Papel Certidão, não havendo inconveniente. Senhor

Palacio do Governo em 28 de Novembro de 1832. Libero

Dizem Roberto Muller, Jme Theremin e Henrique Mangeon Como Administradores do Bens do fallido Manoel José Ribeiro Guimrs. que entre os bens legalmente cedidos pelo ao seu devedor está comprehendida a Barca Escuna Brasileira Esmeria que apresada foi com o seu respectivo Carregamto. pela Fragata Ingleza Eden Capitão Owen, e conduzida a Serra Leão, donde tem os Supplts. noticia fora julgada na preza mas ainda não remitido o Processo para Inglaterra havendo decorrido mais de dous annos, e que por isso mesmo ja o Consul deste Imperio residente naquelle Porto participara a V. M. I. a injustiça do apresamto. sem resultada a sua detenção por ser então o referido Brigue de propriedade Brasileira em taes termos, e para com mais legalidade entrarem os Supplts. na divida reclamação da mencionada propriedade pertence a Nação Britanica se lhes faz necessaria a copia da participação do preadito Consul feita competente Secretaria

P. a V. M. I. haja por bem deferir lhes ao que serão submissos e respectivamte. implorão

E. R. M.ce

Com o Archivo desta Secretaria de Esta-
do dos Negocios Estrangeiros se achado Of-
ficio em mais que os Supplicantes fa-
zem menção no seu requerimento
retro cujo theor he o seguinte =
= Illustrissimo e Excellentissimo
Senhor = Envinte dous de mes
passado tive a honra de hir a presen-
ça de Vossa Excellencia com o meu of-
ficio da mesma data, e cujo contheudo
confirmo. = Novamente passo a ter
a honra de não poder hum instan-
te em communicar a Vossa Excellen-
cia o que se passou na Sessão destes
Cortes no dia vinte nove de Junho pas-
sado para a adjudicação do Bri-
que Escuna Brazileiro Jmmediate
bem a meu pezar que tenho a infor-
mar a Vossa Excellencia que finalmen-
te foi condemnado aquelle Embar
cação pela maioria de votos, e contra-
rio ao juramento que prestão como do
Regulamento para os Commissarios
Mixtos artigo segundo a saber = os
= commissarios Juizes os Commissarios
= Arbitros prestarão juramento juran-
= te o Magistrado principal do Juiz

£ 122 „ 6 „ 0 ½

contingent expenses in currency being a 6th part. } 20 „ 7 „ 3

£ 101 „ 18 „ 4 ½

£ 101 „ 18 „ 4 ½ Currency at five per cent exchange is equal in Sterling to £ 97 „ 13 = Walter Lewis. = Received from Alexander Findlay and William Smith Esquires, one set of bills of exchange at sixty days sight, drawn by them on James Bonnivel Esquire and dated this day for the within sum of Ninety-seven pounds one shilling and three-pence Sterling = Sierra Leone 5th April 1831. = Walter Lewis =

= Received from Walter William Lewis Esquire one set of bills of Exchange for £ 97. 1. 3. Sterling for which I have given to him. £ 101. 18. 4½ currency being at the rate of five per cent advance premium such being the highest rate of exchange at the present day in this Colony. = Sam.l Bidwell =

= E para constar aonde convier e enviei este do Despacho do Illustrissimo e Excellentissimo

Ministro e Secretario de Estado
desta Repartição segue para a
presente. Secretaria de Estado
dos Negocios Estrangeiros em
dois de Dezembro de mil oi-
to centos e trinta e cinco.

O Official Maior interino

Joaquim Lisboa. —

D1C07

Imperial Passport so important a ques-
tion could not have been left in doubt-
By the form of Passport adopted by the
Treaties respecting the Slave trade there
is also provision made by my Government
for the punishment of such Brazi-
lian subjects having licences to car-
ry Slaves from the south of the Equa-
tor, how should take such Slaves from
the north of the Equator — The
alleged offence which this Vessel
is charged with is therefore one
the punishment of which my Go-
vernor Has Interest for the Local
Authorities and Laws of His Empire.

