels:

Iphigenia,—*Sybille*,—*Tamar*,—*Tees*,—*Tyne*,—*Thistle*,—*Snapper*.

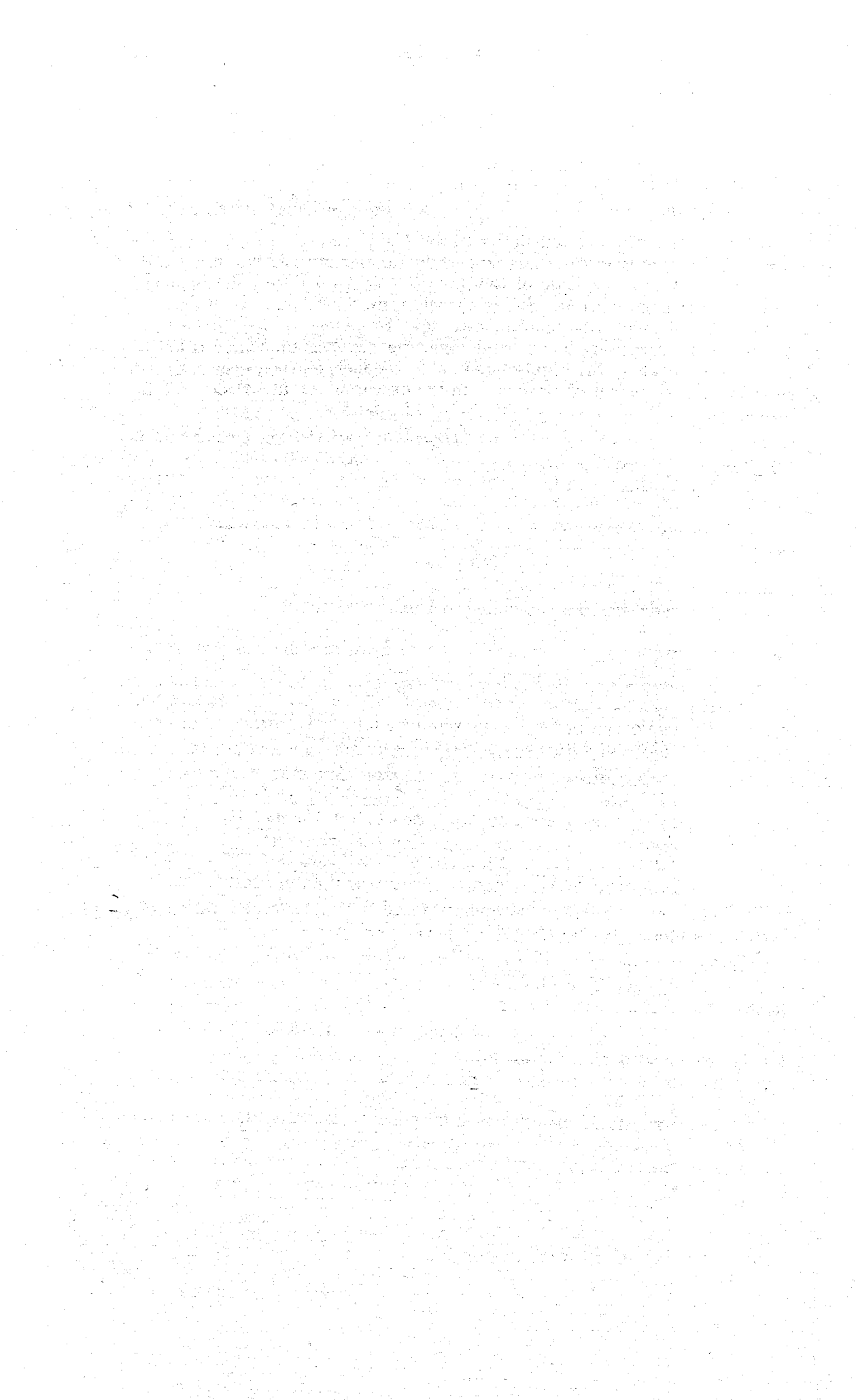
Your Excellency will communicate these facts to the Government of The King of the Netherlands.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Viscount Granville,
&c. &c. &c.

* A similar Communication was addressed to the British Commissioners at Sierra Leone and Surinam.



FRANCE.

No. 55.

Sir Charles Stuart to Mr. Secretary Canning.—(Received June 5.)

(Extract.)

Paris, June 2, 1823.

I SUCCESSIVELY received your Despatches of the 23d of May, last, relating to the numerous infractions of the Law for the Abolition of the Slave Trade, and inclosing the different Communications, upon this subject, which it is desirable to carry to the knowledge of the French Government.

I have executed these Instructions, by sending the several Inclosures to the Vicomte de Chateaubriand, accompanied by the Notes which I have the honour to forward, recapitulating the mischiefs of which there is reason to complain, and again pressing upon the attention of the French Ministers the expediency of a proper application of the existing Laws, or the Amendments which you have repeatedly recommended.

I have the honour, &c.

(Signed)

CHARLES STUART.

Right Hon. George Canning,
&c. &c. &c.

*First Inclosure in No. 55.**Sir Charles Stuart to The Vicomte de Chateaubriand.*

SIR,

Paris, May 28, 1823.

THE doubts which have been manifested respecting the frequent infractions of the Law for the Abolition of the Slave Trade, compel me to justify the authority upon which the Statements I have had the honour to transmit to the French Government upon this subject have been founded, by placing before your Excellency the accompanying Copies of a Letter from the Governor of Sierra Leone, and the Deposition of an European inhabitant of that Settlement, which indicate not only the continuation, but the increase of this abominable Traffic.

These Papers shew that the Trade is now carried on to a greater extent than at any former period, that no less than fourteen French vessels have completed cargoes of Slaves at the Gallinas, within the short space of four months; that every port along the Coast, not actually in the possession of Great Britain, is frequented by Vessels under French Colours employed in this Trade; and that their undertakings are encouraged by the Natives, under the persuasion that the Trade is lawful, because the respect due to the Flag of France, causes the British Cruizers to allow it to be carried on with impunity.

In making known to the French Government such glaring instances of the employment of French Capital, and of the extensive protection afforded to this Traffick by His Most Christian Majesty's Flag, I am instructed to acquaint your Excellency, that the reliance of my Government upon the solemn assurances of His Most Christian Majesty, nevertheless, induces the King's Ministers to look forward to the due fulfilment of the promises contained in the Communica-

tions which have been repeatedly received from Paris upon this subject, and to expect the adoption of measures which shall vindicate the French Flag from dishonourable imputations, by applying to the pursuit of a Traffick, prohibited by the French Laws, and pronounced by the World to be a disgrace to humanity, a punishment, in some degree, proportioned to the offence.

I have, &c.

(Signed)

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand,
&c. &c. &c.

Second Inclosure in No. 55.

Sir Charles Stuart to The Vicomte de Chateaubriand.

SIR,

Paris, May 30, 1823.

MY Communication, enumerating the infractions of the French Laws on the Coast of Africa, had scarcely been forwarded to your Excellency, when the Letter from the British Consul at Pernambuco, which I have the honour to inclose, brought proof that the Regulations which have been promulgated for the suppression of the Slave Trade, are equally evaded on the opposite shore of the Atlantick.

Your Excellency will observe, by the inclosed Paper, that the Cutter, the Trident, J. Borboreau, Master, was built at Martinique, and belongs to French Subjects inhabiting that Colony; that she sailed from the river Bonny with a Cargo of 133 Slaves on board; and that, after a variety of contradictory falsehoods, the Master was permitted to land his Cargo for Sale when lying in the Harbour of Pernambuco, within a short distance of His Most Christian Majesty's Ship the Hironnelle.

In calling the attention of the French Government to these circumstances, I cannot but earnestly press the execution of the Laws, in a case, to which the Enactments of the French Legislature, though insufficient completely to suppress the Slave Trade, undoubtedly apply.

(Signed)

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand,
&c. &c. &c.

No. 56.

Mr. Secretary Canning to Sir Charles Stuart.

SIR,

Foreign Office, June 3, 1823.

I ENCLOSE, for your Excellency's information, the Copy of a Letter from Mr. Parkinson, His Majesty's Consul at Pernambuco, dated the 21st. of March, relating to the conduct of the French Vice-Consul at that Port, in regard to a Sailor, a native of Cephalonia.

Your Excellency will make a suitable and strong representation to M. de Chateaubriand, upon this conduct of the French Vice-Consul; and you will not fail to point out to His Excellency the fresh instance, which has come to the knowledge of His Majesty's Government, of connivance at the Slave Trade on the part of French Authorities.

If any thing can render these proceedings of the Vice-Consul more to be lamented, it is the pretext upon which they are founded, of a total want of instructions from his Government.

