MEMORIALS

AND OTHER

PAPERS,

RELATIVE TO THE

CLAIMS of Captain JOHN HASELL

ON THE

COURT OF PORTUGAL,

ON ACCOUNT

Of the ILLEGAL SEIZURE of the SHIP ARGYLE,

BY THE

GOVERNOR of t' BRASILS.

CONTENTS.

May it pleaſe your Lordſhip,

The MEMORIAL of Captain JOHN HASELL, late of the Duke of Portland Indiaman,

HUMBLY SHEWETH,

THAT in the ſpring of the year 1770 your memorialiſt, being ordered by his employers the Honourable the Eaſt India Company to proceed on his voyage to Bombay, contracted with William Robertſon, maſter and commander of the Argyle, a Weſt India merchant ſhip, for the freight of certain goods (as will appear by the ſchedule annexed) to be conveyed to St. Jago, and there to be delivered on board the ſaid Duke of Portland.—That your memoraliſt, on his arrival at St. Jago, finding the ſeaſon too far advanced to give him hopes of doubling the Cape without calling ſomewhere for refreſhments, took the reſolution of going to the Rio de Janeiro, and at the ſame time entered into another contract with captain Robertſon, of the Argyle, to attend him there, with the freight on his account, to be delivered on board the Duke of Portland Indiaman, in the ſame manner as was originally intended to be done at St. Jago; that is, whilſt the ſhip was taking in its proviſions and refreſhments. On the 1ſt of June, 1770, the two ſhips ſailed together from St. Jago, and continued in com-

pany till the 18th of the ſame month, when they were ſeparated by ſtreſs of weather, and each performed ſingly the remainder of the voyage. The firſt of the two ſhips, which arrived at the Rio de Janeiro, was that commanded by your memorialiſt; which was admitted into the port by the viceroy, and received ſuch aſſiſtance and refreſhment as has always been given to the veſſels and ſubjects of a crown, which has ſo powerfully protected and is ſo firmly allied to his moſt faithful majeſty. On the 18th of July the Argyle came to the mouth of the Rio de Janeiro; and, having got a pilot on board, weighed anchor at four o'clock in the afternoon of the next day, in order to proceed into the harbour. At five o'clock the captain of the port, or harbour-maſter, came on board; who ordered captain Robertſon not to advance any further, and to come to an anchor. This order was immediately obeyed. At ſeven an officer, with two ſoldiers, came on board, with orders to captain Robertſon to go to the viceroy. He went, and before he could return to his veſſel it was three in the morning. Captain Robertſon ſtated to the viceroy the nature of his contract to deliver certain goods on board the Duke of Portland Indiaman; but the viceroy forbad him coming into the harbour. He ſtated likewiſe the neceſſity he was in for want of water, having only half a butt on board, and the impoſſibility of proceeding to any port till he had taken in a ſupply. The viceroy ſtill continued his injunction not to enter the port; but promiſed, that he would allow the boat of the Duke of Portland, and the boat of the True Briton, captain Bradley,

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(another Indiaman that was come there for refreſhment), to ſupply him with water. In this ſituation captain Robertſon continued till Saturday the 21ſt of July, when an officer from the viceroy came on board to know why he did not go away. Captain Robertſon anſwered, that he could not go without the ſupply of water which had been promiſed him. The officer then aſſured him, that he ſhould have water, and any other little refreſhments he wanted, the next day, but that he ſhould ſet ſail immediately after he had received them; to which captain Robertſon conſented. At going away the officer took with him the pilot that had been on board, notwithſtanding the ſhip was not then in a place of ſafety, having that very night drove from her anchor, the wind blowing hard at ſouth-weſt. The next day the viceroy, inſtead of ſending a ſupply of water, changed his mind, and gave him leave to come into the harbour, and at the ſame time ordered a pilot to come on board. But the wind failing, it was not till the next day, Monday July 23d, at one in the afternoon, he came to ſail, and at three o'clock came to an anchor in the harbour. At four o'clock the harbour-maſter came on board, and ordered him to weigh again, which he did; and the ſaid harbour-maſter run his ſhip further up the harbour under a fort and a ſhip of force, and at ſix o'clock came to an anchor. Immediately a guard of five ſoldiers was put on board the ſhip. At ſeven the king of Portugal's officers came on board, and examined captain Robertſon with reſpect to his cargo and voyage, of which he gave them a faithful account; and upon

their demand ſhewed them his journals and his bills of entry at the Cuſtom-houſe in London. At the concluſion of his examination they deſired him to ſign a written paper, which they ſaid was the purport of his examination; and upon this aſſurance he, together with them, ſigned it. At taking leave of him they gave him orders not to ſtir out of his ſhip, which he promiſed to obey. The next morning they came again, and examined him in the ſame manner as in the preceding evening; except with this difference, that they took a very particular account both of his bills of lading and what he had on his own account, which they obliged him to ſign. At the ſame time they demanded a light to go into the hold to inſpect the cargo, which was complied with. Some of them went accordingly into the hold, where they cut open one bale, opened three caſes, and then returned to the officers above, to whom they made their report; after which they went on ſhore, and captain Robertſon heard no more from the viceroy till Monday the 30th of July, when the king of Portugal's civil and military officers came on board, and called all the ſhip's company on the quarter-deck. They then read to captain Robertſon and all his people a declaration or order ſigned by the viceroy, for ſeizing and confiſcating the ſhip and cargo, deeming all men on board pirates, to be committed to priſon, and to be puniſhed according to their deſerts. They then proceeded, in ſpite of captain Robertſon's remonſtrances, to ſtrike the Engliſh colours, ordered all the people priſon under a guard, and laſt of all captain

Robertſon

Robertſon himſelf, who perſevered in refuſing to leave the ſhip till compelled by force.

This, my lord, is the ſtate of the caſe, as appears by the depoſition of captain William Robertſon; and upon the very face of it your memorialiſt truſts, that your lordſhip will deem it an unprovoked act of oppreſſion. What the viceroy's motives were for acting in this manner, as far as they are to be learned either from his own letters to your memorialiſt, or from the form of confiſcation itſelf, the only public act in the whole of the proceedings, ſhall be the ſubject of the ſubſequent part of this memorial.

Although the ſentence of confiſcation was not pronounced till the 30th of July, yet your memorialiſt having intelligence that ſuch a ſentence was intended to be pronounced did, on the 27th of July, take the liberty of addreſſing the following letter to the viceroy, to which he received the ſubſequent anſwer.

May it pleaſe your Excellency,

On Tueſday laſt I had the honour of making a requeſt to your lordſhip by the purſer of my ſhip, which, had I not been much indiſpoſed, I ſhould have done in perſon. The meſſage I deſired him to deliver was to this effect: as I underſtand it was diſagreeable to your excellency, that the ſhip which followed me ſhould remain in this port, to beg that you would be pleaſed and permit me to ſend her ſuch water, &c. on board her from my ſhip, that ſhe might be enabled immediately to proceed to her deſtined port. It is with equal ſurprize and mortification I have been informed of your excellency's anſwer,

ſwer, that ſhe was confiſcated to the uſe of his moſt faithful majeſty, and it was not in your power to accede to my requeſt. At the ſame time you did me the honour of giving me for reaſon, that the maſter of her had informed you that I had ordered her, when at St. Jago, to proceed to this port, whither I then propoſed coming; and from this circumſtance ſhe is condemned by the laws, notwithſtanding he at the ſame time aſſured you, that no part of her cargo was deſigned to be diſpoſed of at this place, but that I was to receive a part on board of my ſhip, which is bound to Bombay, and that I had freighted part of his veſſel for that purpoſe. You at the ſame time obſerved, that no Engliſh veſſel was permitted to come here under pain of confiſcation, unleſs drove in by diſtreſs. In anſwer to this, I muſt beg leave to inform your excellency, that I was totally unacquainted with ſuch laws or regulations having been made by his moſt faithful majeſty, and this you have already done me the juſtice to believe. Indeed I had many reaſons to ſuppoſe that there was nothing irregular in the form of proceeding in this veſſel, from former circumſtances; one of which was on Tueſday laſt mentioned, viz. that when captain Morriſon put into this port with a ſhip belonging to the Eaſt India company, he was permitted to remove a cargo from a ſmall ſhip, which ſhip was deſtined from England to St. Jago, and followed him to this port in the like manner, and for the ſame purpoſes, that the Argyle has followed the Duke of Portland. I muſt alſo inform your excellency, that there are many precedents of Eaſt India ſhips having received orders in England

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for touching at ports on this coaſt, which muſt have appeared in their papers: for inſtance, the ſhips York, Neptune, and Earl Temple, in the year 1760, were ordered to touch at Pernambuco, but, finding it an unſafe port, went to the Bay of All Saints, where they received all the ſuccours they wanted. When the Argyle anchored without the fort, your excellency received information, from Robertſon, the maſter, of the reaſon of his coming here, and that he was diſtreſſed for want of water and proviſions. Your lordſhip was then ſo kind as to give orders his wants ſhould then be ſupplied by the boats of the two Eaſt India ſhips, which was attempted; but the boats ſent for that purpoſe were ſtopped by the guard-boat, which proceeding obliged captain Robertſon to deſire that he might be permitted to come into the harbour, ſo as to be able to ſupply himſelf. Subſequent to this tranſaction, on Saturday the 21ſt of this month, Mr. Thomas, my purſer, received a letter from captain Robertſon, which was forwarded by your excellency, informing him that you had reſolved to ſend him water the next morning, and that he muſt proceed to ſea immediately. I feared, from this letter, that the circumſtances relative to the Argyle had not been repreſented in a proper manner; and, in conſequence thereof, on Sunday morning I ſent my chief mate and purſer with a letter to your excellency, begging that you would poſtpone the departure of the Argyle, and favour me with an audience, which you granted the ſame afternoon. At the ſame time your aid de camp gave a letter to Mr. Thomas from your excellency for me, in preſence of Mr.

