

United States.

THE RIGHT OF SEARCH.

SUPPRESSION OF THE SLAVE TRADE.

The following are extracts from correspondence with Foreign Powers, not parties to conventions giving right of searching vessels suspected of slave trade, recently presented to both Houses of Parliament by command of Her Majesty.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor-street, 2 November 13, 1840.

(Received, Nov. 14.)

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has been instructed by his Government to transmit to Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers, containing the evidence of another unwarrantable search, detention, and ill-usage of an American vessel and her crew, on the coast of Africa, by one of Her Majesty's cruisers employed for the suppression of the slave trade, and which, in the opinion of the President, forms a proper subject for complaint and satisfactory retribution.

The following are the prominent facts of the case:—

The American brig Douglass, of Duxbury, in Massachusetts, of 200 tons burden, and commanded by Alvin Baker, master, and William Arnold, mate, sailed from the Havana on the 5th of August, 1839, laden with a cargo of merchandise, and having sundry passengers on board for the port of the river Bras.

That on the 31st of October, this brig, whilst pursuing her voyage, was boarded by Lieutenant Segrain, from Her Majesty's brigantine cruiser, the Termagant, with some of her crew, who proceeded forthwith to overhaul the ship's papers and passengers' passports; ordered the hatches, which were closed, to be broken open, the American flag which was then flying to be hauled down, and the vessel seized as a slave.

That the Captain's papers and log-book were then demanded, and taken on board the Termagant, and the Douglass committed to the charge of a master and crew from the British cruiser, who immediately ordered the sails to be set, and proceeded to sea.

At 6 o'clock, p. m., ten men were sent on board with arms and provisions, and the passengers taken to the Termagant, and both vessels then made sail and stood to the westward.

That on the 23d of October, about daylight, the Termagant came alongside of the Douglass, with the purser and one of her passengers, for stores and provisions, and then returned to the cruiser.

That from the 21st to the 26th of October, the American brig continued in charge of her cruiser, when they parted, and lost sight of each other, the brig, however, still continuing in possession of the officer and men from the Termagant.

That on the 29th and to the westward of Popoe, on the African coast, the Termagant again appeared alongside of the Douglass, and hove to—sent the supercargo and purser on board, ordered Captain Baker on board the cruiser, and Lieutenant Segrain then delivered to him his papers, with permission to proceed on his voyage.

The passengers were also permitted to return to the Douglass, and the Termagant having taken her prize crew and officer on board, the Douglass made all sail for the river Bras.

That on the 6th of November, the Douglass anchored in the Nunn, a river on the African coast, which she left on the 14th of December, and proceeded in ballast to Curacao, where she arrived on the 23d of January, 1840.

That on the 6th of February, she sailed from Curacao with a cargo of salt for the Havana, which she reached on the 21st of that month.

That in the passage on the pestilential coast of Africa to Curacao, the Douglass lost three of her crew; two, American seamen, viz:—Hamilton Day, of Providence, and Andrew Clough, of Boston, and Frederick Walton, a British subject, who were taken ill and died.

That the Douglass, at the time of her sailing from the Havana, was tight, staunch and strong, had her hatches well caulked and covered, and was well and sufficiently manned, and provided with all things needful for her voyage, and was in that state when she was boarded and literally captured by the British cruiser.

Such are the facts detailed in the protest of the Captain and mate, herewith transmitted, and which, it is presumed, can leave no doubt as to the unprovoked and flagrant character of the proceeding, or the reparation due to the rights of the United States and the honor of their flag.

In presenting the subject to the notice of Her Majesty's Government, it cannot be needful that the undersigned should do more than refer Lord Palmerston to the correspondence which has heretofore taken place between the two Governments, and more especially to the three notes which the undersigned had the honor of addressing to his Lordship under dates of 5th of February, 15th of May and 11th of August last, and to express the painful regret which the Government of the United States feels that the remonstrances which have been heretofore made, should have proved unavailing to preventing the repetition of such abuses as those which have so repeatedly been made the subject of complaint against Her Majesty's naval officers.