Therefore am of opinion that the
Brigantine Jimenia has been illegally
detained, and do decree that the said
Brigantine Jimenia and her outfit
and Cargo be restored to the claimant
or whom we may concern with all costs
and damages arising from the illegal
detention by Captain William Fitz
William Dear Commander of His Bri-
tannic Majesty's Ship of War Eden

to observe the violation that has been made by the Commander of His Britannic Majesty's Ship Eden of the articles of the Treaties and Convention that I have above quoted; as also that in the whole of the existing Treaties between our respective Governments I see no justification for the grounds upon which your opinion is formed of condemnation for alleged breach of Passport—

By the seventh article of the additional Convention it is stated that "The two "high Contracting Parties reserve the faculty "of altering the said instructions in whole "or in part according to circumstances, it "being however well understood that the "said alterations cannot take place but "by common agreement and by the con- "sent of the two high Contracting Parties.

Had it been mutually contemplated by our Governments that Brazilian Ves- sels legally licenced to prosecute the Slave trade should suffer condemnation for inno- cently visiting in the course of their voyages ports to the north of the Equator, such ports being specified in the Imperial Pas-

da Convenção Additional de mil
oito centos e doze que noticei.
e que espero merecer a approvação
do mesmo Governo. = Ancioza
mente espero que Vossa Excellen-
cia me ordene o que devo seguir
ou fazer, como ja no meu Officio de
Itabo em desoito de Janeiro do cor-
rente anno roguei a Vossa Excel-
lencia. = Tenho a honra de le-
var a presença de Vossa Excellen
cia a conta das contingentes despe-
zas incorridas com a Commissão
Mixta do quartel finado em cinco
de Abril sendo a proporção do nos-
so Governo de Libras vinte, sete sol-
dos e oito dinheiros que paguei. =
Deos Felicite e Guarde a Vossa
Excellencia por muitos annos. Fo
ram Serra Leôa quatro de Ju-
lho de mil oito centos e trinta e
hum = Illustrissimo e Excel-
lentissimo Senhor Miguel Cal-
mon du Pin e Almeida &c. Rio
de Janeiro = Jose de Paiva =
= Segundo Officio numero primei-

(2)

no = This Vessel without having slaves on board has been arbitrarily detained and brought to this port contrary to the fifth and sixth articles of the additional Convention to the twenty eight July of the one thousand eight hundred and seventeenth and of the first article of the Instructions to the Ships of War employed to prevent the illicit Traffic in Slaves which forms and integral part of the same additional Convention wherein it is stated that Ships on board of which no Slaves shall be found intended for the purpose of traffic, shall not be detained on any account or pretence whatever— Neither has it been proved, that this Vessel has contravened the first article of the additional articles dated Lisbon fifteenth March one thousand eight hundred and twenty three, that a Slave or Slaves had been put on board for the purpose of traffic in this particular voyage in which she was arbitrarily captured. — In looking to this case I cannot fail to observe the

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(3)

e como não concordasse nisso, e haver
só hum Commissario de Arbitração
este respondeo o que consta da copia
junta reunida a numero oito. =
= Em conformidade das ordens
de Vossa Excellencia de quatro de
Agosto de mil oito centos e trinta
immediatamente o mandou protestar que
he a copia do numero terceiro, e como
os Commissarios Inglezes se oppuzessem
sem a que o mesmo fosse entregue no
registro das Cortes requereo que o Se-
cretario das mesmas fizesse huma re-
missa do que se propunha Corte
e se me desse copia certificada pelo
mesmo debaixo do sello das Cortes, o
que inclusa com o Numero quarto
= Vossa Excellencia verá que não
entrei em argumentos sobre se a Em-
barcação Brazileira se achava ou não
fazendo Escravos, e sim que não tinha
algum a bordo, e que para o Governo In-
glez alterar as Instrucções para os Navios
de Guerra seria necessaria a confirma-
ção do Governo de Sua Magestade
Imperial como do Artigo setimo da

=do Juiz vindo receber a Commissão
=de bem e fielmente julgar, de não dar
=preferencia alguma a nenhuma das reclamações
=dous nem aos captores, e de assignarem
=em todos os autos decizorios pelos ditos=
=pelos seus Procuradores durante e depois
=de Janeiro de mil oito centos e quinze
=e da Convenção Additional ao
=mesmo Tratado = Tendo
o Secretario dos Feitos a cabado de
ler os differentes documentos annexos
a causa o procurador do Captor requi-
reo para a Sentença ser condemnada
a exemplo de outras Embarcações
que se achavão em semelhantes cir=
cunstancias e a Corte as condem=
nou. = O Juiz Commissario
ad interim, foi opinião a fallar e
disse que era sua opinião, que o re=
ferido Brigue Escuna Brazileiro
Ismenia, e todos os seus pertences na
occazião de ser aprezado se achava
empregado no illicito trafico de Es=
cravos, e como tal sugeito a ser condem
nado. = E respondeo o que consta
da copia junta Numero primeiro.

