Slave Trade. -

The Undersigned has had under his consideration the note, which were addressed to him by the Vicomte d'Itabayana on the 24th of November last upon the subject of the Brazilian Vessel the "Minerva", together with the Note which was addressed by the Vicomte d'Itabayana to the Earl of Dudley on the 23rd of March last upon the subject of the Vessels "Cerqueira", and "Creola", detained by British Cruisers, and carried into Sierra Leone, but subsequently released. -

Upon examination into these

The Vicomte d'Itabayana

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these cases, it appears, that these Vessels were furnished with licenses, which, in contravention of the stipulations of the Treaty, permitted them to touch at St. Thomas's and Prince's, and that they had availed themselves of the facilities which such permission afforded, of carrying on the traffic in Slaves at places at which such traffic was prohibited. — The three vessels were captured off the River Lagos in Latitude 6° 26" North, Longitude 3° 23" West on the 30th of January, 1824, under circumstances which left no room for doubt, that the Masters, all of whom were on shore at the time of the seizure and refused to return on board, were actually engaged in

purchasing

purchasing Slaves, of whom a considerable number, (as appeared by the proceedings in the "Minerva"), were placed in a neighbouring Factory, waiting for a favorable opportunity for Embarkation on board that Vessel. —

Under these circumstances the three Vessels were seized and carried to Sierra Leone, and the case of the "Minerva", was brought before the Court of Mixed Commission; when, as it did not appear that any Slaves had been actually on board during the voyage, the Commissioners acting upon the limited construction of the Treaty by which their proceedings were at that time guided, did not feel — themselves authorized to pass a sentence of condemnation; whilst they considered at the same time that the flagrant

violation

violation of the Treaty which had been proved in these cases, precluded the owners from claiming any compensation for losses occasioned by the interruption of an illegal trade. –

Under these considerations and as no appearance had been given on the behalf of the Owner who was cited to appear in the usual way, the Proctor for the Captor was allowed to withdraw the Papers, which, together with the ship, were returned into the possession of those persons under whose charge they were at the time of the seizure. –

The cases of the "Cerqueira" and "Creola" being, in all essential points, precisely similar to that of the "Minerva", it was not thought proper

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to bring them before the Court, and those Ships were also placed under the command of the persons previously in possession of them, and in a few days afterwards they departed from Sierra Leone. –

It was certainly competent – to the owners of either of those vessels, or to the Officers in command, or their Agents to have taken measures to compel the Captor to proceed to adjudication, as was done in the case of the "Perpetuo Defensor". That course, however, not having been pursued, His Majesty's Government consider the cases as completely closed as well

against

against the Captor as the owners: — and the Undersigned, therefore, feels himself bound to declare that he cannot accede to the demand for compensation, which has been advanced by the Vicomte d'Itabayana. —

The Undersigned avails ~ himself of this opportunity to renew to the Vicomte d'Itabayana the assurances of his distinguished ~ consideration. —

Aberdeen

Foreign Office;

March 10th, 1829.