Her Majesty's Government cannot be insensible of the strong desire which the Government of the United States, and the nation at large, feel in the complete annihilation of the African slave trade.

The course pursued for the last 30 years is best calculated to mark the feelings and opinions of the Government and people of the United States in relation to a traffic now properly regarded by most civilized nations as alike repugnant to justice and humanity, and which, in relation to the United States, is not less so to all the dictates of a sound policy.

It is true that the American Government have declined to become a party in treaties with other nations for the suppression of the

slave trade. Although repeatedly urged by Her Majesty's Government to do so, the United States have been forced to decline all conventional arrangements, by which the officers of ships-of-war of either country should have the right to board, search, or capture, or carry into foreign ports for adjudication, the vessels of each other engaged in the slave trade. Indeed, it may be well doubted, apart from other considerations, whether the constitutional powers of the American Government would be competent to carry into effect those portions of the existing system so indispensably necessary to give it the character of just reciprocity.

The objections on the part of the United States have been repeatedly and frankly made known to Her Majesty's Government, and are doubtless well understood by the British Cabinet; and the more especially so, as it was an obstacle proceeding from the same principle which it is presumed prevented Great Britain herself from becoming formally a party to the holy alliance. It will not, however, be understood that the United States have been insensible to the friendly spirit of confidence with which these applications have been made on the part of Her Majesty's Government, or that the United States have ceased to feel that strong solicitude for the total annihilation of the traffic, which has distinguished the whole course of their policy. On the contrary, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their own citizens for participating in their traffic—and having, moreover, taken the steps which it deemed proper to prevent the abuse of their flag by the subjects of other powers, the Government of the United States cannot but feel sincere gratification at the progress made, by the efforts of other nations, for the general extinction of this odious traffic, and, consequently, undiminished solicitude to give the fullest efficacy to their own laws and regulations on the subject.

They cannot, however, consent that the provisions of the treaties in force between Great Britain and other powers for its abolition, and to which they are not a party, should be made to operate upon the commerce and citizens of the United States. It cannot but be apparent to Her Majesty's Government that these treaties are of a nature which cannot and ought not to be applied to the United States, under any restrictions or modifications whatever, and the more especially as they have neither colonies nor the means of carrying out those measures of maritime policy and surveillance which forms the basis of these treaties, and are so indispensably necessary to their execution.

In withholding its assent, therefore, from the existing system, and abstaining from all conventional arrangements yielding the right of search to the armed vessels and cruisers of each other; Her Majesty's Government must be sensible that the United States have been influenced alone by considerations arising out of the character of their institutions and policy, and, that having taken the measures which it deemed to be expedient and proper in relation to this subject, the Government of the United States can only leave to other nations to pursue freely the course which their judgment or policy may dictate, and in relation to which the United States certainly can have no disposition to interfere.

The undersigned has therefore been instructed, in presenting this case to Lord Palmerston's notice, again in the most earnest manner to assure his Lordship that these continued violations of the flag of the United States, and unprovoked wrongs inflicted by British cruisers upon the rights and property of its citizens, under whatever color or pretext, cannot longer be permitted by the Government of the United States; and that he has accordingly been instructed to express to his Lordship the confident expectation of the President of the United States that Her Majesty's Government will not only at once recognize the propriety and justice of making prompt retribution for the unwarrantable conduct of Lieutenant Segrain in the present case, but that it will take suitable and efficient means to prevent the future occurrence of all such abuses, involving, as they often do, not only great private wrong and consequent injury to property and life, but calculated to interrupt that harmony, which is for the advantage, and it is no doubt the desire of both Governments to preserve.

The undersigned prays Lord Palmerston to accept assurances of his distinguished consideration.

The Right Hon. Viscount Palmerston, G. C. B.