DOC 07
(4)

In answer to the objections H. I. Majesty's Commissary Judge made against the Ismenia being condemned = The British Arbitrator replyed by quoting the answer given by the British Govern= ment to the Viscount D'Itaborayana dated the two of the December of the one thousand eight hundred and twenty eight upon the subject of the condemnation of the Brazilian Schooner Flirina by the mixed Commission here in one thousand eight hundred and twenty seven - the fur= ther said that the Passport of the Ismenia was in itself irregular for the Bra= zilian Government had no right to ex= tend the Provisions of the Treaty in fa= vor of the subjects of Brazil by grant= ing permission for Vessels on Having voyages to come to Ports to the North of the Equator. — Such permission was contrary to the express condition of the Passport and was consequently il legal — He remarked that the Ismenias Passport contained a positive contradiction within itself for she could not enter solely such Ports where the

the Slave Trade was permitted / those Ports lying between 5°—12" 0 and 18° 0"—0 of South latitude if she was allowed to, and actually entered Ports to the North of the Equator, without violating the fundamental principle of the Treaty which confined the Slave Trade to the South of the Equator— — To my objection that the offence = which was charged against the Ismenia was one the punishment of which my Sovereign had reserved for the local Authorities of His Empire—) The arbitrator referred to the words of the Passport which says — "And should they (that "is the Master and Owner) fail to execute "any of these Conditions they shall be = "liable to the Penalties denounced by = the Alvará of the twenty six of January "one thousand eight hundred and eighteenth

One of the conditions of the Passport that of going solely to Ports where "the Slave Trade was permitted, was in the Ismenia case not complied with— The Parties interested in that Vessel knowingly to execute that Condition, therefore

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(4)

In answer to the objections H. I. Majesty's Commissary Judge made against the Iemmia being condemned = The British Arbitrator replyed by quoting the answer given by the British Government to the Viscount D'Itabayana dated the two of the December of the one thousand eight hundred and twenty eight upon the subject of the condemnation of the Brazilian Schooner Flavina by the mixed Commission here in one thousand eight hundred and twenty seven - The said that the Passport of the Iemmia was irregular for the Brazilian Government had no right to extend the Provisions of the Treaty in favor of the subjects of Brazil by granting permission for Vessels on Slaving voyages to come to Ports to the North of the Equator. — Such permission was contrary to the express condition of the Passport and was consequently illegal — He remarked that the Iemmias Passport contained a positive contradiction within itself for she could not enter solely such Ports where the

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(5)

therefore they became liable to the penal-
ties of the aforesaid Alvará and the third
article thereof decreed that "In case of a
Vessel having been captured by a Ship of "
War such Vessel and her Cargo shall be = "
subject to the Provisions specified in "
the seventeen article of the regula-="
tions concerning the Mixed Commis-="
sions annexed to the Convention of the "
twenty eight of July one thousand eight "
hundred and seventeenth" — thus clearly
showing that the guilty parties Vessel
and Cargo should be comprehended and
dealt with according to that Conven-
tion, —— but that the Personal pun=
nishment of those Parties was by the
first article of the Alvará reserved for
the Judicial Authorities of Brazil
to enforce. —— The Arbitrator then
remarked upon the positive contra=
dictions in the Evidence of the Mas=
ter and Seamen and adverted to some
papers found on board, which
proved that the "Iamnia" the
voyage previous to the one when
She was detained came to the North of