I am, &c.

(Signed)

GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

*Inclosure in No. 56.**Mr. Consul Parkinson to Mr. Secretary Canning.—(Received May 29.)*

Sir,

Pernambuco, March 21, 1823.

IN addition to the information I had the honour to transmit in my Despatch of the 12th instant, relating to *Le Trident*, French Slave Vessel, I beg to add, that she purports to be built at Havre, and registered at St. Pierre, in Martinique. Her burthen is seventy-five tons; the Owner's name is "Armand," a resident in Martinique. Her crew consisted of sixteen individuals, two of whom left her when on the African Coast, and two died on the passage. She is licensed in *due form* to COAST: (caboter) but on the margin of the license, a special permission to extend her voyage to the Island of St. Thomas, is signed by the Port Officer of St. Pierre. She made direct for Africa, and on quitting the "Bonny," where her Slaves were purchased, one hundred and eighty-one souls were contained within this wretched worm-eaten Schooner of seventy-five tons.

Of the Slaves she brought hither, twenty have been sold by permission of the Junta, in order to defray the expenses of refit, &c.; and urgent application is now making for their sanction to the sale of fifty more.

One of the crew of this Slave-smuggler has recently become an object of official interest. Obscure as he is, and perhaps blameable, I have nevertheless felt it my duty to step forward on his behalf, in order to resist what to me appears an undue assumption, and exercise of authority, on the part of my Colleague, the French Vice-Consul.

In order to be clear in my narrative, I must incur the risk of being diffuse. The man, "Simon Lebera," stands charged with having assaulted the mate of the Slaver, a charge which he reciprocates. The fray took place on the deck of the Slaver, then high and dry *on the shore* of this harbour, undergoing a repair of her bottom timbers. The parties being separated, went on shore, and the sailor walking away, was accosted by the Consignee of the Vessel, who, promising to shew him the way to the Office of the English Consul, whither the man wished to go for redress, led him immediately to the French Vice-Consular Office. The artifice having succeeded, the doors were closed, a guard sent for, no notice being given to me, no intervention of the police being asked, and without ceremony the man was sent on board the French Sloop of War, *L'Hirondelle*, and put in irons by an order from the Vice-Consul.

In the course of the evening, M. Lainé, the Vice-Consul, called on me, and in a general way, described some of the particulars; dwelling very particularly on what he termed the officious and insolent interference of the Captain of the Port, who had publicly reprobated his conduct, for abstracting from the established Authorities of the Country, a person under charge of an offence committed within their jurisdiction. Having, at this time, no certainty of the sailor's right to any protection in my power to afford, which protection M. Lainé informed me was *claimed by him*, I proposed an investigation on the morning following, making no scruple, however, at once to characterize the manoeuvre, by which the man had been entrapped, as unworthy and unwarrantable.

The day following, I accompanied the Vice-Consul on board the *Hirondelle*, and there found Simon Lebera ironed down to the deck.

In good fluent English, the man assured me he had served on board His Majesty's Vessel of War, the "Surinam." Certificates of service he had none, "having lost them by shipwreck." He further declared, that he had served in British Merchantmen for many years. He stated himself to be a native of Cephalonia, and his statement has since been confirmed on oath by two Maltese sailors, now in port. The question of "service" was thus rendered of less moment. It could

not be doubted, that as a native of the Ionian States, he was entitled to legitimate protection ; and bearing in mind the 21st clause of my " Instructions," by which I am directed to " afford the same protection and assistance to the subjects " of the Ionian States, as to the persons of His Majesty's subjects," I claimed the liberation of the man, in order to his being handed over to the Magistracy of the Country, to be tried *here*, and punished *here*, if judged guilty of the offence laid to his charge : an offence committed not only within the harbour, but on the very shore of this Country.

My Colleague was little disposed to retract. He threatened to send him in irons for trial *in France*, and expatiated largely on the universality of the Magisterial Powers vested in French Consuls and Vice-Consuls, by " les Ordonnances " du Roi," but eventually he gave way.

On the day following, (March 15), M. Lainé sent the man to the Public Jail ; but down to this time no accusation whatever has been brought against him, whilst on the other hand, several casual and impartial spectators of the quarrel have offered themselves as evidence *against the mate*. With the merits of the original dispute I have nothing to do ; but, on general principles, I felt myself bound to resist the exercise of the Pernambuco Police Duties by a foreign Consul, directly they touched the person of one of His Majesty's subjects.

The master of the Slave Ship has had no reason to complain of having been received by his Consul, as a violator of the laws of France. He appears, in the official register, as coming from Martinique with one hundred and odd *passengers* ! The Vice-Consul has no " official knowledge of the Vessel having brought " in Slaves," and moreover, he " has no instructions how to act in such a case ;" in a state of equally unfortunate and profound ignorance, is the Commander of the Hironnelle Sloop of War. The circumstance of a French Vice-Consul, and a Commander of a French Man of War, voluminously instructed as they are known to be on most points, being left without directions how to act against a daring violator of the Laws of France, excites remark *even here*.

I beg to subscribe myself, &c. with respect,

(Signed) JOHN PARKINSON.

The Right Hon. George Canning,
&c. &c. &c.

No. 57.

Sir Charles Stuart to Mr. Secretary Canning.—(Received June 22.)

SIR,

Paris, June 19, 1823.

I INCLOSE the copy of a note I have received from the French Minister, in answer to the several representations to which the arrival of the French Slave-Trade Vessel, the Trident, in the Port of Pernambuco, has given rise.

I have the honor to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning.
&c. &c. &c.

Inclosure in No. 57.

The Vicomte de Chateaubriand to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR,

Paris, June 17, 1823.

J'AI reçu les deux lettres que votre Excellence m'a fait l'honneur de m'écrire le de ce mois, relativement aux circonstances qui auraient accompagné et suivi l'entrée et le séjour du Navire Français, Le Trident, dans le Port de Pernambouc ; je m'empresse de demander à cet égard des renseignements. Le Gou-

vernement du Roi prendra cette affaire en considération, aussitôt que les informations dont il a besoin lui auront été adressées par les Autorités qu'il charge de les recueillir et de les lui transmettre.

J'ai l'honneur, &c.

(Signé)

CHATEAUBRIAND.

Son Excellence Mons. Le Chev. Stuart.
&c. &c. &c.

Inclosure in No. 57. (Translation.)

SIR,

Paris, June 17, 1823.

I HAVE received the two Letters which your Excellency did me the honour to write to me on the of this month, relative to the circumstances which attended the entry and stay of the French Ship, Le Trident, in the Port of Pernambuco. I shall lose no time in obtaining particulars relative thereto. The King's Government will take this matter into consideration, as soon as the information required shall have been received from the Authorities, who have been directed to inquire into, and report upon the subject.

I have the honour, &c.

(Signed)

CHATEAUBRIAND.

His Excellency Sir Charles Stuart,
&c. &c. &c.

No. 58.

Mr. Secretary Canning to Sir Charles Stuart.

SIR,

Foreign Office, July 14, 1823.

IN reference to my Despatch of the 23rd of May last, I have to acquaint your Excellency that Advices have been received from Pernambuco, of the French Slave Ship, Le Trident, after having disposed of all her Slaves in that Port, and undergoing a thorough repair, cleared out from thence on the 18th of May, for the Island of St. Thomas.

Her obvious purpose is therefore to obtain a fresh Cargo of Slaves:—and I wish your Excellency to make the facts known, thus early, to the Government of His Most Christian Majesty, that they may be the better enabled to take such measures as shall appear to them to be most effectual, for preventing the successful continuance of the Trade in Slaves, on account of the Persons concerned in these illegal Voyages of the "Trident."

I am, &c.

(Signed)

GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

No. 59.

Sir Charles Stuart to Mr. Secretary Canning. (Received 24th July.)

SIR,

Paris, July 21, 1823.

I HAVE received your Despatch of the 14th Inst. making known to me the circumstances which preceded the departure of the French Slave Ship, the Trident, and which justify the belief that she has sailed in quest of a fresh Cargo of Slaves.

I have not failed to carry these facts to the knowledge of His Most Christian Majesty's Government, in the Note of which I inclose a Copy.

I have the honour to be, &c.
(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 59.

Sir Charles Stuart to The Vicomte de Chateaubriand.

SIR,

Paris, July 18, 1823.

WITH reference to a Letter which I addressed to your Excellency on the 30th of May last, I have the honour to acquaint you that Advices have been received by His Majesty's Government from Pernambuco, that the Slave Ship, the Trident, after having disposed of all her Slaves in that Port, and having undergone a thorough repair, cleared out from thence on the 18th of May, for the Island of St. Thomas.