[Copies of the protest and charter party accompanied the despatch.]

Viscount Palmerston to Mr. Stevenson.

Foreign Office, Nov. 19, 1840.

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has received the note which Mr. Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States, addressed to him on the 13th inst., complaining on the part of the United States Government, of the conduct of Lieutenant Segrain, of Her Majesty's brigantine Termagant, in having detained the United States brig Douglass.

The undersigned has to assure Mr. Stevenson that Her Majesty's Government will at all times be desirous of repressing and preventing any violation of the flag of the United States, by officers of the British Navy.

With this view, indeed, Her Majesty's Government, previously to the receipt of Mr. Stevenson's note of the 13th inst., had, on receiving from Lieutenant Segrain an account of the transaction referred to, called upon that officer to explain more fully and particularly the grounds upon which he had considered himself justified in detaining a ship under American colors, and with papers shewing her to be American property.

Her Majesty's Government have now detected a prompt and searching inquiry to be made into the facts of the case, as stated in Mr. Stevenson's note, and the undersigned will not fail to communicate farther with Mr. Stevenson upon this subject so soon as Her Majesty's Government shall have learned the result of the inquiries instituted.

A. Stevenson, Esquire, &c.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, Nov. 20, 1840. (Received November 20.)

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honor to acknowledge the receipt of the note which Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, addressed to him yesterday in reply to that of the undersigned of the 13th inst., complaining of the conduct of Lieutenant Segrain, of Her Majesty's brigantine Termagant, in relation to the American brig Douglass, off the coast of Africa, and will take the earliest opportunity of transmitting it for the information of his Government.

The undersigned derives, in the meantime, much satisfaction from the prompt and friendly assurances of Lord Palmerston, that previously to the receipt of the note of the undersigned, Lieutenant Segrain had been called upon to explain fully and particularly the grounds upon which he had considered himself justified in detaining a ship under American colors, and with American property, and that Her Majesty's Government had further directed a prompt and searching inquiry to be made into the facts of the case.

A. STEVENSON.

Viscount Palmerston to Mr. Fox.

Foreign Office, December 3, 1840.

SIR—With reference to my dispatch of the 12th of June, 1840, relative to a vessel, named the Pilgrim, which had sailed from Rio de Janeiro under the flag of the United States, laden with slave trade equipments, for the coast of Africa, I herewith transmit to you, for communication to the government of the United States, the accompanying extract from a Despatch from Her Majesty's Commissioners at Rio de Janeiro, stating that the Pilgrim had returned to that port in ballast, after having landed a cargo of slaves.

PALMERSTON.

H. S. Fox, Esquire, &c.

(An extract from the Rio Commissioners' despatch of August 11, 1840, was enclosed.)

Viscount Palmerston to Mr. Stevenson.

Foreign Office, December 8, 1840.

SIR—I have to acknowledge the receipt of your letter of the 10th inst., together with its enclosures, on the subject of the African slave trade, and I beg to express my thanks to you for that communication, and for the information which it contains.

With reference to the suggestions contained in the papers enclosed by you, that a blockade should be instituted at the Gallinas and at New Cess, as an effectual means of putting down the slave trade, I have much pleasure in acquainting you that a blockade has for some time past been regularly maintained at the Gallinas by Her Majesty's ship Wanderer, and by other vessels under the direction of its commander, and at New Cess, by Her Majesty's ship Forrester.

With reference to the supposition of the writer of the paper which you have sent me, that British cruisers abstain from taking vessels before they have slaves on board, in order that, by capturing such vessels after they have taken their slaves on board, the captors may get more prize money, I have to explain to you, that it is only since the passing of the act of 1839 that there has existed any legal authority to condemn Portuguese ships, detained for being equipped for slave trade, and not having slaves actually on board; and therefore, until that act came into operation on the coast of Africa, Her Majesty's vessels could not detain Portuguese slave vessels, until they had actually taken their slaves on board; but with regard to Spanish vessels, the treaty of 1835 between Great Britain and Spain gave to the mixed British and Spanish commission a power to condemn slave vessels under the Spanish flag, if found equipped for the slave trade, even though they might have no slaves actually on board; and during the period which has elapsed since that treaty has been in operation, Her Majesty's cruisers have taken, and sent in for adjudication, 85 Spanish slave vessels without slaves on board, and since the year 1835 Her Majesty's cruisers on the coast of Africa have detained and sent in for adjudication 14 Brazilian vessels without slaves on board, and only two with slaves on board.