the Equator under exactly simi=
lar circumstances, and with the very
same excuse for so doing, that was
alleged as reasons for her being in the
same Port this voyage — and those
papers incontestibly prove that
last voyage she carried off a Cargo
of Slaves from the river Camaroons_
He therefore must infer that she
was in the prosecution of a similar
unlawful voyage when captured
"— Consequently he decided that
the "Ismenia" was a proper
case for Condemnation under
the Treaty and Convention and
Condemned her accordingly
= Colony of Sierra Leone —
I. Jose de Paiva Esquire Commis=
sary Judge on the part of His Impe=
rial Majesty the Emperor of Brazil
& &c. = In the British and
Brazilian Court of Mixed Commission
established in the said Colony for preven=
tion of illicit traffic in Slaves, do in the
Name and Behalf of His said Imperial
Majesty the Emperor of Brazil and

all others whom it may concern pro-
test in the strongest and most solemn
manner against the Judgment
this day pronounced by the British
and Brazilian Court of Mixed
Commission in the case of the Bra-
zilian Brigantine "Emunia" João
Antonio da Silva Master as being
contrary to the Provisions of the Trea
ties and Conventions between His
Britannic Majesty and His Impe-
rial Brazilian Majesty for suppres-
sion of the Slave Trade. = In witness
whereof I have hereunto set my
hand affixed the Imperial Seal
at the Court House of the mixed
Commission at Freetown in the
said Colony this twenty nine day
of June one thousand eight hundred
and thirty one = Joze da Paiva =
= British and Brazilian Court of
Mixed Commission Sierra Leone =
Before Alexander Findlay Esquire
His Britannic Majesty's Commissary
Judge and Interim Joze da Paiva
Esquire, His Imperial Majesty's Com-

Commissary Judge; and William
Smith, Esquire His Britannic Ma-
jesty's Commissioner of arbitration
in the said Court. = Present
Walter William Lewis Esquire
Registrar = Wednesday the
twenty-ninth day of June in the
year of our Lord one thousand eight
hundred thirty one = The Brigan-
tine Jamaica, João Antonio da Silva
Master. Our Sovereign Lord the King
against the Brigantine or vessel Ja-
maica whereof João Antonio da Sil-
va was Master her tackle apparel,
and furniture and all and singular
the goods wares, and singular the
goods wares and merchandize on
board the same and therewith tai-
zed and taken by the boats of
His Britannic Majesty's ship
"Eden" Captain William Fitz-
William Owen Commander and al
brought to Sierra Leone and aga-
inst all persons in general =
= In pain of parties cited, -
thrice called and not appearing

appearing Robert Dongan. Proc
tor on behalf of the Captors prayed
the said Brigantine and Cargo to be
condemned. The said Commissary
Judge and Commissioner of arbitra-
tion having heard the proofs read,
His Britannic Majesty's Commissa-
ry Judge ad interim expressed his
opinion that the said Brigantine
Jemmia, her tackle apparel and
furniture, and the goods wares and
merchandize laden therein at the
time of capture and seizure there-
of were engaged in the illicit traf-
fic in slaves, and as such subject
and liable to confiscation: His
Imperial Majesty's Commissary
Judge declared that in his opi-
nion the said Brigantine her out
fit and cargo, were not subject and li-
able to confiscation and that he could
not, therefore agree to her condemnation
His Britannic Majesty's Commissioner
of arbitration stated that in consequen-
ce of the difference of opinion between His
Britannic Majesty's Commissary Judge

and His Imperial Majesty's Commis
sary Judge and Through the absence
of a Commissioner of arbitration on the
part of His Imperial Majesty the Em
peror of the Brazils, the duty of pro=
nouncing judgment upon the Brigan=
tine Semenia devolved upon him.
The said Commissioner of arbitration
then stated, that after due consider=
ation of the evidence produced in
the case of the said vessel, he was of opi=
nion, with His Britannic Majesty's
Commissary Judge and Arbitrator, that
the said Brigantine Semenia her
outfit and cargo were subject and
liable to confiscation from having
been at the time of the capture and
seizure thereof, engaged in the illi=
cit traffic in Slaves. = And
that the Court therefore condemned
the said Brigantine Semenia her=
tackle apparel and furniture and
the goods wares and merchandize
laden therein, as taken in such il=
licit traffic by His Britannic Ma=
jesty's Ship "Eden" Captain William