Wroe,

Wroe, my firſt officer, which you was pleaſed to recall by the ſaid aid de camp, immediately after acquainting theſe gentlemen, that your excellency had permitted the Argyle to come into the port, and that you would ſend a pilot to bring her in. The ſame officer delivered an order from the commanding officer of the fort to let her paſs, and aſked if a large boat could be ſent from the Duke of Portland to aſſiſt in bringing the ſhip in, which was neceſſary on account of the ſtrong currents. The pilot was taken from a priſon, in which he had been confined, and was ſent with the above mentioned gentlemen, and proceeded in my cutter on board of the Argyle; which the ſame afternoon was brought within the fort, and the day following to her preſent moorings.

It is with the greateſt regret I have preſumed to trouble your excellency with this long detail of facts; but I think a juſtice I owe to you, as well as myſelf, demands it of me. It muſt appear to every candid and and unprejudiced perſon, that there has been no intention to violate any law of nations, or even bye-law of commerce. Can it be imagined by any one, that people deprived of the neceſſaries of life, and who aſk them from thoſe, who, from the moſt ſacred ties, ſhould ſupply them, commit an offence that ſhould require their liberty and property for an atonement? Can it, my lord, be ſuppoſed, that I, or the captain of the Argyle, could be ſo loſt to reaſon and honour, as to acquaint a perſon in your character with any thing in confidence, or otherwiſe, that could infringe on, or be contradictory to, the laws of your nation, or the order of a king whoſe immediate

mediate representative you are? Could I, after you granted a pilot, imagine, but that you thought it just and proper that the Argyle ſhould come into the harbour?

If your excellency ſhall find, after a mature conſideration of what I have now the honour to lay before you, that the Argyle is confiſcated, I hope you will favour me with a copy of the act that condemns her, as well for the ſatisfaction of her owners, as to prevent any of my countrymen falling into the like dilemma.

I have the honour to be,
with the greateſt reſpect,
your excellency's
27th July, 1770. moſt obedient humble ſervant,

(Signed) JOHN HASELL.

[*Marquis of Lavradio's anſwer, as tranſlated from the Portugueſe.*]

Yeſterday, the 27th of this month of July, I received your letter, wrote in the Engliſh language, which I did not immediately anſwer, as it was neceſſary to get it turned into Portugueſe, in order to come at the knowledge of what you therein mentioned to me, and to be able to anſwer the ſame, which I now do.

In your letter you mention all the facts that happened in reſpect to the ſhip Argyle, together with my reſolution, and the reaſon why that ſhip came in ſearch of this port, from a notion that ſhe had a right ſo to do.

With regard to what concerns the firſt part, I ſhall relate to you the whole fact, from the time of the ſhip's mooring, until her arrival at Anchoraduco, where ſhe now lays.

This ſhip arrived on the 19th day of this inſtant month, at day break, a league diſtant from the fort of St. Cruz, from whence they ſent an officer with ſome ſoldiers to ſecure her mooring, until I ſhould be informed of the nation ſhe belonged to, and the neceſſity that brought her into this port, in order to judge if it were under thoſe terms which permitted or gave her licence to enter; and that ſame night the captain of the ſaid ſhip came aſhore to ſpeak to me, and informed me that the reaſon of coming here was his being freighted, from London to one of the Cape de Verd iſlands, to carry to that place various effects that came by the Duke of Portland, a ſhip belonging to the Eaſt India company of England; that the ſaid ſhip not being able to expend her neceſſary portion of proviſions, to make room for receiving the ſaid cargo, her voyage having been happily performed in a few days, therefore they ordered him to continue his route to the port of Rio de Janeiro, where he was to receive his ſaid cargo; for as this voyage might be of a longer duration, they could expend water and ſtores ſufficient to make room in the ſaid ſhip for receiving the ſaid cargo; and for this purpoſe it was, that the ſaid captain of the ſaid ſhip Argyle undertook to make the ſaid voyage to this port, wherein he met with contrary winds, which detained him a long time; and he alſo found himſelf in great neceſſity of water and ſtores, and therefore he required

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me to ſend him a pilot to enter, and a proviſion of water and victualling ſtores to enable him to purſue his voyage to Jamaica, the port where he was ſent to, and to which he would immediately depart, and that he might diſcharge the effects which he brought belonging to the ſaid India ſhip.

I anſwered him, that I imagined all that account to be falſe; becauſe the moſt eſſential points he had informed me of, in reſpect to the route or deſtination of the ſhip under your command, were entirely different from what you had depoſed in the examination, which I ordered the miniſters and officers of his moſt faithful majeſty to make on board your ſhip, where you declared that it was the contrary winds that prevented her proceeding on her voyage to Bombay, where ſhe was bound to, and that above ſixty perſons of your ſhip were taken ill, occaſioned by the bad water taken in at the Cape de Verd iſlands; all which is verified by the ſaid officers who took the examination, to whom were exhibited the port and deſtination of the ſaid ſhip: and I am not to preſume contrary to good faith, that they preſented to thoſe officers inſtructions leſs true than what appeared; ſo that you declare yourſelf to be guilty of thoſe ſevere penalties, with which ſuch perſons ought to be chaſtiſed who are wanting in public faith.

Certified as I was of all the above falſities which the ſaid captain told me, I ſent to acquaint him, that he ſhould not be permitted entrance into this port, and that I looked upon him as an impoſtor; on which account however, to uſe him with all the lenity I could (which yet he did not deſerve) I ordered him

to purſue his voyage, and the moſt I could conſent to was, that the two ſhips of his nation might ſupply him with ſome water, which your ſhips might have on board, as alſo ſome other refreſhments, upon condition that he ſhould ſet ſail the next day. But after this my order, he yet continued with the ſaid ſhip in the ſame place all the next day, ſoliciting entrance, declaring that if he were not permitted he ſhould be obliged to coaſt or run her aſhore, as they were unable to ſupport themſelves in that place; and he continued theſe ſolicitations till Saturday, when I ſent to order him in, that they might here put to him the uſual interrogatories, in which examination he not only depoſed the whole of what I have juſt repeated, but declared to have brought goods deſtined for the port of Liſbon, as may be ſeen in his diſpatches and bills of lading, remaining with the ſaid declarations, which he voluntarily made without any reſtraint. Thus he, as well as the ſhip you command, hath incurred the penalty of confiſcation, according to the fundamental laws eſtabliſhed in America, which to this time have not been derogated from, nor heretofore, by the kings of this kingdom, who have always given the greateſt recommendation for the moſt inviolable obſervation thereof. But as to what the ſaid captain ſaid in regard to your ſhip, it is not verified, neither by the bills of lading that were there found, nor by the written order which he ſaid he had received; ſo that if any declaration ſhould be made in that depoſition, proving you guilty of the ſame fault, I ſhall certainly proceed with you and your ſhip according as the laws direct. Therefore I have put them in

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execution in regard to the ſmall ſhip Argyle, which the laws have decreed that I ſhould confiſcate, together with all her cargo that ſhall be found in her, the ſaid captain and all the crew being taken and ſent to our city in the uſual manner, according to what I have informed you.

As to what regards your having been required to ſend a ſupply of water and victualling ſtores to the ſaid ſhip, to enable her to ſail or depart, I anſwer, that having I my permiſſion on Thurſday night, when the captain went on board your ſhip, to notify this my reſolution, wherein I ordered him to ſet ſail and depart the next day, after he had received that neceſſary ſuccour; but he paſſed all Friday without your ever remembering to ſend him any aſſiſtance, and it was not till Saturday that you ſent aboard him a ſmall boat, without carrying him any relief, under pretence of going to be informed what the ſhip wanted. And this occaſioned the ſtop which my guards made to prevent his ſailing; becauſe my orders permitted thoſe only to go who were to carry the water and proviſions to relieve them. Laſtly, the captain continued his ſolicitations to enter on Saturday, ſaying, if I would not permit it, he and all his crew muſt periſh; and that he could not maintain himſelf, or ſtay in that place on account of the ſtrong currents, which put him in great danger. From all which motives, and ſeeing all terms of prudence and moderation already extinguiſhed, which moderation his majeſty always recommends whenever his royal laws are to be put in execution, and eſpecially with regard to thoſe nations, to whom he al-

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ways has given, and ſtill continues to give, the greateſt proofs of his ſincere attachment, and of his conſtant and true friendſhip ; and that it is neceſſary, whenever thoſe public demonſtrations of regard are ſo extinguiſhed, to execute the laws, which our king does not permit us to aſſume the liberty of altering, and principally thoſe that are the baſis of the eſtabliſhment of the ſtate, which have ever been held in a moſt conſtant and reſpectful obſervance ; I reſolved to order him to enter, and to continue ſuch other proceedings, as ſhould occur in conſequence of that entrance.