You will see therefore, from these facts, that the writer of the paper in question is entirely mistaken in supposing that the British cruisers on the coast of Africa look to profit instead of the performance of their duty; and I have further to state, in proof of the zealous activity of the British cruisers, that all the slave vessels sent in for adjudication before any of the mixed commissions, whether in Africa, the W. Indies, or in Brazil, have been detained and sent in by British cruisers, not one of those vessels having been detained by the cruisers or any of the other contracting parties to the treaties under the stipulations of which those slave vessels were condemned.

A. Stevenson, Esquire.

Viscount Palmerston to Mr. Fox.

Foreign Office, December 17, 1840.

SIR—I received your despatch of the 1st of April last, and in compliance with the wish therein expressed, on the part of the United States Government, to be furnished with documentary evidence touching the facts disclosed in the case of the United States slave schooner Rebecca, I directed Her Majesty's commissioners to furnish me with any evidence in their possession on the points referred to; and I now transmit to you, for communication to the United States Government, a copy of a despatch from Her Majesty's commissioners, enclosing certified copies of papers connected with the case of the vessel above mentioned.

PALMERSTON.

H. S. Fox, Esquire, &c.

* See in the printed papers laid before Parliament; but there is obviously an error as to dates, a despatch of the 8th, being made to acknowledge the receipt of a letter dated two days afterwards.—Boston Pap.

WOOD and COALS.

The Subscriber has for sale, 50 Cords Dry HARD WOOD; 25 Chaldrons Ory COALS; and 25 Chaldrons Pemberton COALS.

HORATIO N. DRAKE.

Fredericton, Nov. 24, 1841.

ROYAL GAZETTE.

FREDERICTON, DEC. 1, 1841.

Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.

SAMUEL W. BABBITT, Cashier.

Discount Days.....Tuesdays and Fridays.

Director this week.....C. McPHERSON.

Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier, before two o'clock on Mondays and Thursdays.

Bank of British North America.

FREDERICTON BRANCH.

GEORGE TAYLOR, Manager.

Discount Days.....Wednesdays and Saturdays.

Director this week.....JAMES TAYLOR.

Hours of business, from 10 to 3.

* Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days.

Saving's Bank.

Trustee for next week.....ASA COY.

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House, opposite the Parade, (Sunday excepted,) from 11 to 2 o'clock.

B. WOLHAUPT, President.

Committee for the present month.

F. E. BECKWITH and W. A. McLEAN.

Alms House and Work House.

Commissioner for the week commencing to-morrow.

B. WOLHAUPT.

Hartford Fire Insurance Company.

HARTFORD, CONNECTICUT.

Agent at Fredericton.—ASA COY.

[From the Saint John Courier, Nov. 27.]

On Monday evening last, His Excellency the Lieutenant Governor unexpectedly arrived in town from Fredericton, by the River, and on Tuesday he invited a number of the leading gentlemen of the City to meet him at his lodgings at the Saint John Hotel, for the purpose of devising some means for giving employment to the poor during the present embarrassed state of business in the City, arising, as well from the general depression which prevails throughout the commercial world, as from the recent calamitous fire with which we have been visited. Numerous suggestions were made by His Excellency, who stated his readiness to give his cordial support to any measures of public utility, for the attainment of the desired end. Several gentlemen, we understand, also stated their views at the meeting, and there appeared to be a general desire to second His Excellency's views. His Excellency having made a written communication to the Common Council, the following Resolutions founded thereon, were unanimously passed at a meeting of the Board, on Thursday last:—