The obvious intention of the Owners to obtain a fresh Cargo of Slaves, justifies the directions I have received to make these facts known to the Government of His Most Christian Majesty, in the hope that they will be enabled to take such measures as shall appear to be the most effectual for preventing the successful continuance of this Traffic.

I have the honour to be, &c.
(Signed) CHARLES STUART.

The Vicomte de Chateaubriand,
&c. &c. &c.

No. 60.

Sir Charles Stuart to Mr. Secretary Canning. (Received 31st July.)

(Extract.)

Paris, July 28, 1823.

I HAVE received the Note which I have the honour to inclose from Monsieur de Chateaubriand, in reply to my further Communications respecting the continuance of the Slave Trade, by Vessels under the Flag of France.

I have the honour to be, &c.
(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 60.

The Vicomte de Chateaubriand to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR,

Paris, le 24 Juillet, 1823.

LE Gouvernement du Roi avait prévenu le voeu qu'exprime Votre Excellence, au nom de sa Cour, par la Lettre qu'elle m'a fait l'honneur de m'écrire le 18 de ce mois. Dès qu'il a été informé par les Agens de Sa Majesté des circonstances qui ont accompagné et suivi l'entrée du Navire, le "Trident," dans le Port de Pernambouc, le Ministre de la Marine a donné des ordres pour faire poursuivre judiciairement les Armateurs et le Capitaine. Il en eut agi de même manière à l'égard des Bâtimens Français qui dénonce, dans un rapport que vous m'avez

communiqué le 20 Mai, le Gouverneur de Sierra Leone, si ces Navires lui avaient été signalés autrement que par une allégation générale, dénuée non seulement de preuves, mais même d'indices qui pussent mettre sur la voie pour les découvrir. Votre Excellence jugera sans doute qu'il ne peut y avoir lieu à provoquer des poursuites dès que les coupables ne sont désignés ni connus.

J'ai l'honneur, &c.

(Signé) CHATEAUBRIAND.

A Son Excellence Sir Charles Stuart,
&c. &c. &c.

Inclosure in No. 60. (Translation.)

The Vicomte de Chateaubriand to Sir Charles Stuart.

SIR,

Paris, July 24, 1823.

THE King's Government had anticipated the wish expressed in the name of your Government, in the Letter which Your Excellency did me the honour to address to me on the 18th of this Month. As soon as the Government had been informed by the French Authorities, of the circumstances which accompanied and followed the entrance of the Trident into the Port of Pernambuco, the Minister of Marine issued the necessary orders for the judicial prosecution of the Proprietors, as well as the Captain of that Vessel. Similar steps would have been taken against the French Vessels, denounced by the Governor of Sierra Leone, in the Report which you communicated to me on the 20th of May, had those Vessels been otherwise described, than by a general allegation, destitute not only of proof, but even of any clue that might lead to their discovery. Your Excellency must be aware of the impossibility of commencing proceedings, when the guilty are neither designated nor known.

(Signed) CHATEAUBRIAND.

His Excellency Sir Charles Stuart,
&c. &c. &c.

No. 61.

Sir Charles Stuart to Mr. Secretary Canning. (Received 7 August.)

SIR,

Paris, August 4, 1823.

I HAVE to acknowledge the receipt of your Despatch of the 28th of July, containing the printed Correspondence relative to the Slave Trade, recently laid before Parliament.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

No. 62.

Sir Charles Stuart to Mr. Secretary Canning. (Received 12th August)

SIR

Paris, August 7, 1823.

NOTWITHSTANDING my repeated Representations, I have not yet received from the French Government, the communication of the judicial decisions in virtue of the Laws for the Abolition of the Slave Trade; I can therefore merely

transmit to His Majesty's Government, the Statements upon this Subject, which are inserted in the public papers, and which relate to the proceedings before the Tribunals of Bourdeaux, in the Case of the Marie-Angelique, of which the Confiscation was pronounced on the 31st July.

Monsieur de Chateaubriand assures me, that upwards of Forty Condemnations have taken place within the last Six Months, in the various Tribunals of this Country, and of the Colonies, of which he promises to send me a correct List, whenever it shall be obtained from the Colonial Department.

I have the honour to be, &c.
(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 62.

Extract from the Moniteur of the 6th of August, 1823.

LA Chambre de Police Correctionnelle du Tribunal de Bourdeaux, après une instruction fort étendue, a rendu, le 31 Juillet dernier, un jugement qui déclare confisqués et acquis à l'État, le Navire la Marie-Angélique, et la Cargaison, pour contravention à la Loi Prohibitive sur la Traite des Noirs.

Le Sieur Jean-Baptiste Ménard, du Port de Bourdeaux, a été déclaré destitué de ses fonctions de Capitaine au long cours.

Le Navire appartenait au sieur Fernandès, Negociant de Bourdeaux.

Inclosure in No. 62. (Translation.)

The Chamber of Correctional Police of the Tribunal of Bourdeaux, after a very long investigation, delivered a judgment on the 31st of July last, declaring the Vessel, La Marie-Angelique, and her Cargo, confiscated and forfeited to the Government, for having violated the Prohibitory Law against the Slave Trade.

The Sieur John Baptiste Menard, of the Port of Bourdeaux, was declared to be deprived of his functions of Captain for long Voyages.

The Vessel belonged to the Sieur Fernandes, Merchant of Bourdeaux.

No. 63.

Sir Charles Stuart to Mr. Secretary Canning.—(Received Sept. 7.)

(Extract.)

Paris 4th Sept. 1823.

The Vicomte de Chateaubriand has communicated to me the inclosed list of the Vessels engaged in speculations, which are declared to be illegal, by the provisions of the Act passed by the Chambers; and which have, therefore, given rise to proceedings before the Tribunals.

This List is swelled by the name of every Vessel said to have been engaged in the Slave Trade since the Abolition was first enacted, without any regard to the time which has elapsed, or the circumstances which have given rise to delay.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 63.—ETAT NOMINATIF des Navires qui, depuis la publication des dispositions prohibitives de la Traite des Noirs, jusqu'au 1er Août, 1828, ont donné lieu à des poursuites judiciaires, soit en France, soit dans les Colonies Françaises.