As to the examples, which you adduce, concerning ſhips of the Engliſh Eaſt India company having come, by order of that nation, in ſearch of American ports, and of their being well received there, and furniſhed with all neceſſaries, they might have great weight with me, were I the king of England's ſubject. But being a Portugueſe born, and, to my great happineſs, a ſubject of his moſt faithful majeſty, my lord the king, I am obliged to execute the royal laws of my moſt auguſt ſovereign, and cannot conſent, that any ſhould enter his houſe (for ſo I conſider his conquered ports) except thoſe perſons, whom the king himſelf and the laws of this realm ſhall permit, or in thoſe caſes, where the ſaid laws, on account of the ſovereign's clemency who has promulged them, and from a real motive of hoſpitality, may extend to relieve thoſe, who come to ſeek our ſuccour, obliged thereto from pure and indiſpenſible neceſſity ; it being certain, that this can no ways prejudice neither the ſovereigns themſelves, nor their ſacred laws,

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nor the vaſſals or ſubjects under my direction, nor ever ſerve as a ſingle example for any tranſgreſſion of thoſe laws, which renders them unworthy of all regard to him, or for thoſe who neglect to execute them with that profound zeal or reſpect which they ought to do.

It is true that my agent, who was charged with my orders, anſwered the officers of your ſhip, that I had ordered the ſhip to enter, and had ſent a pilot for that purpoſe; and that on enquiring whether he might go from on board the ſaid ſhip to the long-boat, in order to aſſiſt her entrance, he replied, that he had no objection. My agent anſwered, in this reſpect, the ſame as I had ordered and directed him; and this proves nothing in favour of the ſhip, nor excuſes your guilt; becauſe, as I did not make the laws, ſo I have not a right to revoke them, this liberty being veſted only in the ſovereign who has enacted them, and of me nothing more being required, than to ſee them faithfully executed.

All that I have ſaid to you is in conſideration, that the depoſition made by the captain of the ſhip Argyle, in reſpect to you, is leſs true than thoſe advantages which you endeavour to take in regard to the ſaid ſhip, which ſpring from intereſt, in which all countrymen of one nation ought to aſſiſt each other, and to alledge that duty as a circumſtance to deſerve greater compaſſion; for ſhould I be informed, or have any more proof ſufficient to find you included in that heavy crime, I would proceed, as well in reſpect to you as to your ſhip, in the ſame manner as I have done by the other, which would

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yet give me the moſt ſenſible uneaſineſs, becauſe I muſt then be obliged to loſe all that reſpectful regard for you, which the rectitude of your ſentiments has hitherto inſpired me with; ſo that I cannot now prevail with myſelf to ſend you a copy of the proceſs made againſt the ſhip Argyle, becauſe the original acts muſt be laid before my moſt faithful lord the king, it not being permitted, in this caſe, to extract copies, without his licence ſo to do.

I ſhall be glad of every opportunity, wherein I may manifeſt to you the ſincerity with which I deſire to ſerve you.

Rio de Janeiro, the 29th of July, 1770. MARQUIS DE LAVRADIO.

Captain John Haſell.

This anſwer produced another letter to the viceroy, as follows:

May it pleaſe your Excellency,

I had yeſterday morning the honour of your lordſhip's letter, in anſwer to mine of the 27th of this preſent month; and though I have not been able to get that letter tranſlated into Engliſh, I am unwilling to loſe time in explaining ſome things, wherein your excellency has undoubtedly been miſinformed, particularly with reſpect to my boat's going on board the Argyle, to give the ſupplies you was then pleaſed to ſay you would permit the Engliſh Eaſt India ſhips to ſend on board. On Friday morning, the 21ſt current, the moment I was informed of your excellency's

lency's pleaſure by Sir Alycevedo, I ſent my officer with an interpreter on board the guard-veſſel, to acquaint the officer then commanding with your pleaſure. He ſaid he could not permit any of my boats going on board the Argyle, whether charged with water and proviſions, or not; as he had not received any commands from your excellency for that purpoſe. However I made no doubt but the next day the proper orders would be iſſued; and, in conſequence, a ſmall boat was diſpatched from my ſhip, to know the particulars of the Argyle's wants. But ſhe, to my great ſurprize, was not ſuffered to go on board, being ſtopped by your guard-boat; ſo I muſt apprehend, that your intentions not being put in execution, muſt have rather been occaſioned from your orders not having been properly communicated, than from any negligence on my part. It is not neceſſary for me to inform your excellency, that, in the beginning of the ſixteenth century, when the edict was paſſed, reſpecting ſhips coming into his moſt faithful majeſty's ports in America and his iſlands, that Portugal was very differently circumſtanced, with reſpect to the other powers of Europe, to what ſhe is at preſent; and what might then be neceſſary for the ſecurity of her valuable conqueſts and diſcoveries, no longer remain ſo; nor do any of my countrymen, except in the preſent inſtance, recollect its ever being put in execution.

If your excellency will pleaſe once more to examine the clearance of the Argyle, you will find the word *elſewhere* expreſſed; ſo that though Liſbon and

other ports are there mentioned, the voyage is by no means limited, the captain being to receive his further orders from his employers. It is not reaſonable to imagine, that the officers of his majeſty's cuſtoms would give papers that were contrary to the firſt laws of commerce, or that they can be ignorant of the forms of office. Be this as it will, this does not effect the ſhip Duke of Portland, in the ſervice of the honourable Eaſt India company, or me as captain of that ſhip. The maſters of all veſſels take out their clearance from the cuſtom-houſe, and conſequently captain Robertſon applied for his. I cannot but regret the unhappy neceſſity, to which I ſhall be reduced, as part owner of the cargo on board the Argyle, of laying the tranſactions relative to her before his Britannic majeſty's miniſters.

But it is with pleaſure that I reflect, that I am the native of a nation, whoſe ſubjects are protected by its ſovereign, and cannot conceive that he will ever ſubmit to their being deprived of their juſt rights; particularly when they deport themſelves with honour and honeſty in the proſecution of their lawful occupations. It was not a copy of the proceſs reſpecting the Argyle, made by the miniſters here, that I aſked of your excellency; but the copy of the edict of your king, by which you ſay ſhe has incurred confiſcation; and this, I flatter myſelf, is due to me. I cannot comprehend that a law was ever made, that was not deſigned to be made public. Laws are the lights by which men are to be guided; and ſurely ſuch, as reſpect foreign nations, cannot be

be held in too clear a point of view. I have the honour to be, with the greateſt reſpect and conſideration,

your excellency's
moſt obedient,
and moſt humble ſervant,
J. HASELL.

Duke of Portland, at Rio de Janeiro, July 30th, 1770.

P. S. I requeſted of your excellency, by Mr. Wroe, my firſt officer, that you would order a pilot to take charge of the ſhip this evening, and to carry her out the next day, when I hope to have all my refreſhments on board. I thank your lordſhip for granting me this favour. I alſo deſired that captain Robertſon might be permitted to ſee me in your preſence, or otherwiſe, which I am informed you refuſed. It is evident that he is unacquainted with his diſagreeable ſituation, as he continues to hoiſt Engliſh colours.

The marquis de Lavradio's ſecond letter, tranſlated from the Portugueſe.

I have already told you, in my firſt letter, that the ſhip Argyle has incurred the penalty of confiſcation, according to the fundamental laws eſtabliſhed in the ſtate of Brazil, and other cuſtoms which are followed there, for having now entered the iſlands of this port, with a deſign of coming within the ſame. The chief motive of her arrival manifeſtly appeared by her deſtination, which was in ſearch of the port of Rio de Janeiro, by particular orders and intereſt, contrary to the rules and ſacred ordinances of my moſt faithful lord the king; for which violence the above

laws have decreed, that thoſe, who are tranſgreſſors, ſhall be proceeded againſt, and dealt with in the ſame manner, as I have done in regard to the ſaid ſhip.

You cannot doubt, that every kingdom, or ſovereign ſtate, has its peculiar laws, regulated by the reſpective intereſt or genius of nations, who, under their auſpices, ought to enjoy a ſtate of tranquility; that the obſervation of ſuch laws, formed according to the natural right and intereſt of the people, are not only binding to the native vaſſals or ſubjects of thoſe kingdoms or ſtates where they are promulged, but alſo to ſtrangers who enter or reſide therein. You may be aſſured, that my conduct in this affair is juſtified by more than twenty precedents, and as many laws as have been made ever ſince the diſcovery of Brazil; and alſo by a compilation of the ordinances of Portugal, that are in force to this day; wherein is found prohibited the admiſſion and entrance of ſtrange or foreign ſhips into the port of this continent, except only in fortuitous or accidental circumſtances of ſuch extreme neceſſity, wherein humanity itſelf obliges mankind in common to ſuccour and relieve each other, and at a time when they can be of ſervice to extricate them out of ſuch dangers, in which they find them before their coming in there. But then thoſe caſes of extreme neceſſity muſt be manifeſt and clearly proved in preſence of the viceroy of the ſtate, which was very different from what paſſed in regard to the ſhip Argyle; becauſe the firſt information, that was laid before me, when he required to enter or come into the bar, was, that he came

deſtined

deſtined or bound in ſearch of this port, as if it belonged to his nation, or he had authority from my moſt faithful lord the king to act thus. Now, although this declaration only were ſufficient to induce me immediately to execute the decree mentioned in the aboveſaid laws, which would juſtify me in all prudence and moderation, yet I have made uſe of thoſe methods only which I mentioned to you in my firſt letter; and the more you reflect upon the manner in which I have behaved in regard to this important affair, the more you will admit the juſtice of my conduct, and the moderation I have ſhewn, from a ſenſe I have of that lenity, with which the laws of Portugal treat even thoſe, who render themſelves undeſerving of ſo much benevolence.