1. Resolved, That this Board feel under great obligations to His Excellency the Lieutenant Governor for the lively interest evinced in His Excellency's Communication to the Common Council, on the subject of affording employment to the great mass of the labouring population during the approaching winter, and at the same time the Board beg to assure His Excellency, that they are only expressing the unanimous feelings of their fellow citizens whom they have the honor to represent, when they offer to His Excellency their best thanks for the paternal solicitude he has manifested in visiting the City so immediately after the recent calamitous conflagration, to devise measures for giving relief in the present exigency.

2. Resolved, That this Board fully concur in the suggestions of His Excellency as to the absolute necessity that exists of undertaking some Public Works, of acknowledged utility, by which the labouring poor may obtain employment; but in the present unexampled pressure in the money market, arising from commercial embarrassments and other causes, and the consequent total impossibility to realise the ordinary revenues of the Corporation, as well as the great difficulty, under existing circumstances, of collecting a large portion of the assessed taxes, this Board have not, as heretofore, the funds at their disposal requisite to carry into operation measures so highly beneficial to the public weal.

3. Resolved, That it is not practicable for this Board to decide hastily what particular works of utility could be undertaken with advantage at this inclement season; but as their main object is the employment of the labouring poor and relieving distress, and as there are only certain works which most of that class of persons can perform—it must remain for future consideration what shall be undertaken, according to circumstances. They would, however, mention that many rocks may be excavated on the Streets, and improvements made on the public Squares at which some may be set to work; but a very large portion can only be employed, beneficially, in breaking stone for Macadamizing the Streets in the City, or it might be used for Macadamizing the Great Road of communication over the Marsh; or it might be practicable for to lay down the Water Pipes, with advantage at this season of the year, this Board would cheerfully give their assent, in anticipation of the Water Works being made over to this Corporation at the next session of the Legislature; that part of the monies which may be obtained by this Board, be appropriated for that very important undertaking.

4. Resolved, That this Board cannot discover any source from which the necessary means can be furnished for the important objects contemplated, unless a temporary advance can be afforded from funds that may be at the disposal of Her Majesty's Executive Government of this Province; and that, therefore, an humble address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to adopt such measures for affording relief as to His Excellency may seem meet.

5. Resolved, That in the opinion of this Board, an advance of a sum not exceeding £5000 would be sufficient to carry into effect the objects contemplated; and that in the event of His Excellency acquiescing to furnish that amount, this Board pledge themselves to repay the same when called upon by the Government to do so.

6. Resolved, That the great increase in the

number of sick, indigent and distressed Emigrants, as well as in the inmates of the temporary Infirmary, the expense of which has hitherto been delayed by the Overseers of the Poor, and reimbursed annually by Provincial Grants, from the difficulty previously referred to in collecting taxes, will call for a large advance from the public authorities here for the support of those objects, before the usual reimbursement takes place, and thereby will embarrass the funds appropriated and destined for other purposes.

7. Resolved, That this Board most heartily concur in the suggestions of His Excellency in his general recommendation for the improvement of the City, and that they will gladly avail themselves of the valued co-operation of His Excellency in bringing the subject, through His Excellency, under the consideration of Her Majesty's Government with a view of obtaining funds for so important and beneficial an object.

8. Resolved, That His Worship the Mayor be requested to communicate the foregoing Resolutions to His Excellency.

SIR WILLIAM COLEBROOKE IN SAINT JOHN—AND THE LATE FIRE.