Navires qui sont en ce moment l'objet de Poursuites, et sur le sort des quels les Tribunaux n'ont pas encore prononcé.				Navires qui, après avoir été l'objet de Poursuites ont été Acquittés.				Navires qui ont donné lieu à des Poursuites suivies de Condamnations.			
NOMS.	Indications des lieux où se suivent les Procédures.	Date des mises en Jugement.	NOMS.	Indications des lieux où les Jugemens ont été prononcés.	Dates des Jugemens	NOMS.	Indications des lieux où les Jugemens ont été prononcés.	Date des Jugemens.			
Le Mentor	Bordeaux	24 Janvier, 1821	Inconnu (Débarquement de 23 Noirs à Bourbon) }	Bourbon	1 Decembre 1817	Le Postillon	Sénégal.	28 Avril, 1818			
La Cybèle	Le Havre	19 Septembre	L'Arrière	Guadeloupe	9 Decembre	La Dorade	id.	16 Août			
La Caroline	Bayonne	5 Decembre	La Marie	Sénégal	25 Mars, 1818	La Prosperité	Bourbon	2 Decembre			
L'Amable Henriette	Nantes	30 Janvier, 1822	La Calypso	Guadeloupe	11 Septembre	Le Bon Accord	id.	13 Janvier, 1819			
La Petite Betzy	Nantes	14 Fevrier	L'Astrée	id.	18 Do.	La Favorite	id.	9 Juin			
L'Eliza	Le Havre	22 Do.	Le Sylphe	id.	18 Do.	L'Espérance	id.	23 Do.			
La Cosmopolite	Bourbon	6 Mars	La Reine Caroline	id.	18 Do.	La Bayonnaise	id.	20 Juillet			
L'Amélie	Martinique	15 Do.	L'Eole	Bourbon	24 Do.	La Josephine	id.	20 Septembre			
L'Atalante	Bordeaux	24 Avril	La Jeune Emilie	id.	25 Do.	L'Egée	id.	30 Août, 1820			
Le Felix	Martinique	10 Mai	Inconnu (Débarquement de 28 Noirs à Bourbon) }	id.	12 Octobre, 1819	L'Espoir	id.	4 Decembre			
L'Africain	Le Havre	24 Juin	Inconnu (Débarquement de 4 Caffres à Bourbon) }	id.	25 Novembre	La Marie	Sénégal	16 Mai, 1821			
Le Dauphin	Nantes	25 Septembre	La Maria Isabella	Guadeloupe	4 Juillet, 1820	La Marie Bombarde	Cayenne	25 Juillet			
La Marie Angélique	Bordeaux	18 Novembre	Inconnu (Débarquement de 7 Noirs à Bourbon) }	Bourbon	6 Septembre	La Sallep	Bourbon	3 Août			
L'Erène	Bordeaux	18 Do.	Le Succès	id.	Octobre	Le Neptune	Cayenne	13 Do.			
L'Ursule	Martinique	12 Decembre	Le Rodeur	Bourbon	21 Do.	La Mathilde	Guadeloupe	12 Mars, 1822			
L'Eugène	Le Havre	13 Do.	Les Deux Amis	id.	4 Do.	Les Deux Sœurs	Sénégal	28 Mai			
La Confiance	Nantes	26 Do.	L'Espérance Chaloupe	Le Havre	4 Decembre	L'Angelique	Rouen	7 Juin			
L'Industrie	Bourbon	18 Janvier, 1823	La Louise ou la Normande	Bourbon	29 Mai, 1821	Le Saint Paul	Bourbon	10 Do.			
Le Protée	Nantes	30 Janvier	L'Aurora	id.	22 Août	La Zélie	id.	Do.			
L'Aurore	Nantes	13 Mars	L'Étoile	Caen	22 Août	Le Télémaque	Bordeaux	26 Juin			
Le Jeune Alexandre	Bourbon	26 Do.	La Rose	Guadeloupe	13 Do.	Le Bellier	Bourbon	23 Juillet			
La Précurseur	Nantes	31 Mai	La Louise	Sénégal	12 Do.	La petite Caroline	Martinique	30 Novembre			
La Marie	Nantes	27 Juin	La Joséphine	id.	18 Do.	Le Vigilant	Nantes	5 Do.			
Le Phénix	Le Havre	28 Do.	L'Expérience	Guadeloupe	25 Janvier, 1822	L'Espoir	id.	14 Do.			
La Jeune Laure	Bordeaux	30 Do.	La Levrette	Bordeaux	26 Do.	L'Actif	id.	Do.			
La Légère	Nantes	18 Juillet	La Charlotte	Cayenne	26 Do.	L'Edouard	Pont L'Evêque	23 Avril			
Le Trident	Martinique	Do.	L'Espoir	Angers	26 Do.	La Pensée	Nantes	3 Mai			
			La Levrette	id.	26 Do.		Bordeaux	31 Juillet.			
			La Cérés	id.	26 Do.						
			L'Africaine	Aix	2 Fevrier						
			Le Léopold	Martinique	11 Do.						
			Inconnu (Débarquement de Noirs à la Guadeloupe) }	Guadeloupe	22 Mai						
			La Louisa	id.	28 Do.						
			L'Y	id.	28 Do.						
			Le Fox	id.	28 Do.						
			Le Felix	id.	28 Do.						
			Le Scholastique	id.	28 Do.						
			Inconnu (Débarquement de Noirs à la Guadeloupe) }	Sénégal	25 Juin						
			Le Furet	Guadeloupe	6 Août						
			Inconnu (Débarquement de Noirs à Bourbon) }	Bourbon	6 Do.						
			Le Sylphe	id.	6 Septembre						
			Inconnu (Débarquement de Noirs à la Guadeloupe) }	id.	5 Octobre						
			La Fourmi	Guadeloupe	14 Do.						
			L'Astrée	Bourbon	19 Do.						
			Le Glaneur	Nantes	18 Janvier, 1823						
			Inconnu (Débarquement de Noirs à la Guadeloupe) }	Guadeloupe	14 Mai						
			Inconnu	id.	28 Do.						
			Inconnu	id.	28 Do.						
			Inconnu	id.	28 Do.						
			Inconnu	id.	28 Do.						

31 Bâtimens.

Sir Charles Stuart to Mr. Secretary Canning.—(Received January 8.)

(Extract.)

Paris January 5, 1824.

Having received information that the numerous infractions in the Port of Nantz of the French regulations for the Abolition of the Slave Trade, has reduced the Law upon that subject to a dead letter, I have thought it my duty to address a Communication to the French Minister, of which I inclose a Copy, accompanied by a list of the Vessels engaged in that Traffic, which has been made out by an eye-witness of the Equipments which have taken place in that Port during the last Year.

I have the honour to be, &c.

CHARLES STUART.

The Right Hon. George Canning,
 &c. &c. &c.

First Inclosure in No. 64.

Sir Charles Stuart to the Vicomte de Chateaubriand.

SIR,

Paris, January 4, 1824.

The failure of former endeavours to check the Slave Trade offers so little encouragement to the detection of the individuals who are engaged in that Traffic, that the enormity of the mischief could alone induce me again to solicit your Excellency's intervention to enforce the execution of the French Laws upon the subject.

The uncontrolled liberty which at the present moment is allowed to the Slave Trade in the Port of Nantz, has, I am assured, so greatly increased the evil, that the number of Vessels in a state of equipment, or which have lately sailed from that Port to the Coast of Africa, for the avowed purpose of the Slave Trade, is said to be not less than thirty-six, and though I cannot ascertain the names of the whole number, the twenty-four Vessels, of which the list is inclosed, appear, from their construction, their equipment, the water-casks on board, and the nature of their cargo, to be so manifestly destined for this Commerce, that nothing but wilful blindness on the part of the local Public Functionaries can so long have prevented the disclosure of the fact.

Your Excellency's assurances that it is the sincere intention of His Most Christian Majesty's Government to punish crimes of this nature, whenever they are detected, induce me to hope that this Communication will be followed by the enquiries which are necessary to prove the truth of the information, which is thus brought to the knowledge of the French Government, and to determine the nature of the proceedings to which it should give rise.

I have the honour to be, &c.

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand,
 &c. &c. &c.

Second Inclosure in No. 64.

LIST of Ships said to be recently fitted out from Nantz for the Slave Trade.

Adonis,	138 tons
Adelia,	116
Aimable Henriette	138
Alcide,*	191

* It is understood that this Vessel is about to sail, and may be recognized from a simple inspection as designed for the Slave Trade.

Deux Nantais,	201
Espoir,	150
Légère,†	196
Agubar,	160
Le Levrier,	
Claire,	138
Confiance,	104
Constance,	120
Constant	152
Josephine,	110
Lutine Magicienne,§	183
Madeleine,	
Aimable,	72
Etincelle,	95
Espoir (2)	109
Société,	
La Capricienne,	
Henriette Aimée,	105
Le Chasseur,	194
Apollon,	376

† Reported to be taken. § Reported to be taken.

No. 65.

Sir Charles Stuart to Mr. Secretary Canning. (Received 18th Jan.)

Str,

Paris, January 15, 1824.

I HAVE the honour to inclose the Copy of a Note I have received from the Viscount de Chateaubriand, in answer to the Representations which I have thought it my duty to bring forward upon the subject of the Slave Trade, and of which the Copy was enclosed in my Dispatch of the 5th Instant.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 65.

The Vicomte de Chateaubriand to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR,

Paris, le 10 Janvier, 1824.

J'AI reçu, avec la Lettre que Votre Excellence m' a fait l' honneur de m' écrire, le 4 de ce mois, les Pièces qui l' accompagnaient relative à la Traite des Noirs. Je me suis empressé de les communiquer au Ministre de la Marine. Le Gouvernement du Roi ne met pas moins d' intérêt que celui de Sa Majesté Britannique à contribuer à la repression de cet odieux Commerce. Il ne negligera aucun des moyens qui sont en son pouvoir et dont les Lois lui permettent de disposer pour y parvenir.

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

(Signé) CHATEAUBRIAND.

A Son Excellence Le Chevalier Stuart,
&c. &c. &c.

Inclosure in No. 65. (Translation.)

The Vicomte de Chateaubriand to Sir Charles Stuart.

SIR,

Paris, January 10, 1824.

I HAVE received the Letter which your Excellency did me the honour to address to me on the 4th of this Month, together with the Documents which accompanied it, relative to the Slave Trade, I have communicated them, without delay, to the Minister of Marine. The King's Government is as anxious as that of His Britannic Majesty to contribute to the repression of this odious Traffic. It will neglect no means within its reach, and which the Laws permit the use of, to accomplish that object.

I have the honour, &c.

(Signed) CHATEAUBRIAND.

His Excellency Sir Charles Stuart,
&c. & &c.

No. 66.

Sir Charles Stuart to Mr. Secretary Canning. (Received 7th February.)

(Extract.)

Paris, February 5, 1824.

THE comparison of a List of Slave Ships which I have lately received from Nantes, with the List forwarded to the French Government, a few weeks ago, having shewn that several new equipments have taken place in the same Port for the Coast of Africa, I have felt it incumbent upon me to carry the fact to the knowledge of the French Government, in the Note, of which a Copy is enclosed.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

First Inclosure in No. 66.

Sir Charles Stuart to The Vicomte de Chateaubriand.