Certainly it is duly conſidered, that the honourable ſentiment of a nation, ſo diſtinguiſhed as is that of Britain, to which his majeſty is ever willing to ſhew his ſincere and conſtant friendſhip, ought not to ſuffer through the indiſcreet and heedleſs ſteps of ſome weak and inconſiderate mariners; who always incline more to their particular intereſt, than to reaſon and the reſpect due to the laws, without conſidering, that they offend not only the country they invade, but alſo the ſovereigns of whom they have the honour to be ſubjects, whoſe auguſt dignity will be the firſt that is injured by it, and whoſe reſentment muſt fall on thoſe, who, under the name of his vaſſals or ſervants, commit a crime of ſo atrocious a nature, againſt a power, which at all times, by means more and more public and expreſſive, is continually giving proofs of the greateſt friendſhip.

And

And if this caſe be now the firſt that has happened to the Engliſh nation in the ports of America, it is owing to the commanders of ſhips being worthy ſubjects of his Britannic majeſty, who take care to preſerve a behaviour conſiſtent with reaſon, and the laws and inſtructions of their ſovereign ; which is not the caſe of thoſe of the ſhip Argyle, who endeavour to break through all bounds by a greater want of reſpect.

For want of good interpreters to turn your letter into Portugueſe, I have ſometimes omitted anſwering many points you therein mention to me. But at the ſame time I confeſs, that I have not made uſe of any great efforts to obtain every intelligence, for fear of meeting ſome motive, that might oblige me to tolerate a greater altercation, which by the moſt prudent methods I have endeavoured to avoid.

As to what concerns the copy you require, I have already told you, that it is not permitted us to extract copies of papers, that are to be laid before his moſt faithful majeſty. Beſides, my letters chiefly contain the ſubſtance of what I have done with the ſhip, and my reſolution thereon.

The pilot you require of me ſhall go immediately, and I wiſh you a good voyage; and as I have this day gone through much fatigue, find it neceſſary to take ſome remedy to-morrow. Therefore I am very ſenſible I cannot give you the audience you require; but if you have any thing of conſequence to impart to the captain of the ſhip Argyle, you may write to him, and I will immediately cauſe your letter to be

delivered

delivered to him, which he may anſwer, and I ſhall in no wiſe hinder it.

MARQUIS DE LAVRADIO.

To Captain John Haſell.

This ſecond anſwer from the viceroy cloſed the correſpondence *.

Your memorialiſt has no right to find fault with the menacing and imperious tone of his moſt faithful majeſty's viceroy; but he has reaſon to thank God, that he is a ſubject of a prince, who, neither by himſelf nor his miniſters, commits oppreſſion, or juſtifies it by arrogance.

* This, in ſome degree, is a miſtake; captain Haſell having afterwards wrote a third letter to the marquis, which was as follows:

Duke of Portland, 3d of Auguſt, 1770.

May it pleaſe your Excellency.

I have juſt received a meſſage from your excellency, by lieutenant Alziviedo, informing me that it is your pleaſure that I ſail immediately, or that you will conſider me as a rebel, and will order your forts to fire at the ſhip I command, and confiſcate her to the uſe of his moſt faithful majeſty. I ſhould readily obey this order, but that there is not time before the ſea-breeze comes in; my diſpatches for Liſbon and England are not cloſed, and I muſt deliver a topmaſt to the Morſe, which will take up a little time. I ſhould have waited on your excellency, and delivered this anſwer in perſon; but, being much indiſpoſed, I am under a neceſſity of ſending it in writing. I have the honour to be

your excellency's
moſt obedient humble ſervant,
J. HASELL.

Marquis de Lavradio.

But the marquis thought proper to return this letter unopened, telling captain Haſell's ſecond mate, who was ſent with the letter, that he conſidered captain H. as a rebel, but would permit him to ſtay till the next morning.

It

It may be no excuſe to a ſtranger, that he is ignorant of the laws of a country. But the firſt principles of juſtice require, that if a man offends, he ſhould be brought before a viſible tribunal; that he ſhould be heard in his own defence; and common humanity exacts, that the ignorance of a ſtranger ſhould go in mitigation of an offence, which is not *malum in ſe*. But your memorialiſt has been ſtripped of his property by a law (if there is ſuch a one) which even now he doth not know the exiſtence of; by a tribunal (if there was any tribunal, except the will of the viceroy) which he never ſaw, nor to which he was ever cited; and he has been condemned without being ever called upon for his defence.

It would be difficult to conceive, that this can be the regular courſe of diſpenſing juſtice in any civilized nation. In the moſt corrupt tribunals the forms are generally rigidly adhered to, though the ſubſtance is totally neglected; but in this caſe there has been as little regard paid to form as to ſubſtance; and the equivocating refuſal of the viceroy to diſcloſe even the edict, upon which he proceeded, gives room to doubt, whether, upon proper enquiry, it would appear that he had even the *colour* of law to cover his violence and oppreſſion.

One is the more inclined to doubt; becauſe, though the viceroy at firſt ſpoke of twenty precedents of confiſcation; yet when he was anſwered confidently, that there was no ſuch precedent of an Engliſh veſſel, the viceroy, though certainly aſſiſted by the beſt advice of the lawyers of that place, who would have been

glad

glad to have furniſhed him with an inſtance, was obliged to confeſs, that this was the firſt inſtance.

Poſſibly if the viceroy had been preſſed to have produced examples from other nations, he would have been obliged to have made a ſimilar acknowledgement; but your memorialiſt thought it ſufficient to receive under his own hand an allowance, that, if this inhoſpitable edict does exiſt, it never was till this time carried into execution againſt the Engliſh nation.

Your memorialiſt has ſaid enough to call in queſtion the exiſtence of the edict itſelf. But your memorialiſt begs leave to go on further, and to prove to your lordſhip, that even if ſuch an edict is extant as the viceroy alludes to, it can afford only a *colour*, but not a *vindication* of the viceroy's proceedings againſt him; and that it is to obtain what is due to your memorialiſt, upon the plain principles of ſubſtantial juſtice, that he humbly implores, through your lordſhip's means, the powerful interference of his natural ſovereign.

By the viceroy's account, it is an edict coeval with the Portugueſe ſettlements in America.

It is not neceſſary to call to your lordſhip's memory the unſettled ſtate of the Braganza family at the time aſſigned for the æra of this edict. More jealous precautions than theſe might have received a ſanction from neceſſity. But your lordſhip hears likewiſe from the viceroy's confeſſion, that, from the time the edict was iſſued, till the period complained of, it has been perpetual diſpenſed with, at leaſt in the caſe of the Engliſh. What concluſion is to be drawn from

hence? Shall we ſay, that the whole ſeries of preceding viceroys, and the preſent viceroy himſelf, on all other occaſions, have ſhut their eyes to the breach of this edict; and that the court of Portugal have been kept in ignorance of the negligent manner, in which the viceroys have for ſo many years paſt conducted themſelves? Such a ſuppoſition would ſurely be too injurious to the crown of Portugal. With ſubmiſſion to your lordſhip, your memorialiſt will endeavour to ſtate what he takes to be the true reaſon. A law of this nature and purport, conſtantly exiſting, and as conſtantly diſpenſed with, is manifeſtly a political law, not intended to be carried into execution upon ordinary occaſions, but reſerved to ſtrengthen the hands of the viceroy in a ſudden and ſummary manner upon ſtate emergencies; and in this opinion of the law itſelf, its proper uſe, and its diſpenſation, your memorialiſt ſhould hope every general lawyer in Europe would concur with him. Its abuſes too muſt be as clearly marked out. To ſuppoſe that this power of enforcing or diſpenſing is to be exerciſed for vindictive purpoſes at the caprice of a viceroy, is clearly contrary to every principle of law and juſtice. If a viceroy, by tolerating a diſpenſation, ſhould induce ſhips to come into the port, and, when they are there upon a ſort of faith, ſhould ſuddenly and wantonly call forth his latent power of enforcing, catch them as in a trap, confiſcate their cargoes, and impriſon their mariners; is there a doubt, whether it would not be palpable miſconduct in the viceroy, and whether the parties injured would not have a right to recompence? In the preſent caſe, the viceroy never pretended a political

tical neceſſity. What his reaſons were, will be examined hereafter. It is ſufficient to eſtabliſh in this place the interpretation of the exerciſe of the law, in which, if your memorialiſt is right, no motive inferior to political neceſſity could juſtify the conduct of the viceroy.

It is now time to come to the viceroy's own reaſons, which, that no complaint may be made that they are miſrepreſented, ſhall be in his own words. " And if this caſe be now the firſt that has " happened to the Engliſh nation in the ports of " America, it is owing to the commanders of ſhips " being worthy ſubjects of his Britannic majeſty, " who take care to preſerve a behaviour conſiſtent " with reaſon and the laws and the inſtructions of " their ſovereign; which is not the caſe of thoſe of " the ſhip Argyle, who have endeavoured to break " through all bounds by a greater want of reſpect." Two inferences plainly follow from hence. The firſt I have already ſtated, that it proceeded not from any political emergency. The ſecond is, that the breach of the edict was not the crime for which the ſhip incurred the penalty preſcribed by the edict. If captain Robertſon had only been guilty of ſailing from St. Jago to the Rio de Janeiro, he might, like every other Engliſh veſſel, have eſcaped in ſafety. But the concomitant crimes he committed were what drew down vengeance upon his head; and theſe crimes are ſaid to be breaches of the law of reaſon, of the laws of England, and of the king of Great Britain's inſtructions.

Your memorialiſt is heartily ſorry, that he is obliged to detain your lordſhip ſo long, in following

the viceroy through the abſurdities of his letters. But as the conſequence has been very ſerious to him hitherto, and as he wiſhes to carry the moſt intimate conviction to the mind of every one who may be concerned in ſupporting or attacking the juſtice of his claim, he wiſhes to remove every ſtumbling block, that intereſt or prejudice may ſet up againſt him.