In the midst of our commercial gloom, and the depression consequent upon the late awful conflagration, it is consolatory to know that he who has been deputed by our gracious Sovereign to guide our Provincial destinies, is not unmindful of his charge nor slumbering at his post with folded arms. We were surprised yesterday morning by the news that our worthy Lieutenant Governor, Sir Wm. Colebrooke, had arrived in town from Fredericton, and had invited our principal inhabitants to meet him at his lodgings in the Saint John Hotel, not for the vain pomp and circumstances of a levee, but for the more praiseworthy and charitable purpose of devising and considering the best means of giving employment, or in other words—BREAD, to the numerous class of persons who have willing hands and willing hearts to work, but whom our recent calamities in trade and by fire, have deprived of their ordinary resources. We regret that our limits, and a want of time, prevent us giving a detailed account of the meeting; but we are assured by a gentleman who was present, that the liberal, large and enlightened views of His Excellency, with regard to our Colonial prospects and capacities, were such as to call forth the warm admiration of the meeting.

His Excellency very strongly recommended the undertaking and prosecution of Public works which would be the means of furnishing employment during the winter months, to numbers, whose labor would be a return for the capital so invested: a method of giving relief far preferable to any direct bounty. Many useful objects for public enterprise were pointed out by gentlemen present, particularly the extension of the Water Works, which have already proved so beneficial to our city; and the erection of a Dry Dock, for which our harbor with its great rise and fall of tide is so peculiarly adapted. It must be obvious to the meanest capacity, that works of this kind—although requiring in the first instance, the outlay of a large sum of money—will eventually pay for themselves, just as our Steam Ferry Boat, which in the outset cost so much, is now actually yielding a revenue to the Corporation, while the benefit it has conferred upon the whole City and County of Saint John, (to say nothing of more distant parts of the Province) is incalculable.

We heartily respond to the energetic call of our excellent Lieutenant Governor, and hope that not only our Corporation will have sense enough to appreciate and act upon it, but also that our Legislature at its next session will with its usual liberality, give effect to Sir William's beneficial plans.—Morning News.

The New Methodist Chapel in Carleton was opened for Divine Worship on Sunday last. The services were conducted by the Rev. Messrs. Temple, Bamford, and Wood, and are stated to have been extremely appropriate to the occasion, and were listened to with the utmost attention by large congregations. The building, which was erected under the superintendence of Mr. Wm. Beatty, from a plan gratuitously furnished by Mr. John Cunningham, Architect, has a very neat appearance; it is 60 feet long, 45 feet wide, and 27 feet posts; and is very creditable to all concerned. On Monday evening a sale of the Pews took place, when the preference of those disposed of realized £300.—Courier.

REWARD OF MERIT.—We are pleased to learn that the owners of the Royal Mail Line of Steamers have presented our townsman, Thomas M. Smith, Esq., with a handsome Gold Watch, as a token of their sense of the obliging and useful exertions rendered by him to the Steam Ship Britannia, while in this port last summer, repairing damages sustained in running ashore near Halifax. The following is the inscription engraved on the case:—“Presented by the Owners of the Royal Mail Co. act Steam Ship Britannia, to Thomas M. Smith, Esq., Port Warden of St. John, N. B., in testimony of their sense of the valuable services he rendered on the occasion of that vessel being taken thither for inspection and repairs, on the 20th May, 1841.”—Id.

INDIAN MISSION.

We received the following communication from a friend in Dalhousie, under date of November 15:—

Captain O'Halloran, 69th Regiment, who arrived in this neighbourhood about a month since, on a mission to the Micmac Indians, has been elected we understand, ‘Grand White Chief’ of the Indian Tribes occupying the Canada side of the Restigouche and Bay de Chaleur, under the Indian title of CHIGALIDWOT SAGAMOW, by interpretation, ‘the Chief with the Long Beard.’

The Rev. Mr. Mayo, P. P., of Restigouche, was present at the Indian Council, held for Captain O'Halloran's installation, on the 2d inst., at Mission Point; and it gives us much pleasure to learn that the Rev. Gentleman has afforded every facility to the gallant officer to bring the objects of his mission, both in a temporal and spiritual point of view, to a successful issue.—Miramichi Gleaner.