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5 de Julho 1827.

The Undersigned His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary in pursuance of Instructions received from His Government, has the honor to communicate to His Excellency the Marquis of Lucluz, Counsellor Minister and Secretary of State for Foreign Affairs, that two Brazilian Vessels having been detained on the Coast of Africa upon a charge of illegal Slave Trade, have subsequently been

His Excellency
The Marquis of Lucluz.

&c. &c. &c.

been released by the Mixed

Commission at Sierra Leone,

under certain conditions which

leave an important question

to be decided by the British

and Brazilian Governments,

and the object of the present

Note is to propose a joint

declaration which shall set

at rest the above and all

future cases of the same nature.

Early in the Course

of last year, the Brigs "Activo"

and "Perpetuo Defensor" under

Brazilian

Brazilian Colours were seized by

His Majesty's Ships, "Athol" and

"Maidstone", and carried into

Sierra Leone for adjudication.

It appeared that these Brazilian

Vessels had been concerned in

the Trade of Slaves declared

to be illegal by the Convention

of 28th. of July 1817. But it appeared

at the same time that they

were detained in spots not

absolutely within the boundaries

prescribed by that Convention.

Under these circumstances

His

His Majesty's Commissioner's decided,
that the Vessels should be ——
restored to the claimants, but
they reserved the Question of
compensation to be decided
by the two Governments on the
Ground of the illegality of
the Traffick.

The Commissioners at
Sierra Leone, in coming to
the above decision have been
guided by a similar case
which occurred in 1823, when
in like manner the "Sincridade"
was

was restored to the claimants.—

on that occasion His Britannick

Majesty's Government did not

hesitate to declare their opinion

to the Portuguese Government

"that in point of equity no

"compensation whatever can

"be due to Traders in cases of

"Traffick carried on under

"circumstances which constitute

"illegal Trade," and further

His Majesty's Government believed,

"that the Portuguese Government

"would agree with them, that

such

"such is the spirit of the Treaty,
"particularly of the 9th. Article
"of the instructions for the
"mixed Commission."

The Government of
His Most faithful Majesty did
not combat the proposition
contained in that declaration,
and the Undersigned is
persuaded that His Majesty
the Emperor of Brazil, will
acquiesce in the justice of it.
In truth, if compensation
should be allowed, it would

be

be giving encouragement to
the violation of the special
object of the Convention, which
is to prevent illegal Slave Trade.
The Undersigned has
therefore to propose to His Excellency
the Marquis of Queluz, that
a joint declaration should
be made by the British and
Brazilian Governments, setting
forth in explanation of the Treaty
1st. That all captures are held
to be legal which shall take
place by Vessels properly
authorized

authorized, & in places where
the Slave Trade is not permitted;
and 2dly. The Embarkation of
Slaves in places where the
Slave Trade is not permitted,
shall be held to deprive
the claimants of all
right to compensation in case
where their Vessels shall be
restored to them on the
ground of illegal detention.—

The Undersigned relies
with confidence upon the equity
of the Brazilian Government
in

in adopting the above declaration,
which has for its object to
remove a seeming ambiguity
without in the least departing
from the spirit of the existing
conventions betwixt the two
Governments.

The Undersigned avails
himself of this opportunity to renew
to His Excellency the Marquis of
Queluz the assurances of his
esteem and high consideration.

Rio de Janeiro July 5th 1827.

Gordon