SIR,

Paris, February 3, 1824.

WITH reference to the Communications which I had the honour to address to your Excellency, some time ago, respecting the Equipments for the Slave Trade in the Port of Nantes, I think it necessary to transmit the enclosed Statement of the Vessels, which, there appears little doubt, are expressly fitted out there for that Traffic.

I am to hope that His Most Christian Majesty's Government will adopt the Measures which are necessary to apply to these Cases the penalties which are called for by so flagrant an infraction of the Law.

(Signed)

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand,
&c. &c. &c.

Second Inclosure in No. 66.

STATEMENT of FRENCH VESSELS at the Port of Nantes, fitting out
(as it is supposed) for the Slave Trade.

CLASS.	NAMES.	TONS.	DESTINATION.	TIME FOR SAILING.
Brig....	Diligence	180	Marseilles	February 10.
Ditto ..	Le James.....	180	Cayenne	Ready.
Ditto ..	Gaspard	160	Not named	Nearly ready.
Schooner	La Madeleine ..	150	—	—
Ditto ..	Satyre	160	—	—
Ditto	90	—	—
Ditto ..	L'Actéon	180	—	January 24.
Ditto ..	Deux Amis....	160	—	—

No 67.

Sir Charles Stuart to Mr. Secretary Canning. (Received February 19.)

SIR,

Paris, February 16, 1824.

I HAVE the honour to enclose the Copy of a Note from the French Minister, acknowledging the receipt of the further Statements which I had transmitted to him, respecting the infractions of the Law for the Abolition of the Slave Trade.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 67.

The Vicomte de Chateaubriand to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR,

Paris, le 12 Fevrier, 1824.

J'AI reçu avec la Lettre que votre Excellence m'a fait l'honneur de m'écrire le 3 de ce mois, un état de plusieurs Navires Français qui sont supposés destinés à la Traite des Noirs. J'en transmets copie au Ministre de la Marine. Je ne puis à cet égard, Monsieur l'Ambassadeur, que m'en référer à ce que j'ai déjà eu plusieurs fois l'occasion de répondre à votre Excellence sur ce genre de spéculation, et lui renouveler l'assurance que le Gouvernement du Roi ne met pas moins d'intérêt que le Gouvernement de Sa Majesté Britannique à le réprimer et à provoquer le chatiment des coupables lorsqu'ils lui sont connus.

J'ai l'honneur, &c.

(Signé) CHATEAUBRIAND.

Son Excellence Sir Charles Stuart,
&c. &c. &c.

*Inclosure in No. 67. (Translation.)**The Vicomte de Chateaubriand to Sir Charles Stuart.*

SIR,

Paris, February 12, 1824.

I have received, together with the Letter which your Excellency did me the the honour to address to me on the 3d of this Month, a Statement of a number of French Vessels which are supposed to be destined for the Slave Trade. I have forwarded a Copy of the same to the Minister of Marine. Upon this subject, Sir, I can only refer to what I have already had occasion frequently to reply to your Excellency, with reference to this species of speculation; and renew to you the assurance that The King's Government feel no less interest than that felt by the British Government, to repress the same, and to take steps for the punishment of the guilty should they be discovered.

I have the honour to be, &c.

(Signed)

CHATEAUBRIAND.

His Excellency Sir Charles Stuart,

&c. &c. &c.

No. 68.

Mr. Secretary Canning to Sir Charles Stuart.

SIR,

Foreign Office, March 18, 1824.

IN reference to my Despatch to your Excellency, of the 23d of May last, respecting a French Vessel from the River Bonny, (Le Trident,) which had carried a Cargo of Slaves to Pernambuco;—I send to your Excellency the Copy of a Despatch dated the 7th. day of January last, from Mr. Chamberlain, His Majesty's Consul-General in Brazil, enclosing a translation of an official Article, published in the Government Gazette of Rio de Janeiro, by which your Excellency will perceive, that the explanation by the local Government of Pernambuco, of the reasons which had induced them to permit the sale of the Negroes at that place, has not been deemed satisfactory by the Government of Brazil, who have considered that act to be in contravention of the Treaties for preventing the illegal Traffick in Slaves Your Excellency will make a communication of these circumstances to the Government of His Most Christian Majesty.

I am, &c.

(Signed)

GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.

&c. &c. &c.

No. 69.

Sir Charles Stuart to Mr. Secretary Canning.—(Received March 28.)

SIR,

Paris, March 25, 1824.

IN obedience to the directions contained in your Despatch of the 18th Instant, I have addressed a Note to Monsieur de Chateaubriand, enclosing the Copy of the Article in the Gazette of Rio Janeiro, manifesting the disapprobation with which the Government have viewed the infraction of the Engagements with Great Britain, by the Authorities which have permitted the Sale of a Cargo of Slaves at Pernambuco, imported in a French Vessel.

I have the honour to be, &c.

(Signed)

CHARLES STUART.

The Right Hon. George Canning,

&c. &c. &c.

No. 70.

Mr. Secretary Canning to Sir Charles Stuart.

SIR,

Foreign Office, March 31, 1824.

IN reference to the many Despatches which I have had occasion to address to your Excellency upon the subject of the Slave Trade carried on under French Colours, I now furnish you with the Copy of a Communication from Captain Sir Thomas Cochrane, containing some details of the extent to which supplies of Slaves are afforded by means of the French and other Flags, to the various Colonies throughout the West Indies.

Your Excellency will make use of the information which this Paper contains, in your Representations to the Government of His Most Christian Majesty, on the injury which is produced to the cause of the Abolition of the Slave Trade, by the abuse of the Flag of France, to the cruel purpose of supplying other Nations with fresh Importations of Slaves from Africa.

I am, &c.

(Signed)

GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

No. 71.

Sir Charles Stuart to Mr. Secretary Canning.—(Received April 18.)

SIR,

Paris, April 15, 1824.

I HAVE received your Despatch of the 31st of March, containing the Reports which have reached His Majesty's Government, respecting the infractions of the Law for the Abolition of the Slave Trade.

The facts contained in these Reports have been conveyed to Monsieur de Chateaubriand, with the Note I have the honour to inclose; and they have been acknowledged in the Answer from that Minister, of which I likewise transmit the Copy.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

*First Inclosure in No. 71.**Sir Charles Stuart to The Vicomte de Chateaubriand.*

SIR,

Paris, April 5, 1824.

IN reference to the many Communications which I have had occasion to address to your Excellency, upon the subject of the Slave Trade, carried on under French Colours, I now furnish You with the Copy of a Report from Captain Sir Thomas Cochrane, containing some details of the extent to which supplies of Slaves are afforded, by means of the French and other Flags, to the various Colonies throughout the West Indies.

(Signed)

CHARLES STUART.

His Excellency The Vicomte de Chateaubriand,
&c. &c. &c.

*Second Inclosure in No. 71.**The Vicomte de Chateaubriand to Sir Charles Stuart.*

MONSIEUR L'AMBASSADEUR,

Paris, le 12 Avril, 1824.

J'AI reçu, avec la lettre, que votre Excellence m'a fait l'honneur de m'écrire le 5 de ce mois, les renseignemens qui l'accompagnaient relatifs à la Traite des Noirs. Je me suis empressé de la transmettre au Ministre de la Marine.

Je remercie votre Excellence de cette Communication.

(Signé) CHATEAUBRIAND.

Son Excellence Sir Charles Stuart,
&c. &c. &c.

*Second Inclosure in No. 71. (Translation.)**The Vicomte de Chauteaubriand to Sir Charles Stuart.*

SIR,

Paris, April 12, 1824.

I HAVE received the Letter which your Excellency did me the honour to address to me on the 5th of this month, with the particulars which accompanied it, relative to the Slave Trade. I have lost no time in forwarding the same to the Minister of Marine.

I thank your Excellency for this Communication.

(Signed) CHATEAUBRIAND.

His Excellency Sir Charles Stuart,
&c. &c. &c.

UNITED STATES.

No. 72.

*The Right Honourable Stratford Canning to Mr. Secretary Canning.
(Received 12th June.)*

SIR,

Washington, April 22, 1823.

MR. ADAMS'S Letter, in reply to that which, under your Instructions, I wrote to him on the 29th of January, for the purpose of renewing His Majesty's Proposals on the Subject of the Slave Trade, appeared to leave so much room for doubt, with respect to the particular nature of the principle which he has offered, as the basis of a mutual Stipulation between Great Britain and The United States, that I have deemed it advisable to take measures for bringing this point to a clearer understanding. I should have forwarded, at an earlier period, the inclosed Copy of a subsequent Letter which I addressed to him with this view, on the 8th Instant, had I not thought it better to wait a reasonable time, in the hope of being enabled to accompany the transmission of it with a more satisfactory statement of the intention of the American Government.