The greateſt difficulty your memorialiſt is under, in attempting to refute the viceroy's charge, is, the moral impoſſibility of underſtanding it. In this country a general charge is void for uncertainty. The charge muſt firſt be eſpecially aſcertained, and then it is time to enter into the proofs; and theſe are ſuch obvious maxims, that it is impoſſible to ſuppoſe that any court of juſtice can ſubſiſt without them. Yet that no inſtance of oppreſſion might be wanting in this caſe, theſe plain principles of proceeding have been neglected, though they cannot be unknown even in the Brazils. All the anſwer therefore that your memorialiſt can give to theſe three charges is, that, if captain Robertſon and his company have in any inſtance offended againſt the law of reaſon, it is not as ſuch the object of cognizance in any civil court; and he denies totally, that they have in any reſpect acted contrary to the laws of their country, and the inſtructions of their ſovereign.

Theſe concomitant circumſtances being then taken away, which, if they had exiſted, were not of a nature to juſtify the viceroy, the fact is once more ſimplified to that ſtate, in which the viceroy acknowledges the edict never has been, nor ever ſhould be, put in execution.

Obedience to the laws of a country is a duty upon a ſtranger as well as upon a ſubject; and ignorance of the laws is poſſibly no better excuſe in the mouth of a ſtranger than of a ſubject. In the preſent caſe the fatal circumſtance againſt captain Robertſon was his confeſſion, that he came intentionally from St. Jago to Rio Janeiro. It ſeems by the edict this was a crime, and his ignorance was no excuſe for it. But ſurely it is the duty of different governors not to ſuffer men to be miſled; not to contribute to plunge men into deeper ignorance; nor to make a caſe, ſufficiently hard in itſelf, ſtill harder. What was the ſituation of captain Robertſon? Bred up to the ſea, he had all his life time heard that Engliſh veſſels touched at the Brazils, and were admitted for refreſhments; there being no inſtance of an Engliſh captain's being puniſhed for it. Could he gueſs then, that it was prohibited? The very ſhip, which he ſailed with in company from St Jago, was in the port at the time he came into the mouth of the harbour, taking in proviſions unmoleſted. Was not this ſufficient to induce any man to think he was not acting contrary to the laws of the country? Can there exiſt a caſe, in which a magiſtrate would be more unwilling to receive an inadvertent confeſſion; or is there any other magiſtrate in the four diviſions of the globe, beſides the viceroy, who would have pitched upon this occaſion to carry into execution an edict, which (though every day furniſhes an opportunity) has never been put in force ſince the eſtabliſhment of the Portugueſe in the Brazils?

If

If the viceroy, inſtead of making a handle of the inadvertent confeſſion of the captain, had attended to the circumſtances of the ſhip, he would have found, that ſhe was in a ſituation, which gave her a right to enter the harbour conſiſtently with the edict. For by the edict, if a ſhip of an ally is in diſtreſs, ſhe may put in for neceſſary refreſhments; and could a ſhip be in greater diſtreſs for want of water than ſhe was, who had only half a butt remaining?

It is curious to obſerve the viceroy's conduct. He confiſcates the ſhip on captain Robertſon's confeſſion. At the ſame time he declares him to be an impoſtor, and that he does not believe him; and pays no regard to the circumſtance of the ſhip's diſtreſs; which clearly takes her out of the penalty of the edict, and makes the viceroy's conduct, even under the edict, unjuſtifiable.

There is one circumſtance more that muſt be ſubmitted to your lordſhip. Hitherto an attempt has only been made to follow the viceroy through the means of ſuch broken information, as he of his own accord has been pleaſed to furniſh. It is now neceſſary to mention, what appeared to be captain Robertſon's crime in the ſentence read to him and his men on board the Argyle. By captain Robertſon's depoſition, made upon the ſpot, and ſubjoined to this memorial, it appears, that in the ſentence of confiſcation they were conſidered as pirates, and to be puniſhed accordingly. The charge of piracy has not appeared in any of the viceroy's letters; but, if it has made any part of the ſentence, the refutation of it is ſo obvious, that it would be miſpending your lordſhip's time to enter into the proofs

That your lordſhip may ſee to what amount your memorialiſt has been injured in his ſhare as part owner of the Argyle, a ſchedule is annexed, ſtating the value of that part of the cargo which belonged to him. But the loſs of your memorialiſt is not confined to the bare loſs of the cargo. The profit, that he could have made upon this cargo in the Eaſt Indies, had not the viceroy prevented him from carrying it there, is to be taken into the account. Your memorialiſt, upon his arrival in India, found, that the aſſortment he had made would have turned out more valuable than he could poſſibly have expected. That ſome years of his life, and a voyage to the Eaſt Indies, have been rendered fruitleſs, is as eſſential a part of the injury done to him as the actual ſeizure of the ſhip.

Your memorialiſt humbly prays your lordſhip to intercede with his majeſty to give his moſt gracious aſſiſtance to an injured ſubject, and to procure for him ſuch reſtitution and reparation from the court of Portugal as the nature of his caſe deſerves. In firm reliance upon which, he concludes with aſſuring your lordſhip of the reſpect and ſubmiſſion, with which he has the honour to be,

Your lordſhip's moſt humble,
moſt obedient, and moſt
devoted ſervant,
JOHN HASELL*.

To the Rt. Hon. William Earl of Rochford,
one of his Majeſty's principal Secretaries of
State, &c. &c. &c.

* Note. This memorial was preſented in Auguſt, 1773.

[*Affidavit of Captain Robertſon, annexed to the preceding memorial.*]

Rio Janeiro, in the Brazils.

William Robertſon, of London, maſter and owner of the ſhip Argyle, depoſeth and maketh oath on the Holy Evangeliſt of Almighty God to the truth of the following depoſition: Firſt, that he received on board his ſhip Argyle, in the river of Thames, port of London, a cargo of goods, conſiſting of bar-iron, lead, iron, and braſs guns, ſundry caſks, caſes, trunks, and bales of merchandize, &c. deſtined for Port Praya Bay, in the iſland of St. Jago, under the dominion and government of his moſt faithful majeſty, the king of Portugal, there to be delivered on board the ſhip Duke of Portland, commanded by John Haſell, eſquire,; and that he ſailed from the Downs on Monday the 9th day of April, 1770, and arrived in the aforeſaid bay on the 1ſt day of May following, when finding the ſaid ſhip Duke of Portland not arrived, he waited for her until the 24th day of the ſaid month of May, when ſhe arrived. Upon her arrival, ſaid John Haſell, eſquire, finding himſelf rather too late in the ſeaſon to double the Cape of Good Hope, without calling in for refreſhments, he entered into a contract with this deponent to proceed with him to the port of Rio Janeiro, on the coaſt of Brazil, which he agreed to on the 31ſt day of May, there to receive ſaid cargo on board, whilſt John Haſell, eſquire, ſhould be taking in his refreſhments. This deponent further ſaith, that he ſailed in company with him on the 1ſt day of June from St. Jago, but parted company on the 18th of the ſame month, blowing

blowing freſh gales of wind; he accordingly then profecuted his voyage, and arrived and came to anchor at the mouth of this harbour of Rio Janeiro on Wednefday the 18th day of July, at ten o'clock at night, having got the fame afternoon a pilot on board. The next day, being Thurfday, the 19th day of July, at four in the afternoon, weighed, and made fail in order to proceed into the harbour. At five o'clock the captain of the port or harbour-mafter came on board, and ordered him not to proceed any further up, and ordered him to come to an anchor, which he immediately did. At feven the fame evening, 19th July, an officer with two foldiers came on board, with orders to bring him up to the governor or viceroy of this port; he accordingly went with him, and did not get on board his fhip again until three o'clock the next morning of the following day; faid viceroy then refufed his coming into the hrabour, although he alledged that he could not proceed back to England, or any other port, without a fupply of water and other refrefhments; at the fame time told him that his cargo confifted of the aforementioned goods, to be delivered on board one of the Eaft India fhips then in the harbour; (the fhip True Briton, captain Bradley, being alfo arrived for refrefhments) faid governor faid he muft not come up, but that one of thefe fhip's boats fhould bring him water; he accordingly waited for faid water, &c. until Saturday, 21ft of July, when another officer came on board from the viceroy to know why he did not go away. Said captain anfwered him, that he could not move without a fupply of water, &c. The officer then told him that it fhould be fent him, to-

gether with what other little refreſhments he wanted the next day, and took the pilot away with him, although his ſhip was not then in a place of ſafety, having this ſame night drove from her anchor, blowing hard at ſouth-weſt. The ſaid officer, upon leaving him, told him, that when he got his water next day, he muſt then immediately go away, which this deponent aſſured him ſhould be complied with. But the next day ſaid governor, inſtead of ſending the water to him according to promiſe, gave leave for his coming into the harbour with his ſhip, and at the ſame time gave orders for a pilot to come on board, and the ſhip Duke of Portland's boat to help in as a guard; but, it falling little wind, did not weigh, but the next day, Monday July 23d, at one in the afternoon, he came to ſail, and at three o'clock came to an anchor in this harbour; and at four o'clock the captain of the port came on board, and ordered him to weigh again, which he did, and ſaid harbour-maſter run his ſhip further up the harbour, under cover of a fort and ſhip of force; and at ſix o'clock came to an anchor, and immediately had a guard of five ſoldiers put on board his ſhip. At ſeven the ſame evening, his moſt faithful majeſty the king of Portugal's officers came on board, and examined him with reſpect to his cargo and voyage, of which he gave them a faithful account, by ſhewing them his journal, which they demanded, and his bills of entry at the cuſtom-houſe in London; which examination they ordered him to ſign together with them, they aſſuring him it was an account of his cargo, and that he was bound here from St. Jago, and from thence to the

