N.° 334.

(~~335~~)

Illm.° e Exm.° Sr.

Officiando ao Ministerio de S. M. Britannico em huma mesma data acerca da restituição de huma parte dos Navios Inglezes capturados por in-=fracção do bloqueio do Porto de Buenos Ayres, e a cerca da pretendida prorogação do prazo fixado na Convenção de 23 de Novembro de 1826 para a abolição final do Commercio de Escravatura, foi minha intenção ligar estes dois objectos (que tem entre si analogia) para fa-=cilitar a obtenção do 2.°, em que Sua Magestade Imperial parece estar mui particularmente empenhado, vistas as repetidas Recommendações que V.Ex.ª me há feito á este respeito.

Sabendo a pertinacia com que este Governo tem trabalhado por espaço de 14 Annos para o fim de conseguir a cessação geral do referido Com-=mercio, não deixei de prever que elle, preva-=lendo-se do direito resultante da citada Con-=venção, negar-se hia á desejada prorogação,

e infelismente aconteceo o que eu presumia, como V.Ex.a
verá da Nota inclusa por copia que Lord Aberdeen
me dirigio sobre este negocio.
Não julguei porem que este Governo, que capricha
em sustentar as decisoens dos seus Tribunaes Ju=
=diciaes, pretendesse reclamar contra a Sentença pro=
=ferida em ultima instancia nessa Capital acerca das
Capturas dos sobreditos Navios Inglezes; e muito me
enganei; porque em outra Nota (tambem inclusa
por copia) esta expressá e terminantemente enunciado
o intento que tem este Governo de exigir a restituição
dos Navios que forão condemnados, por haverem sido
julgados boas prezas.
Ainda não me foi possivel replicar á Lord Aberdeen
á ambos estes respeitos; e não tardarei em fazê-lo,
allegando os mais solidos argumentos que me occo=
=rerem; porem, como pouco valem boas razoens para
quem obra ou por capricho, ou pelo desejo de fazer
sentir a superioridade da sua potencia, tenho mui

pouca confiança no bom exito das minhas re=
-plicas; e francamente direi á V Ex.a que não me
esperanço de conseguir a ampliação do prazo
estipulado para a final abolição do trafico de
Escravatura; e que o mais que poderei alcançar
será ou o fazer reconhecer a irrevocabilidade da
Sentença de que acima hei feito menção, ou
ligar este Negocio com o das reclamaçoens que
temos contra o Governo Britannico pelas vio=
=lentas e numerosas capturas que os seus Cruza=
=dores tem feito sobre os Navios Brasileiros em=
=pregados no referido trafico
Deos Guarde a V Ex.a Falmouth em 21 de
Setembro de 1828

Ill.mo e Ex.mo Sr. Marquez de Aracaty.

Visconde de Itabayana

Copy

The Undersigned, His Majesty's principal Secretary of State for foreign Affairs, has the honor to acknowledge the receipt of the Note of M^r Le Vicomte d'Itabayana, His Brazilian Majesty's Envoy Extraordinary & Minister Plenipotentiary at this Court, dated the 25th Ult^o, containing two propositions on the part of the Brazilian Government. 1st to defer the period of the final abolition of the Slave Trade on the part of Brazil.— 2dly to appoint a special Commission either at London or Rio de Janeiro, for the purpose of reviewing the judgements pronounced by the English Commission at Sierra Leone, & alleged to be in contravention of the Treaties of the 22^d June, 1815, & of the 28th July 1817. Before he proceeds to reply to these propositions, The Undersigned thinks it necessary to notice the observations with which the Viscomte d'Itabayana prefaced them, in which it is alleged, that, in concluding a Convention for the final abolition of the Slave Trade at the expiration of three years, it had been the intention of the respective Governments to terminate in the interval, the numerous matters relating to indemnities said to be due to Brazilian Subjects upon cases of Slave Trade Captures under the Treaties of 1815 & 1817. Upon this allegation, the Undersigned has to observe that while his Government will always be desirous of doing justice with the least possible delay, to all valid claims of the description referred to, he is not aware of any pledge having been given to do this within the term specified by M^r d'Itabayana, & that upon a careful reference to the Protocols of the Conferences of the Plenipotentiaries during the negotiation of the Treaty, he finds, that altho' reasons do certainly appear to have been urged by the Brazilian Plenipotentiaries, for desiring an extension of the term of three years then agreed upon, no such ground as that