Febr - William Owen Commander
- The Court also pronounced, that
at the time of passing the said sentence
no Slaves were on board but that the
said Brigantine Immaculada was captu-
red off King Bells town in the River-
Camaroons in the Bight of Biafra being
irregularly licensed to touch at the
Islands of Saint Thomas and Princes
on the West Coast of Africa by her Im
perial passport numbered seven hundred
and eighty five and dated at Rio Ja-
neiro twenty eight August one thousand
eight hundred and twenty nine which
said Imperial passport made it obliga-
tory upon her to enter solely such ports
upon the coast of Africa where the Slave
trade trade is permitted to the subjects
of the Empire of Brazils, which are, by
the second article of the Convention to the
Treaty between Great Britain and Por-
tugal signed at London on the twenty
eight of the July one thousand eight hun-
dred and seventeenth, confined to the
Territories of His Most Faithful Majes-
ty the King of Portugal to the South

of the Equator, and contrary to the true intent and meaning of the said second article and of the first article to the Treaty signed at Vienna the twenty two January one thousand eight hundred and fifteen = His Imperial Majesty's Commissary Judge then in the name of his Government demanded that his Protest, which he read and presented against the sentence which had been pronounced upon the Brazilian Brigantine "Immia" should be entered of record upon the minutes of the Court — His Britannic Majesty's Commissioners replied that the Judgment which had been passed upon the Brazilian Brigantine "Immia" was strictly according to the third article of the Regulation for the Mixed Commissions. — That His Imperial Majesty's Commissary Judge and His Britannic Majesty's Commissary Judge ad interim having differed in opinion on the case in question the documents connected therewith had been submitted to the

Commissioner of arbitration and
the final sentence which totally
excludes subsequent proceedings =
had been pronounced Conformable
bly to the opinion of the Majority
of the said Commissary Judges
and the said Commissioner of arbi=
tration. His Britannic Majesty's
Commissioners could not therefore ac=
cede to the demand made by His Im=
perial Majesty's Commissary Judge

It was also decreed by the Court that
a Commission in the usual form, be
issued to Mr. John Hamilton for the
appraisement and sale of the said
Brigantine Jemmia and all and
singular the goods wares, and mer
chandize on board of the same
returnable within twenty-one
days from the day of the date
thereof —— These are to certify
that the foregoing is a just and true
copy of the original minute of the
proceedings in the British and Bra
zilian Court of Mixed Commissions
established at Sierra Leone on the

twenty-ninth day of June one thou=
sand eight hundred and thirty one
on the adjudication of the case of the
Brazilian Brigantine "Jamuna"
whereof João Antonio da Silva was
Master as appears by the Records
of the said Commission — In faith
and testimony whereof I have here=
unto set my hand and affixed
the seal of the Mixed Commissions
at Freetown in the said Colony of
Sierra Leone this fourth day
of July in the year of our Lord
one thousand eight hundred
and thirty-one = Walter W Lewis

= Account of disbursements
by Walter William Lewis Esquire
Registrar for the contingent expen=
ses of the Mixed Commissions un=
der the Treaties with Foreign o
Powers for the prevention of the
illicit traffic in slaves, from the
fifth day of January to the fifth
day of April one thousand eight
hundred and thirty one. =

1831
April

		N.° of Voucher	£	s	d
5	Paid Mr. David Wilson's salary as Clerk from 5th January to 11th February 1831 £20.5.5½ Sterling which at 5 per cent advance	1	21	5	3½
"	Do. Mr. George Nicol one quarters salary as clerk £37.10.0 Sterling which at 5 per cent advance is	2	39	7	6
	Do. William Eamon one quarters salary as Messenger	3	9	"	"
	Do. James Hamilton one quarters salary as housekeeper	4	5	"	"
	Do. Boatmens Wages	5	2	16	3
	Do. Mr. J. H. Barber for sundries	6	17	9	3
	Do. Wm. Grafty for repairing sol boat	7	5	6	11
			£ 122	6	0½
	Received from Joze de Paiva Esquire His Imperial Majesty's Commissary Judge the Brazilian proportion of the contingent expenses in currency being a sixth part		20	7	3
			£ 101	19	4½