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iſland of Jamaica, and to deliver his cargo on board the aforementioned ſhip, Duke of Portland, captain Haſell, in this port; which, upon his aſſurance, he ſigned, at the ſame time gave him orders not to ſtir out of his ſhip, or go on board of any ſhip, which this deponent aſſured him ſhould be complied with. And the next day the ſame officers came on board again, and examined him in the ſame manner as the preceding evening, with this difference, demanding his bills of loading, which he ſhewed them, which they took a very particular account of, as alſo what he had on board on his own account, which they alſo deſired him to ſign, telling him it was the ſame purport as what he had ſigned laſt night, which he did. At the ſame time they demanded a light to go in the hold, and examine the cargo, which he complied with. They then went in the hold, cut open one bale, and opened three caſes, and made their report to the officers ſent on board to examine the whole affair, and then they all went on ſhore. And this deponent heard nothing more about them or the governor, until Monday morning, the thirtieth day of July, when his moſt faithful majeſty the king of Portugal's civil and military officers came on board, and called all the ſhip's company aft on the quarter-deck, and read to this deponent and all his people a declaration or orders, ſigned by the viceroy, for ſeizing and confiſcating his ſhip and cargo, deeming all of us as pirates, and to be committed to priſon, and to be puniſhed according to our deſerts; at the ſame time this deponent having his Engliſh colours flying, which they ſoon after ſtruck. This depo-

nent remonſtrated againſt this unjuſt and unlawful confiſcation of his ſhip and cargo. They then ordered all of the people firſt on ſhore to priſon, guarded, and then took this deponent out of the ſaid ſhip Argyle, who refuſed to leave her unleſs forced. They ſaid this confiſcation was force, and that I muſt go. He then ſaid captain took them all preſent together, with his firſt mate as witneſs, that he left his ſhip without his own conſent, and at four o'clock the ſame afternoon he came on ſhore, guarded by them, and was immediately conducted to a houſe, hired and fitted up as a priſon, oppoſite to the common gaol, where he found his ſhip's company confined, and a guard is ſet over him and them. He, this deponent, in particular being more ſtrictly confined than the reſt of his ſhip's company, being only allowed to ſtir out upon natural occaſions, and then is guarded as a felon, as is alſo any of his ſhip's company that goes out. And this deponent alſo ſayeth, that during all the time he has been confined on board his ſhip in this harbour, from the 23d to the 30th of July, the time of confiſcation, he never refuſed any of the guards coming on board, who were relieved every day with the ſame number of five. The ſaid deponent alſo depoſeth, that he was not allowed to have communication with his employer, John Haſell, Eſq, by word or letter. And this deponent further ſayeth, that on the above day, the 30th of July, when they ſeized his ſhip and all on board her, they demanded his bill of loading, charter-parties, and invoices of his private property, which the ſaid viceroy, or his miniſters or officers,

retains

retains and keeps in his or their poſſeſſion. And alſo that on the following day, the 31ſt of July, the viceroy's linguiſt, accompanied by an officer, brought this deponent a letter from captain John Haſell, which this deponent immediately anſwered; which the ſaid linguiſt and officer jointly took in their charge. They then ſaid they muſt have the letter he received from captain Haſell, to be peruſed by the viceroy, which he gave them. Some time after, theſe two gentlemen returned to this deponent's place of confinement, and brought him his own letter back, which he had wrote to captain Haſell, broke open, having been peruſed by the viceroy; which he deſired him to ſeal again, and it would be conveyed as directed, which he did. This deponent then aſked them for captain Haſell's letter. They told him the viceroy or governor of this port and province had kept it, which is a moſt notorious ſtretch of power, ſuch as Engliſhmen are not uſed to. This deponent has not yet received the abovementioned letter, nor his papers, which were taken from him on the day of confiſcation of his ſhip and cargo. This deponent alſo ſayeth, that this morning he wrote to his excellency the marquis of Lavradio, viceroy of Braſil, a letter, requeſting the favour of an audience, to deliver his proteſt againſt him for the confiſcation of his ſhip and cargo, which, in about half an hour after, was brought back to him again by an officer, who ſaid the governor did not underſtand Engliſh, and that he muſt preſent a petition to him, if he wanted any thing, in Portugueſe. He told him the contents of it was only to requeſt

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an audience, to deliver his proteſt againſt him, which he made yeſterday. He told him the aforeſaid gentleman, who acts as linguiſt, would come and write in Portugueſe for him; but, as he has not yet come, this deponent is apprehenſive the viceroy will not receive his proteſt, and, as he is confined, has no other way to requeſt an audience by letter: and further this deponent ſayeth not. As he has no magiſtrate to apply to, nor knows of any, being confined, he has ſworn to this before his two mates, who ſign as witneſſes to theſe preſents, in Rio de Janeiro, Thurſday the 2d of Auguſt, 1770, between the hours of three and four o'clock in the afternoon.

WILL. ROBERTSON.

Witneſs,

GEORGE LOCHTIE,
JOSEPH CROUCH.

The MEMORIAL of Captain JOHN HASELL, late of the Duke of Portland Indiaman,

HUMBLY SHEWETH,

THAT in the ſpring of the year 1770, he freighted a ſhip called the Argyle, captain Robertſon commander, and put on board her a cargo of merchandize ſuitable for the Eaſt Indies. It was agreed between captain Haſell and captain Robertſon, that the Argyle ſhould accompany the Duke of Portland to the port of Rio Janeiro in the Braſils, and there the cargo of the Argyle ſhould be taken and put on board the Duke of Portland Eaſt Indiaman, to be carried to the Eaſt Indies, and to be diſpoſed of on the private account of captain Haſell. In conſequence of this convention the ſhips ſailed, and arrived within a few days of each other in the harbour of Rio Janeiro, where the ſhip Argyle was immediately ſeized, and ſoon after confiſcated by order of the marquis de Lavradio, viceroy of the Braſils. The court of Portugal, ſenſible of the oppreſſion and illegal proceedings of the viceroy, have at length, after four years, ordered the ſhip and cargo to be reſtored. But your memorialiſt humbly begs leave to ſtate to your lordſhip, how inadequate ſuch a repa-

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ration is to the damage he has ſuſtained. In the firſt place, the cargo itſelf is ſo conſiderably damaged, as to be infinitely below the value of its prime coſt; many of the periſhable commodities appear to be totally deſtroyed; amd even thoſe, which from their texture ſeemed beſt calculated to withſtand the negligence and careleſſneſs of the Portugueſe, have ſuffered conſiderably. To contend that a cargo reſtored in ſuch bad condition is an equivalent for the cargo ſeized in its prime condition, would be contrary to common ſenſe. Your memorialiſt therefore humbly begs on this head, that the court of Portugal may be applied to, in order to have an officer appointed to attend the appraiſement and ſale of the goods in their preſent condition; and conſents to take the nett produce, over and above all the incidental charges ariſing from the ſale of them, on account, in part of the ballance due to him. What the value of the goods are in their preſent condition, your memorialiſt can by no means aſcertain; poſſibly they may not raiſe more than will ſuffice to pay the incidental charges: which your lordſhip will be induced to think very heavy, upon hearing, that captain Robertſon has already attached them in the merchant's hands at Liſbon for the ſum of £4500. for his freight, demurrages, and damages. But was the cargo capable of fetching ſuch a ſum as would not only pay all charges of this nature, but leave a ſurplus equal to the prime coſt, there will remain another charge from your memorialiſt, he having been obliged to pay a heavy reſpondentia intereſt, as appears under that article in the paper annexed.

Theſe

Theſe are real ſolid expences, which have been, or which muſt be paid out of the pocket of your memorialiſt; and was the court of Portugal willing to repay them, would go a very little way towards repairing the loſſes occaſioned by the unjuſtifiable conduct of the viceroy.

The man who deſtroys the grain in the ground, fruſtrates the ſubſequent harveſt; and in this country a judge would direct, and a jury would find accordingly. Such a degree of juſtice may not be eaſily obtained againſt a great oppreſſor, in the partial tribunal of a deſpotic country. But when a ſtate, like this, demands reparation for an injured ſubject, it will demand it in its proper extent. In full confidence therefore of your lordſhip's aſſiſtance and protection, your memorialiſt will beg leave to annex another paper, in which will appear the profit that would have accrued upon each article, had he been permitted to carry them to India. Theſe are not fictitious valuations, but the current market price of each commodity, as he had the means of aſcertaining upon his arrival in India. Nor did the miſchief ſtop here; for upon the diſpoſal of his cargo, he would have had an opportunity of taking in return a lading of different ſorts of woods, which he has ſpecified, and which would have yielded an additional profit of 7500 l.

This, my lord, is the ſtate of the loſſes your memorialiſt has ſuffered; and when it is conſidered how many years are ſpent fruitleſs in the company's ſervice, before a man has the command of a ſhip; and

how few voyages he has the opportunity, or health, or ſtrength, to make, after he comes to it, your lordſhip will not think the word too ſtrong, that one of the few harveſts of his life has been fruſtrated by the oppreſſion of the viceroy. A captain of an Eaſt Indiaman generally makes his firſt voyage at the riſk of his friends. But then he has this conſolation, if he had nothing, he owed nothing; and a ſucceſsful voyage may enable him to repay the advance of his friends. This is not the caſe of your memorialiſt. The act of the viceroy has made it impoſſible for him to repay his friends; and had he the opportunity of making another voyage, he would be by much in a worſe ſituation than he was in his firſt voyage; for, in order to raiſe a cargo, he muſt, if his credit would extend ſo far, add debt to debt, and accumulate intereſt upon intereſt. Four years of the moſt valuable part of a man's life, a voyage to and from the Eaſt Indies in a time of profound peace, every advantage of wind and weather, and an aſſortment of goods fortunately calculated for the India market, are circumſtances that may not eaſily concur again; and the loſs of them may be a ſource of barren affliction to your memorialiſt. In the eſtimation of his damages, it has not been his wiſh to aggravate, but only to ſtate what he can prove; and in ſpeaking of the acts of the viceroy, he has endeavoured to moderate his expreſſion, though he cannot repreſs his feeling.