The construction which I have put on the concluding Paragraph of Mr. Adams's Letter, as meaning Piracy by the Law of Nations, and not Piracy by Statute, is, I conceive, the only sense in which His Majesty's Government would attach any importance to the measure thus tendered in the name of The United States.

Of the three parts into which Mr. Adams's counter-proposal is divided, that measure is the only one immediately tangible. The right of search, accompanied with necessary limitations, was proposed as an object of immediate agreement, and efficient operation, for the express purpose of empowering the Cruizers employed by both Governments, to reach indiscriminately each other's Subjects, when carrying on the condemned Traffic, under the Flags of their respective Nations; I am therefore unwilling to suppose, that the mere qualification of Slave Trade, as Piracy, by Act of Parliament, and a mutual stipulation between the two Governments to annex a capital Punishment to that Offence, when committed by the Subjects of either, without any augmentation of the means of bringing Offenders to Justice, can be intended as the full extent of a measure, which is held out on the part of The United States, as a perfect substitute for the right of search.

Yet, to these limits must the American Proposal, in all appearance, be confined, if we suppose it to rest on any principle, short of Piracy, by the Law of Nations. There is no denying that the general concurrence of Maritime Powers, is necessary to constitute Slave-Trade, Piracy, as part of international Law, but it is also evident that, before that general consent be obtained, it is competent to any two Powers to carry the principle by mutual agreement into practice, as far as they are themselves concerned, and to apply it reciprocally with all its consequences to their respective Subjects. It appears from your Instructions to His Majesty's Plenipotentiary at Verona, that, next to the right of search, an arrangement of this description is what would be received by Great Britain, as most advantageous to the cause of Abolition.

In framing my last official Letter to Mr. Adams, with these considerations in view, I have taken occasion, as you will perceive, to urge anew the principal arguments in favour of a mutual concession of the right of search, and to shew how

completely the objections of the American Government, to the adoption of that effective measure, are obviated by the limitations under which His Majesty's Government would doubtless agree to carry it into execution. Nearly a fortnight having elapsed without my receiving any further Communication from Mr. Adams,—a circumstance which may possibly be explained by the absence of the President during the greater part of the time;—I called at his Office yesterday, and endeavoured to learn from him, whether he meant to acquiesce in my interpretation of the proposal contained in his Letter, or whether I was to expect a more distinct explanation of the sense in which it had been made by his Government.

Our conversation resulted in my being given to understand, that he would take the President's Commands for the purpose of sending me a more explicit Communication in writing, on the receipt of which it will remain for me to determine how far it may be necessary, or useful, to prolong the Correspondence, without waiting for further Instructions from you. In the mean time I am unwilling to leave you any longer in ignorance of what has taken place on this subject, since the date of my Despatch of the 31st ultimo.

I have the honour to be, &c.

(Signed) STRATFORD CANNING.

The Right Hon. George Canning,
&c. &c. &c.

Inclosure in No. 72.

The Right Hon. Stratford Canning to the Hon. J. Q. Adams.

SIR,

Washington, April 8, 1823.

I HAVE received your official Letter, dated 30th ultimo, in answer to that which I had the honour of addressing to you on the 29th of January, and, together with it, a transcript of the 4th and 5th Sections of an Act of Congress, approved the 15th of May, 1820.

From this Communication I learn that the Government of The United States is willing to join with other Powers in declaring Slave-Trade Piracy, under the Law of Nations, and treating the perpetrators of this Crime, as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain, to the effect of carrying the principle just specified into immediate operation, reciprocally, as to their respective Subjects or Citizens; and finally, that as soon as this proposal shall be accepted by the British Government, The United States will be ready to concur in pressing its adoption on the Court of France and other Maritime Powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer, as an acknowledgment that Measures more efficient than any now generally in force, are indispensable for the suppression of the Slave Trade, it is not difficult to foresee, that fresh sentiments of regret will be excited by the unfavourable view which the American Administration continues to take of the principal Measure, suggested on the part of His Majesty. That Measure you are well aware, Sir, is a mutual, limited concession of the right of search, and though, as I have frequently stated, His Majesty's Government, in adopting it, by Treaty with several of the Maritime Powers, and in recommending it with earnestness to the acceptance of Others, particularly of The United States, have never opposed the consideration of any other Plan, brought forward as equally effective; yet having from the first regarded it, in conscience, as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice

or misconception. I therefore deem it of importance, on this occasion, to bring into one point of view, the several limitations under which it is conceived that the right of search might be so exercised, as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind, the particular objections which have been urged against the interchange of a right of search; and for these, in their full extent, I can hardly be wrong in referring to your previous Correspondence; since the last Communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion.

In answer to that class of objections, which relate to the Mixed Commissions, established by Treaty, between His Majesty and the Courts of Lisbon, Brussels and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honour of confirming at the Department of State. It might be expected, that any arrangement for the adjudication of Vessels engaged in the Slave Trade, independent of those Tribunals, would either leave the detained Vessels to be disposed of in the ordinary way, by the sentence of a Court of Admiralty, in the Country of the Captor, or place them under the jurisdiction of a similar Court, in the Country to which they belonged. On the former supposition, it is not to be anticipated, that The United States could hesitate to admit the jurisdiction of a Foreign Court of Admiralty, when sanctioned by mutual Agreement, over the Persons and Property of Citizens, abandoned to a pursuit so flagrantly iniquitous, as to be classed by the Legislature of their Country, with crimes of the most heinous description; and which the American Government has declared its willingness to treat as Piracy, under the Law of Nations. Great Britain, for her part, desires no other than that any of her Subjects, who so far defy the Laws, and dishonour the character of their Country, as to engage in a trade of blood, proscribed not more by the Acts of the Legislature than by the National feeling, should be detected and brought to justice, even by foreign hands, and from under the protection of her Flag. In either of the supposed cases, it is clear, that all impediments, connected with the forms of proceeding, and peculiar construction of the Mixed Commissions, would be completely avoided; and with respect to any embarrassment, attending the disposal of condemned Vessels, and liberated Slaves, it has already been suggested by a Committee of the House of Representatives, that the provisions of the Act of Congress, passed the 3d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connection with the Mixed Commissions, every Constitutional objection, arising out of their alleged incompatibility with the Institutions of The United States, is at once removed from consideration.

The remaining obstacles may be reduced under the following Heads:—the unpopularity of the Right of Search in this Country; its tendency, if mutually employed, to produce an unfriendly collision between the two Nations; and a certain supposed inequality which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few Vessels under American colours have been discovered for some time past on the Coast of Africa, it requires but little reflection to prove that no conclusive inference can be drawn from that circumstance. Not to dwell upon the extent and nature of the Slave Coast, peculiarly favourable to the concealment of trading Vessels, it must be remembered, that The United States have maintained at no time a greater number of Cruizers than two, rarely more than one; and latterly, during several Months together, no Ship of War whatever on the African Station. As late as the 14th January, 1822, it was stated officially, by the Governor of Sierra Leone, that “the fine Rivers Nunez and Pongas, were entirely under the controul of renegade European and *American* Slave Traders.” But if it were even manifest, that the active and judicious exertions of your Naval Officers in that

Quarter, had really effected a total disuse of the American Flag in Slave Trading, the right of search would still be most highly desirable, in order to secure and extend so important an advantage. As an example, indeed, to other Powers, particularly to France, whose Subjects, encouraged by the loose and equivocal Measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned to a deplorable degree in this atrocious Commerce; the concurrence of The United States in a System, of which the very first result is to augment considerably the means of bringing Offenders to justice, can hardly be rated at too high a value. The example which they are called upon to give, is not merely due to the claims of humanity: Great Britain and The United States, are not only pledged to put down the Slave Trade, within the limits of their immediate jurisdiction; they are also bound by solemn obligations, to employ their utmost endeavours for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigour of Legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the Slave Merchant. It is the facility of escaping detection, and not any want of severity in the punishment attached to a violation of their Laws, which as far as they are concerned requires a more decisive remedy: and a remedy adequate to the evil can only be found in such Measures as will strip the illicit Trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of search at Sea, the means unavoidably employed in the commission of this crime, are fortunately of such a nature, as in general to furnish a plain substantial body of proof for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the friendly relations subsisting between the two Countries, would be endangered by the admission of a practice, which, in their opinion, must necessarily produce a vexatious exercise of authority, on the part of the searching Officer, and frequent complaints on that of the Merchant, whose Vessel is subjected to search; with the supposed aggravation of an unequal pressure on One of the Contracting Parties; His Majesty's Government would doubtless agree to confine the right of visit to a fixed number of Cruizers on each side, restricted in the performance of this duty to certain specified parts of the Ocean, and acting under regulations, prepared by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary, adopted in the first instance, for a short period, and only to be continued, in the event of its being found on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would at least be insured to any objectionable result attending its operation; and for the sake of interests so dear to humanity, an experiment of which the advantage, as to its main object is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively National.