£101.18.4½ currency, at five cent

exchange is equal in Sterling to £
97.1.3 Walter NLewis. = Received
from Alexander Findlay, and Willi-
am Smith Esquires one set of bills
of Exchange at sixty days sight drawn
by them on James Bamahind Esquire
and dated this day for the within
sum of Ninety-seven pounds one shil-
ling and three-pence Sterling = Si-
erra Leone five of April, one thou-
sand eight hundred and thirty one -
Walter NLewis = Received -
from Walter William Lewis Esqui-
re one set of bills of Exchange for £
97.1.3. Sterling for which I have gi-
ven to him £ 101.18.4½ Currency being
at the rate of five per cent advance
premium each being the highest rate
of Exchange at the present day in
this Colony = Sam° Enderell. =
= Account of disbursements
by Walter William Lewis Esquire
Registrar. for the contingent ex-
penses of the Mixed Commissions
under the Treaties with Foreign
Powers for the prevention of the il-

illicit traffic in slaves from the fifth
day of April to the fifth day of =
July 1831 –

1831.					
			No. of Vouchers	£	s	d
July	5th	Paid Mr. George Nicolone quarters salary as clerk £37,10,0 sterling which at 5 percent advance is	1	39	7	6
"		D° William Dixon one quarters salary as messenger	2	9	"	"
"		D° James Hamilton one quarters salary as house = keeper		3	5	"	"
"		D° Boatmens Wages		4	24	15	"
"		D° Mr. George Hodgson for: sundries		5	16	1	8
"		D° Mr. Falconer for carpen= ters Work		6	1	19	3
"		D° Kalisfar for repairs done to the gig-boat		7	4	4	9
				£	100	8	2

Received from Jose de Paiva Esquire His Imperial Majes= tys Commissary Judge the Bra zilian jurisdiction of the contingent expenses in our=

money being as with part - 16.16.3

£ 83 13 6

= £ 83,13,6. Currency at five percent
exchange in equal in sterling to :
£ 79.13.10 = Walter Wynes =
= Received from Alexander Find=
lay and William Smith Es=
quires one set of bills of Exchan=
ge at sixty days sight drawn
by them on James Bamoland
Esquire and dated this day
for the within sum of se=
venty nine pounds thirteen
shillings and ten pence ster=
ling.= Sierra Leone five of
June one thousand eight hundred
and thirty one = Walter Wynes
= Received from Walter Wil=
liam Lewis Esquire one set
of bills of exchange for £
79.13.10. sterling for which
I have given to him £ 83.13.6
currency being at the rate of fi=
ve per cent advance premium
such being the highest rate of ex
change at the present day in this

Colony. = G. Hodgson. =

Account of disbursements by Walter William Lewis Esqui= re Registrar for the contingent expenses of the Mixed Commis= sions under the Treaties with Foreign Powers for the preven= tion of the illicit traffic in Slaves from the fifth day of January to the fifth day of April 1831

1831		n°. of Voucher	£	s.	d.
April 5	Paid Mr. David Wil= sons salary 1831 £ 20, 5, 5 ½ Sterling which at 5 per cent advances		1	21	5 8½
"	D°. Mr. George Wi= son one quarters Salary as Clerk £ 37. 10. 0 Ster= ling which at 5 per cent advance is		2	39	76
			£	60	13 2½

1831

		£	s	d
April 5th.	£	60	13	2½
" Paid Mr. Willi= am Earmon one quar= ters salary as Messenger -	3	9	-	-
D° James Ha= milton one quar= ters salary as = housekeeper	4	5	-	-
D° Boatmens wages ———	5	24	16	3
D° Mr. J. N. Bar= bar for sun= dries ———	6	17	9	3
D° Wm. Grafty for repairing Ob boat	7	5	6	11
£		122	6	0½

Received from Je
re ole Pavia Esqui.
re His Imperial
Majestys Commis.
sary Imolge the
Brazilian proportion
of the contingent.

DOC 09

Ha pouco perguntei á Secretaria,
de conta que, em virtude do des-
pacho N.º 24 de 6 de Julho de
1832, o novo Ministro em Lon-
dres, alguma representação fi-
zesse ao Governo inglez, rela-
tivamente ao apresamento da
Escuna — Izmenia —, e, no caso
affirmativo, os termos em que
o fez, e aquelle depois que mais
occorrêo —