Therefore he humbly hopes that your lordſhip will give him every aſſiſtance to recover

ver to the utmoſt value for the injury done to him, and the loſs he has ſuſtained.

JOHN HASELL*.

To the Rt. Hon. William Earl of Rochford, one of his Majeſty's principal Secretaries of State, &c. &c. &c.

The MEMORIAL of JOHN HASELL, late Captain of the Duke of Portland Indiaman.

May it pleaſe your lordſhip,

IN the ſpring of the year 1770, your memorialiſt, being ordered by his employers, the honourable the Eaſt India company, to proceed on his voyage to Bombay, contracted with William Robertſon, maſter and commander of the Argyle, a Weſt India merchant ſhip, for the freight of various goods and merchandize proper for ſale in the Eaſt Indies, to be conveyed to the iſland of St. Jago, and there to be delivered on board his own ſhip the Duke of Portland. Your memorialiſt, on his arrival at St. Jago, found the ſeaſon too late to double the Cape of Good Hope, without touching at ſome other port, which was the more neceſſary, on account of the ſickly ſtate of his crew, and the want of good water at St. Jago. He therefore determined to go to Rio de Janeiro, in the Braſils; and, as it appeared inconvenient to him to take the cargo of the Argyle on board

* This ſecond memorial was preſented the 14th of March, 1775.

his own ſhip at St. Jago, he entered into a further contract with Mr. Robertſon, her commander, for accompanying him with the Argyle to Rio de Janeiro, and there to deliver her cargo on board the Duke of Portland, in the ſame manner as was originally intended to be done at St. Jago, that is, whilſt the ſhip was taking in water and other refreſhments. On the firſt of June 1770, the two ſhips ſailed together from St. Jago, and arrived within a few days of each other in the harbour of Rio de Janeiro; where the ſhip Argyle was ſeized and confiſcated, and the maſter and his crew were impriſoned, by order of the Marquis de Lavradio, viceroy of the Braſils, under the pretence, that the deſtination of the Argyle to Rio de Janeiro was a breach of an edict of the king of Portugal, by which all foreign ſhips were prohibited, under pain of confiſcation, from entering any of the ports of the Braſils, unleſs when compelled by diſtreſs. The crew of the Argyle were ſoon ſet at liberty, except the maſter and his firſt mate, who were ſent to Liſbon as priſoners, and there continued in cloſe confinement till the thirteenth of May 1772, when, in conſequence of an application by his excellency the honourable Mr. Walpole, his majeſty's envoy extraordinary at the court of Portugal, they were releaſed, after having undergone the greateſt hardſhips, which will appear by the maſter's account of his confinement, contained in a paper hereunto annexed. Soon after, a further application being made by his excellency Mr. Walpole, the court of Portugal, conſcious of the unjuſtifiable proceedings of their viceroy, promiſed,

that

that the Argyle and her cargo ſhould be reſtored immediately on her arrival from the Braſils.

In Auguſt 1774, your memorialiſt preſented to your lordſhip a memorial, ſtating the circumſtances, which attended the ſeizure and confiſcation of the Argyle, and praying your lordſhip to intercede with his majeſty for aſſiſtance, in procuring a reparation; and in October following the Argyle arrived at Liſbon, and the court of Portugal iſſued an order for reſtoring the ſhip and her cargo, which were accordingly delivered to his excellency Mr. Walpole, and by him to the maſter Mr. Robertſon. But your memorialiſt, knowing how inadequate ſuch a reſtitution was to the damage which had been ſuſtained, preſented to your lordſhip another memorial in March laſt, praying your lordſhip's aſſiſtance to recover a ſatisfaction to the utmoſt value for the injuries ſuſtained; and for the information of your lordſhip, your memorialiſt added a ſchedule, containing an account of the cargo of the Argyle, and an eſtimation of the damages ſuſtained by your memorialiſt and Mr. Robertſon to that time, calculated at a rate much lower than the real amount of them.

After preſenting this memorial, your memorialiſt determined to go to Liſbon, in order to know the particulars of what had been done there in reſpect to the Argyle and her cargo, and to aſſiſt in bringing the affair to a concluſion.

Your memorialiſt arrived at Liſbon in May laſt, and on the eighth of that month waited on his excellency Mr. Walpole, and gave to him a letter of introduction, with which your memorialiſt had been

honoured

honoured by your lordſhip. His excellency informed your memorialiſt of his proceedings in reſpect to the Argyle, and particularly, that when the Argyle arrived at Liſbon, he demanded damages from the court of Portugal, but was anſwered in writing by Mr. Mello, ſecretary of ſtate for the marine department, that his court would not pay any damages, and that they returned the ſhip and cargo as a matter of *favour*; though his excellency obſerved, that he received the ſhip and cargo *as a right*, and not *as a favour*. Your memorialiſt alſo underſtood, that in order to repeat the demand of damages with effect, further inſtructions from your lordſhip might be neceſſary.

Therefore your memorialiſt humbly prays for your lordſhip's further aſſiſtance, for the purpoſe of procuring a full ſatisfaction for all damages, which have been already ſuſtained by the illegal ſeizure and detention of the Argyle and her cargo, and by the impriſonment of her crew, particularly her maſter and firſt mate; and alſo a ſatisfaction for the conſequence of any further delay in the payment of ſuch damages.

JOHN HASELL.

To the Rt. Hon. William Earl of Rochford,
one of his Majeſty's principal Secretaries
of State, &c. &c. &c.

Auguſt 2, 1775.

LETTER

LETTER from Captain Hasell to the Earl of Rochford, one of his Majesty's principal Secretaries of State, &c. &c. &c.

August 2, 1775.

My Lord,

THE latter end of last March your lordship honoured me with a letter of introduction to Mr. Walpole, his majesty's envoy at Lisbon; in which your lordship was so good, as strongly to recommend to his excellency's attention the affair of the seizure of the ship Argyle, by the governor of the Brasils, in July 1770. I have since been at Lisbon; and being now returned, I beg leave to lay before your lordship some account of the proceedings in that business, and to submit some observations on the present state of it.

I arrived at Lisbon the beginning of last May, and embraced the earliest opportunity of waiting on Mr. Walpole, and presenting your lordship's letter. His excellency received me in the most obliging manner, and informed me very particularly of every thing he had done in the affair of the Argyle from the beginning. I understood from his excellency, that one of the first things done by him, after the commencement of his embassy, was applying for the release of the master and mate of the Argyle, who, after being brought as prisoners from the Brasils in a Portuguese man of war, had been confined thirteen months in different common prisons at Lisbon. Immediate success followed the application; and the master and mate, though they had been hitherto

treated

treated as criminals, were now ſet at liberty, without the leaſt inquiry into their conduct. The next ſtep taken by his excellency was equally ſucceſsful; for, on demanding reſtitution of the Argyle and her cargo, he was anſwered, that they would be ordered to Liſbon by the firſt ſhip, which went to the Braſils; and accordingly in October 1774, they arrived at Liſbon, and were ſoon after reſtored. But here the court of Portugal thought fit to ſtop the current of juſtice and retribution; and when a reparation in damages, for the ſeizure and the conſequences of it, was demanded by his excellency, he was told by Mr. Mello, the miniſter for the marine department, that the ſhip and cargo had been reſtored as a *favour*, and that the court of Portugal could not pay any thing for damages.

On this anſwer of the Portugueſe miniſter, his excellency obſerved to me, that *he had received the ſhip and cargo as a right*; and from his manner of expreſſing himſelf, I had every reaſon to think his excellency extremely anxious to perſevere in the demand of damages. But I found, that it was not likely to be repeated with any proſpect of ſucceſs; unleſs he received further inſtructions from your lordſhip, and was authorized to urge the demand in the ſtrongeſt and moſt peremptory terms.

Such being the ſtate of this affair when I left Liſbon, your lordſhip will ſee the neceſſity I am under of ſtill troubling your lordſhip; and, in order the better to entitle myſelf to the continuance of your lordſhip's protection and aſſiſtance, I hope your lordſhip will permit me to recall to your lordſhip's memory

mory the nature of the illegal proceedings, which are the ſubject of complaint to the court of Portugal, and the extent of the damages, which have enſued.