Supposing that inconvenience should be found in practice, to press unequally on either of the two Parties: Great Britain, and not The United States, is most likely to have cause of complaint, in as much as the greater extent of her Trade, especially on the Coast of Africa, must naturally expose her in a greater degree to any injurious consequences of the Agreement. Great Britain is, however, less disposed to shrink from any sacrifice, by which She can materially advance the sacred cause of Abolition, than to lament, and if possible, to dispel, those mistaken notions, and unfounded jealousies, which deprive Her exertions of their full effect, and serve but too successfully to protract the existence of a mischief, which all unite in deploring. In point of principle, the honor of neither Flag would be tarnished, by having its protection withdrawn for a Season, from those who perpetrate the atrocities of the Slave Trade: and permit me, Sir, to add, that what Great Britain is ready to allow in a matter so vital to her pride

and to her power, may surely be allowed reciprocally by any other Nation, however scrupulous in the maintenance of its Maritime Independence.

That an Agreement between our respective Cabinets, founded on a mutual right of search, thus guarded and explained, would fail to obtain the consent of the American Senate; or that a Nation, so enquiring and enlightened as The United States, would confound the proposed Measure, with that practice which afforded matter of painful contention during the last Wars in Europe; is what I am extremely unwilling to anticipate. The two objects are in fact so totally distinct from each other, in principle, purpose and mode of execution, that the proposal of the British Government need only be presented to the examination, I will not say of a select and experienced Assembly, but of the People at large, in order to be seen in its true bearings. So far is the British proposal from tending to commit the American Government, in the long disputed Question of the Belligerent right of search, that, if it may be supposed to touch that Question at all, it appears rather to operate in the sense of The United States, than unfavourably for their view of the subject.

The Officers entrusted on either side, with the duty of examining suspected Vessels, would necessarily act under Instructions, calculated to ensure a perfect harmony, between the principle and the application of this conceded right; nor is it to be feared, that they would presume, in any case, to extend the visit, thus authorized at sea, beyond the particular and specified object to which it is meant to be confined.

I have the honour to request, Sir, that you will again accept the assurance of my highest consideration.

(Signed)

STRATFORD CANNING.

The Honourable John Quincy Adams,

&c &c &c.

No. 73.

The Right Honourable Stratford Canning to Mr. Secretary Canning.
(Received July 10.)

(Extract.)

Washington, June 6, 1823.

I AM informed by the American Secretary of State, that Instructions and Powers are preparing for Mr. Rush to enable him to propose, and if the Proposal be accepted to negotiate, a Convention with His Majesty's Government, principally on the Subject of the Slave Trade, and also with a view of conferring, and, if possible, of establishing a common understanding on several points affecting the interests of the Two Countries.

With regard to the Slave Trade, I have as yet no reason to expect that Mr. Rush will be authorized to go beyond the Measures suggested by Mr. Adams in his Letter to me, which I have already had the honour of communicating to you; with a Copy of my Reply. Some further light, however, may, perhaps, be thrown on the intentions of the American Government in the course of a few days, as I learn from Mr. Adams that he is preparing another letter for me on the Subject.

I have the honour to be, &c.

The Right Hon. George Canning,

&c. &c. &c.

(Signed)

STRATFORD CANNING.

No. 74.

The Right Honourable Mr. Stratford Canning to Mr. Secretary Canning.
(Received July 30.)

(Extract.)

New York, July 7, 1823.

I HAVE received the further and long expected Communication on the

Slave Trade, a Copy of which is herewith inclosed, from Mr. Adams. In acknowledging the receipt of it, I have referred the subject-matter in general, for decision to His Majesty's Government, confining myself to a brief notice of one or two particulars, which I thought it might be inconvenient to leave under the colouring of Mr. Adams's Statement. A Copy of this last Letter is also inclosed with my present Despatch.

I have the honour to be, &c.

STRATFORD CANNING.

(Signed)

The Right Hon. George Canning,
 &c. &c. &c.

First Inclosure in No. 74.

The Honourable J. Q. Adams to the Right Honourable Stratford Canning.

SIR,

Department of State,

Washington, 24 June, 1823.

IN the Letter which I had the honour of addressing you on the 31st of March, last, a Proposal was made to be submitted to the consideration of your Government, that the *principle* assumed in an Act of Congress of The United States, of 15th of May, 1820, of considering and punishing the African Slave Trade, as *Piracy*, should be adopted as the basis of a stipulation by Treaty between The United States and Great Britain, and to be urged separately, upon the adoption of France, and upon the other Maritime Nations of Europe, in the manner most conducive to its ultimate success. It was observed that this offer was presented as a substitute for that of conceding a mutual right of search, and a trial by mixed Commissions, to which The United States could not be reconciled, and which would be rendered useless by it.

Your Letter of the 8th of April, to which I have now the honour to reply, intimates that His Majesty's Government, will be disposed to receive this offer, only as an acknowledgment that Measures more efficient than any now generally in force, are indispensable for the suppression of the Slave Trade, and that, although they have never opposed the consideration of any other plan brought forward as equally effective, yet having from the first regarded a mutual limited concession of the right of search, as the only true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavourable view still taken of it by the Government of The United States.

Your Letter therefore urges a reconsideration of the proposal for this mutual concession of the right of search, and by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it as insuperable, while it offers argumentative answers, to the others which had been disclosed in my previous Communications on this subject to you.

In the Treaties of Great Britain, with Spain, Portugal, and the Netherlands, for the suppression of the Slave Trade, heretofore communicated, with the invitation to The United States to enter into similar Engagements, three principles were involved, to neither of which the Government of The United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of Peace, over Merchant Vessels on the Coast of Africa. The second was the exercise of that right, even over Vessels under *Convoy* of the public Officers of their own Nation. And the third was the trial of the captured Vessels by Mixed Commissions in Colonial Settlements, under no subordination to the ordinary judicial Tribunals of the Country, to which the Party brought before them for trial should belong. In the course of the Correspondence relating to these Proposals, it has been suggested that a substitute for the trial by Mixed Commissions might be agreed to, and, in your Letter of the 8th of April, an *ex-*

pectation is authorized, that an arrangement for the adjudication of the Vessels detained, might leave them to be disposed of, in the ordinary way, by the sentence of a Court of Admiralty, in the Country of the Captor, or place them under the jurisdiction of a similar Court, in the Country to which they belonged,—to the former alternative of which, you anticipate the unhesitating admission of The United States, in consideration of the aggravated nature of the crime, as acknowledged by their Laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign*, that the objection was taken to the trial by Mixed Commissions, and, if it transcended the Constitutional Authority of the Government of The United States to subject the persons, property, and reputation, of their Citizens, to the decisions of a Court, partly composed of their own Countrymen, it might seem needless to remark, that the Constitutional objection could not diminish, in proportion as its cause should increase; or that a power, incompetent to make American Citizens amenable to a Court, consisting one half of Foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of Tribunals entirely *foreign*. I would further remark that the Sentence of a Court of Admiralty, in the Country of the Captor, is not the *ordinary* way by which the Merchant Vessels of one Nation, taken on the high Seas, by the Officers of another, are tried in time of Peace; there is, in the ordinary way, no right whatever existing to take, to search, or even to board them; and I take this occasion to express the great satisfaction with which we have seen this principle solemnly recognized by the recent decision of a British Court of Admiralty.

Nor is the aggravation of the crime, for the trial of which a Tribunal may be instituted, a cogent motive for assenting to the principle of subjecting American Citizens, their rights and interests to the decision of Foreign Courts. For, although Great Britain, as you remark, may be willing to abandon those of her Subjects, who defy the Laws, and tarnish the character of their Country, by participating in this Trade, to the dispensation of Justice, even by foreign hands, The United States are bound to remember, that the power which enables a Court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of guilt or innocence is that which the protecting care of their Constitution has reserved for the Citizens of this Union to the exclusive decision of their own Countrymen. This principle has not been departed from by the Statute which has branded the Slave-trader with the name, and doomed him to the punishment, of a Pirate. The distinction between Piracy by the Law of Nations, and Piracy by Statute, is well known and understood in Great Britain, and while the former subjects the Transgressor guilty of it, to the jurisdiction of any and every Country into which he may be brought, or wherein he may be taken; the latter forms a part of the municipal criminal Code of the Country where it is enacted, and can be tried only by its own Courts.