mentioned by the Vicomte d'Itabayana was, at that time, brought forward on the part of Brazil. It cannot now be necessary for the Undersigned to renew to Mr d'Itabayana any assurances of the anxiety which has long been entertained by His Majesty's Government, & which has been so largely shared by the People of Great Britain, to hasten the complete abolition of this abominable Traffick, nor can it be necessary to call to his recollection the great & numerous sacrifices which have been made in the prosecution of this great object. The very notion expressed of an extension of the period, for which it is still permitted to endure, could not fail to be most unwelcome to every friend of humanity; & the Undersigned is bound to declare to the Viscount d'Itabayana, that he cannot hold out to him any expectation, that His Majesty's Government can consent to any extension of the term fixed by the Treaty for the final abolition of the Slave Trade. To the proposition of Mr D'Itabayana for the establishment of a Special Commission of Review, the Undersigned is compelled to state, that he sees great & insuperable objections. By the 8th Article of the Treaty of the 22d July, 1817, the judgements pronounced by the Commission are declared not to be subject to any Appeal. It is indeed provided by the 12th Article of the Regulations annexed to the Treaty, that when the parties interested shall imagine, that they have cause to complain of any evident injustice on the part of the mixed Commission, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the Individuals who compose the Commissions. The Undersigned is at present engaged in

examining those Cases, respecting which Mr D'Itabayana has already Complained to His Majesty's Government; and with every disposition to adhere to the principles of substantial justice, he hopes to be able to give Mr d'Itabayana such an answer as may be satisfactory to the Government of His Brazilian Majesty. The Undersigned avails himself of this opportunity to repeat to the Visconte Itabayana the assurances of his distinguished Consideration. — Aberdeen —. The Visconte Itabayana — Foreign Office September 15. 1828.

Copy

The Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of the Vicomte d'Itabayana, Envoy Extraordinary & Minister Plenipotentiary from the Emperor of Brazil, dated 25th Ulto, by which he is informed of the judgements delivered by the Special Commission appointed for the revision of the Sentences which had already been pronounced against British Vessels, alledged to have violated the blockade of the Port of Buenos Ayres. While the Undersigned is happy to acknowledge the sense of justice which has dictated the liberation of some of the Vessels, he is compelled to remonstrate against the Condemnation of others, without any valid ground whatever His Majesty's Minister at the Court of Rio de Janeiro has already entered a formal protest against a procedure unsupported by any principle of law or justice; and the Undersigned is in daily expectation of receiving those necessary documents, & detailed particulars of the respective cases, which will compel him to instruct His Majesty's Representative in Brazil to demand the immediate restitution of the Vessels in question, which have been so long & so unjustly detained. His Majesty has hitherto abstained with singular forbearance from enforcing those demands. He has patiently listened to the reiterated and earnest Complaints of his subjects, in the hope that the Brazilian Government would at last act in conformity to those professions which had been made to His Majesty, for his Majesty could with difficulty be brought to believe that the Emperor Don Pedro would ever sanction decrees so utterly at variance with every notion of right; & even promulgated un-

direct opposition to the very terms of the order under which the Vessels were captured. But His Majesty cannot consent indefinitely to forego the just claims of his Subjects for redress, while other powers successfully resort to measures, apparently less friendly perhaps, but more efficacious to obtain it. The Undersigned has thought it proper to make this declaration to M^r d'Itabayana at the present moment, and in answer to his Note of the 25 ult^o, although from the causes referred to, His Majesty's Government have not sent final instructions to the British Minister at Rio de Janeiro for the regulation of his Conduct. The Undersigned has the honor to renew to the Vicomte Itabayana the assurances of his high consideration — Aberdeen — The Vicomte d'Itabayana — Foreign Office Septr 15th 1828 —