The conduct of the viceroy of the Braſils was of the moſt flagrant kind. The pretence, under which he ſeized the Argyle, confiſcated her cargo, and impriſoned her crew, was a Portugueſe edict, by which the ſhips of all foreign nations are prohibited, under pain of forfeiture, from entering the ports of the king of Portugal in the Braſils, except when driven there by diſtreſs. But the exiſtence of this edict may be very well doubted; for the viceroy refuſed to give a copy of it, or to name the period when it was made; and during the time I was at Liſbon, notwithſtanding the moſt diligent enquiries on my part, by applying both to lawyers and merchants in that country, I was unable to procure the leaſt account of this ſuppoſed edict. However, ſhould ſuch an edict really be in force, ſtill it cannot furniſh the leaſt juſtification of the viceroy's conduct; becauſe it is impoſſible, that the caſe, to which he applied the edict, could be within it, on many accounts. If there is ſuch an edict, it muſt have been made to prevent trading with the Braſils; but the viceroy had the moſt ſatisfactory evidence before him, that the Argyle was not come for any ſuch purpoſe, and therefore did not fall within the meaning of the prohibition. Beſides, the viceroy muſt have known, that ſuch an edict was neither in practice extended to Britiſh veſſels, nor could be extended conſiſtently with the ſubſiſting treaties between the crowns of Great Britain and Portugal; particularly the treaty made in 1654

with John the fourth, king of Portugal, which continues in full force to this moment. But this is not the whole of the caſe; for the Argyle, diſtreſſed as ſhe was for water, and expoſed to great danger from the badneſs of the anchoring ground and the want of ſhelter, kept without the harbour of Rio de Janeiro, till the viceroy, forgetful of his honour, was firſt guilty of perfidy, in order afterwards to have the opportunity of committing injuſtice. After enjoining the maſter of the Argyle not to enter the harbour, he promiſed to permit his ſhip to be ſupplied with water and refreſhments by the boats of the Duke of Portland, and another Eaſt Indiaman, which happened to be in the harbour of Rio de Janeiro at the ſame time. But when the boats attempted to carry the neceſſary ſupplies, they were obſtructed, and Mr. Robertſon was informed by the viceroy's order, that he might come into the port, and ſhould be ſupplied there; and the ſhip was accordingly piloted into the harbour by a perſon ſent by the viceroy, and carried under a fort and a ſhip of force; and being thus enſnared into the power of the viceroy, the Argyle was immediately taken poſſeſſion of by a guard of ſoldiers. What rendered this inſidious behaviour more ſingularly ſtriking was, that the viceroy invited me to an opera the night before the ſeizure, and when the opera was over complimented me on the rectitude of my conduct, and aſſured me that the Argyle ſhould be ſupplied with refreſhments, and be permitted to remove her cargo on board my ſhip, the Duke of Portland.

Though

Though on inſpection of the papers and cargo belonging to the Argyle, and examination of the maſter and crew, and compariſon of their account with mine, the viceroy was not able to diſcover any thing to juſtify his violence; yet he perſevered in the ſame courſe, confiſcated the ſhip and cargo, impriſoned the crew; and, to complete the meaſure of oppreſſion, refuſed me a copy of the proceſs and judicial act, under which he proceeded to this extremity.

Indeed, to give a colour of juſtice to his actions, the viceroy continued to rely on the edict; but leſt that ſhould fail him in point of juſtification, he called in aid the weak pretence of a contradiction, in the accounts given by the maſter of the Argyle and myſelf: the maſter having ſaid, that the ſhip came from St. Jago, deſtined for Rio de Janeiro, to deliver his cargo on board my ſhip, the Duke of Portland; and my repreſentation having only ſtated, that the Duke of Portland came there on account of the ſickneſs of my crew, and for refreſhments. But, in fact, there was no contradiction in the two accounts; for it was true, that the original deſtination from St. Jago was for Rio de Janeiro, and it was no leſs true, that both ſhips put in for water and refreſhments; nor ſhould I have ſuppreſſed the former circumſtance, if I had been examined to it. Beſides, if the ſuppoſed contradiction had exiſted, it could only induce a ſuſpicion of ſome irregularity, and being unſupported by any proof of a breach of law, at the utmoſt could only juſtify a temporary detainer; and explained, as it was, by the ſubſequent examinations, could not be a ground for ſeizure and confiſcation.

Having detained your lordſhip ſo long with this picture of complicated duplicity, perfidy, injuſtice, and oppreſſion, in the conduct of the viceroy of the Braſils, I will ſay but a few words in reſpect to the damages, which have been the reſult of the whole.

Part of the damages ſuſtained hath been already ſtated to your lordſhip, in a paper annexed to a memorial delivered in March laſt, by which your lordſhip will ſee, that the loſs upon the cargo, including the prime coſt, and 4500*l.* being the demand of the maſter of ths Argyle for freight, demurrage, and damages, amounts to 30321*l.* 17*s.* 6*d.* To this ſtatement of damages, I have to add the further claim of an allowance for loſs of time, and for the large expences incurred in the proſecution of my juſt demands on the court of Portugal, and alſo the intereſt on the 30321*l.* 17*s.* 6*d.* from the time of preſenting the memorial, in which the damages are computed at that ſum. It may alſo be proper to mention, that the loſs of the mate, who ſuffered the ſame tedious and cruel impriſonment of twenty-two months as the maſter, is not comprehended in this calculation of damages; he not having yet delivered in his account. But juſtice requires, that he ſhould be conſidered as well as the other ſufferers, when he appears and makes his demand; and if he ſhould, that the damages, now claimed for others, ſhould be without prejudice to him.

In repreſenting this affair to your lordſhip, I have confined myſelf to the loſs ſuſtained by myſelf, and other individuals; but I am perſuaded, that this is not the only point of view, in which your lordſhip

will

will confider the cafe. Through me and the other fufferers, the honour and dignity of the Britifh crown have been wounded ; and your lordfhip's known character convinces me, that, in the profecution of this affair, you are no lefs animated by zeal to prevent *national difgrace*, than you are anxious to enforce a fatisfaction for *private injury*.

My Lord,

I have the honour to be,

with the greateft refpect,

your lordfhip's moft devoted

and faithful fervant,

J. HASELL.

The Rt. Hon. the Earl of Rochford.

LETTER

LETTER from Captain Hafell to the Right Honourable Lord Vifcount Weymouth, one of his Majefty's principal Secretaties of State, &c. &c. &c.

Blenheim-ftreet, Jan. 11, 1776.

My Lord,

I BEG leave to requeft your lordfhip's attention to the affair of the illegal feizure of the fhip Argyle, by the viceroy of the Brafils, in July 1770, which for a long time paft has been the fubject of complaint to the court of Portugal. The particulars of the cafe, the extent of the damages fuftained by me, as owner of a valuable cargo in freight, on board the Argyle, and by captain Robertfon as mafter, and part owner of the fhip, the feveral fteps which have been taken in the affair, and the prefent ftate of it, will appear to your lordfhip from the memorials, and other papers, in your lordfhip's office, and from the letter to lord Rochford, of which I inclofe a copy. Some time ago lord Rochford was pleafed to fignify an intention of fending further inftructions to Mr. Walpole, his majefty's envoy at the court of Portugal, in order that fatisfaction for the feizure complained of, which hath already been granted in part, by reftoring the fhip and cargo, may be completed, by a payment of the great damages which have accrued from the feizure and detainer of the fhip, and the long imprifonment of the mafter and his mate. But I underftand, that lord Rochford went out of the office, before he had an opportunity of writing to Mr. Walpole on the fubject.

However,

However, being thoroughly convinced of your lordſhip's generous zeal to be the inſtrument of redreſſing real injuries, more eſpecially when, as in the preſent caſe, they are of a public kind, I truſt, that the affair will be deemed equally deſerving of your lordſhip's interpoſition. The illegality of the ſeizure is, in effect, already acknowledged, by reſtoring the ſhip and cargo; and I have every reaſon to think, that an exertion of the ſame manly ſpirit, which procured this beginning of juſtice, will not fail to obtain a complete and final ſatisfaction.

I ſhall be happy to have the honour of waiting upon your lordſhip in reſpect to this affair, whenever it ſhall ſuit your lordſhip's convenience to ſee me.

My Lord,

I have the honour to be,

with the greateſt reſpect,

your lordſhip's moſt devoted

and obedient ſervant,

JOHN HASELL.

LETTER from Captain Hafell to the Right Honourable Lord Vifcount Weymouth, one of his Majefty's principal Secretaries of State, &c. &c. &c.

Feb.

Blenheim-ftreet, ~~January~~ 1777.

My Lord,

LAST January I troubled your lordfhip with a letter about obtaining damages from the court of Portugal for the illegal feizure and detention of the fhip Argyle, by the governor of the Brafils. Since that time I have abftained from any further application; becaufe I was aware, that the unhappy ftate of affairs in North America demanded fo very great a fhare of attention from his majefty's miniffers, as to render it improper to intrude upon them with bufinefs of inferior confideration, unlefs there fhould be an abfolute neceffity for fo doing. But I now hope to be excufed for once more requefting your lordfhip's interference, for a redrefs of injuries I have fuftained. Should much more time be fuffered to elapfe, the court of Lifbon may be encouraged to think, that all thoughts of urging the demand with effect are given up: befides, the prefent ftate of affairs between our court and that of Lifbon, may, as I have fome reafons to fuppofe, particularly favour the enforcement of my demand on the latter. What I allude to is, the recent affair of the feizure of one of his majefty's fhips by a Portuguefe governor on the coaft of Guinea, which infult of his majefty, on the one hand, evinces how abfolutely neceffary it is, on a general account, to prefs the violence and injuftice

tice of the officers of the crown of Portugal; and, on the other hand, ſeems to furniſh the moſt convenient opportunity of inſiſting on redreſs for the particular injury by which I am ſo great a ſufferer. Theſe conſiderations are ſubmitted to your lordſhip with the utmoſt deference to your lordſhip's diſcretion, and with the fulleſt confidence in your lordſhip's zeal to enforce juſtice.

My Lord,

I have the honour to be,

with the greateſt reſpect,

your lordſhip's moſt devoted

and moſt obedient ſervant,

J. HASELL.

The Rt. Hon. Lord Viſcount Weymouth.

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