There remains the suggestion that the Slave-trader, captured under the mutual concession of the power to make the Capture, might be delivered over to the Jurisdiction of his own Country. This arrangement would not be liable to the Constitutional objection which must ever apply to the Jurisdiction of the Mixed Commission, or of the Admiralty Courts of the Captor;—and if your Note is to be understood as presenting it in the character of an alternative, to which your Government is disposed to accede, I am authorized to say, that The President considers it as sufficient to remove the insuperable obstacles which had precluded the assent of The United States to the former Proposals of your Government, resulting from the character and composition of the Tribunals, to whom the question of guilt or innocence was to be committed.

The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed, by the introduction of the principle, that neither of them should be exercised but under the responsibility of the Captor, to the Tribunals of the captured Party in damages and costs.

This guard against the abuses of a power, so liable to abuse, would be indispensable: but, if the provisions necessary for securing effectually its practical operation would reduce the right itself to a power merely nominal, the stipulation of it in a Treaty would serve rather to mark the sacrifice of a great and precious principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed, to the concession desired of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this Country, and of those to whom its interests are entrusted in the Department of its Government, the sanction of which is required for the Ratification of Treaties. The irritating tendency of the Practice of Search, and the inequalities of its probable operation were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives or remedies for anticipated abuses, in your Letter. But the source and foundation of all these objections was, in our former Correspondence, scarcely mentioned, and never discussed. They consist in the nature of the right of search at Sea, which, as recognized or tolerated by the usage of Nations, is a right, exclusively of *War*, never exercised but by an outrage on the rights of *Peace*. It is an Act analogous to that of searching the Dwelling Houses of Individuals on the Land. The Vessel of the Navigator is his Dwelling House, and, like that, in the sentiment of every People that cherishes the blessings of liberty and security, ought to be a Sanctuary, inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at Sea, as recognized by all Maritime Nations, is confined to the single object of finding and taking contraband of War. By the Law of Nature, when two Nations conflict together in War, a third, remaining neutral, retains all its rights of peace and friendly intercourse with both. Each Belligerent, indeed, acquires by War the right of preventing a third Party from administering to his Enemy the direct and immediate materials of War, and, as incidental to this right, that of searching the Merchant Vessels of the Neutral on the High Seas, to find them. Even thus limited, it is an act of Power, which nothing but necessity can justify, inasmuch as it cannot be exercised but by carrying the evils of War into the abodes of Peace, and by visiting the innocent with some of the penalties of guilt. Among the modern Maritime Nations an usage has crept in, not founded upon the Law of Nature, never universally admitted, often successfully resisted, and against which all have occasionally borne testimony, by renouncing it in Treaties, of extending this practice of search and seizure to *all* the property of the Enemy in the Vessels of the Friend. This practice was, in its origin, evidently an abusive and wrongful extension of the Search for Contraband; effected by the Belligerent because he was armed; submitted to by the Neutral because he was defenceless; and acquiesced in by the Sovereign for the sake of preserving a remnant of Peace, rather than become Himself a Party to the War. Having thus occasionally been practised by all, as Belligerents, and submitted to by all, as Neutrals, it has acquired the force of an usage, which, at the occurrence of every War, the Belligerent may enforce or relinquish, and which the Neutral may suffer or resist, at their respective options.

The search for, and seizure of, the Property of an Enemy, in the Vessel of a Friend, is a relict of the barbarous warfare of barbarous Ages; the cruel, and, for the most part, now exploded system of *private* War. As it concerns the Enemy himself, it is inconsistent with that mitigated usage of common Wars, which respects the private property of Individuals on the Land. As relates to the neutral, it is a violation of his natural right to pursue unmolested his peaceful commercial intercourse with his friend. Invidious as is its character in both these respects, it has other essential characteristics equally obnoxious. It is an uncontrolled exercise of authority by a man in arms over a man without defence, by an Officer of one Nation over the Citizen of another. By a man intent upon the annoyance

of his enemy, responsible for the act of search to no Tribunal, and always prompt to balance the disappointment of a fruitless search by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which The United States experienced when neutral, in a case of vital importance ; because, in digesting a plan for the attainment of an object which both Nations have equally at heart, it is desirable to avoid every topic, which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the right of search, as recognized by the Law of Nations, and exercised by Belligerent Powers ; it is due to candour to state, that my Government has an insuperable objection to its extension by Treaty, in any manner whatever, lest it might lead to consequences still more injurious to The United States, and especially in the circumstance alluded to. That the supposed extension will operate in time of Peace, and derive its sanction from compact, present no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles of that right, is disapproved. If the freedom of the Sea is abridged by compact, for any new purpose, the example may lead to other changes. And if its operation is extended to a time of Peace, as well as of War, a new system will be commenced for the dominion of the Sea, which may eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of Peace and of War, and of rights applicable to each State.

The United States have, on great consideration, thought it most advisable to consider this Trade as Piracy, and to treat it as such ; they have thought that the Trade itself might, with great propriety, be placed in that class of Offences, and that by placing it there, we should more effectually accomplish the great object of suppressing the Trade than by any other Measure which we could adopt.

To this Measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an Offence against the human race, has its well known incidents of capture and punishment by death, by the People and Tribunals of every Country. By making this Trade piratical, it is the nature of the crime which draws after it the necessary consequences of capture and punishment. The United States have done this by an Act of Congress ; in relation to themselves ; They have also evinced their willingness, and expressed their desire, that the change should become general by the consent of every other Power, whereby it would be made the Law of Nations. Till then they are bound by the injunctions of their Constitution, to execute it so far as respects the punishment of their own Citizens, by their own Tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate, to a certain extent, with other Powers, to ensure a more complete effect to their respective acts ; They placing themselves, severally, on the same ground by legislative provisions. It is in this spirit and for this purpose that I have made to you the proposition under consideration.

By making the Slave Trade piratical, and attaching to it the punishment as well as the odium incident to that crime, it is believed that much has been done by The United States to suppress it, in their Vessels, and by their Citizens. If your Government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention and command the respect of all her European Neighbours. It is the opinion of The United States, that no Measure, short of that proposed, will accomplish the object so much desired, and it is

the earnest desire of my Government, that the Government of His Britannic Majesty may co-operate in carrying it into effect.

I pray you, Sir, to accept the renewed assurances of my distinguished consideration.

(Signed) JOHN QUINCY ADAMS.

The Right Hon. Stratford Canning,
&c. &c. &c.

Second Inclosure in No. 74.

The Right Hon. Stratford Canning to the Hon. John Q. Adams.

SIR,

Baltimore, July 1st, 1823.

IT was not till after I had left the Seat of Government on my way to embark at New York, that I had the honour to receive your letter, dated the 24th ultimo, referring to our previous Correspondence on the subject of the Slave Trade, and more particularly to the proposal contained in your Communication of March the 30th, and to the observations which I thought myself called upon to address to you in consequence of that Communication.

As I hope shortly to have an opportunity of submitting the present state of this question, together with your Letter, in person, to His Majesty's Government, and not doubting that the American Envoy in London will be duly prepared to explain, and in the event of their being accepted in principle, to give effect to the suggestions offered by you on the part of The United States, I have little at this moment in view, but to acknowledge the receipt of your last letter, and to express my persuasion, that, whatever difference of opinion may exist between our respective Governments, as to the expediency of conceding a mutual and limited right of search, for the more complete suppression of the Slave Trade, the Measures which you have proposed for the same object will be received and weighed by His Majesty's Government with sincere attention and impartiality.

It behoves me, however, not to omit even this opportunity of remarking that when, in my former Letter to you, I stated the two alternatives, which occurred to my mind as the only possible substitutes for the Mixed Commissions, in the adjudication of Vessels captured, on a charge of Slave Trade, by the Cruizers of either Nation, when exercising the right of search; it was not my intention, nor, indeed, was I authorized, to pledge His Majesty's Government to the admission of a practice so novel, and which would probably be found liable to so much inconvenience in its operation, as the delivery of Vessels captured in that manner to the Tribunals of the captured Party. I must be allowed, Sir, to add, that, in describing the adjudication of such Vessels by a Court of Admiralty in the Country of the Captor, as the ordinary way of proceeding, I could only have meant to refer to the sole example of the kind afforded in time of Peace, namely, the capture, under the Law of Nations, of Pirates, whose real character must, in many cases, be ascertained by legal process, and to the established practice with respect to Neutral Vessels detained on the high seas in time of War. You will readily perceive that, on these grounds, I can hardly err in maintaining that the customary mode of proceeding for the adjudication of Vessels captured, under the Law of Nations, is by Sentence of a Court of Admiralty in the Country of the Captor.

Referring, then, in general, to His Majesty's Government for a decision on the subject matter of your Communication, I have now only to assure you of the high consideration with which

I have the honour to be, &c.

(Signed) STRATFORD CANNING.

The Hon. John Quincy Adams,
&c. &c. &c.