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**ADDITIONAL CONVENTION** *to the Treaty of the 22d January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the 28th July, 1817.*

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His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the United Kingdom of Portugal, Brazil and Algarves, adhering to the principles which They have manifested in the Declaration of the Congress of Vienna, bearing date the 8th of February, 1815, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which They mutually contracted by the Treaty of the 22d January, 1815, and till the period shall arrive when, according to the tenor of the fourth Article of the said Treaty, His most Faithful Majesty has reserved to Himself, in concert with His Britannic Majesty, to fix the time when the trade in slaves shall cease entirely and be prohibited in His Dominions, and His

do Reyno Unido de Portugal, do Brasil, e Algarves, Tendo-se Obrigado, pelo Artigo segundo do mencionado Tratado, a dar as providencias necessarias para impedir, aos Seus vassallos, todo o commercio illicito de escravos; e Tendo-se Sua Magestade El Rey do Reyno Unido da Gram Bretanha e Irlanda obrigado, da Sua parte, a adoptar, de accordo com Sua Magestade Fide-lissima, as medidas necessarias para impedir que os Navios Portu-guezes, que se empregarem no commercio de escravos, segundo as leys do seu pays e os Tratados existentes, naõ soffram perdas e encontrem estorvos da parte dos cruzadores Britannicos: Suas ditas Magestades determinaram fazer huma Convençaõ para este fim; e havendo nomeado Seus Plenipotenciarios *ad hoc*, a saber:

Sua Magestade El Rey do Reyno Unido da Gram-Bretanha e de Irlanda ao Muito Honrado Roberto Stewart, Visconde de Castlereagh, Cavalleiro da Muito Nobre Ordem da Jarreteira, e Seu Principal Secretario de Estado, Encarregado da Repartiçaõ dos Negocios Estrangeiros, &c. &c. &c.; e Sua Magestade El Rey do Reyno Unido de Portugal, do Brasil, e Algarves, ao Illustrissimo e Excellentissimo Senhor Dom Pedro de Souza e Holstein, Conde de Palmella, do Seu Conselho, e Seu Enviado Extraordinario e Ministro Plenipotenciario junto a Sua Magestade Britannica, &c. &c. &c.; os quaes depois de haverem trocado os Seus Plenos Poderes respectivos, que acharam em boa e devida forma, convieram nos Artigos seguintes:

I. O objecto d'esta Convençaõ he, por parte de ambos os Governos, vigiar mutuamente que os Seus vassallos respectivos naõ façam o commercio illicito de Escravos.

As duas altas Partes Contractantes declaram, que Ellas consideram como trafico illicito de Escravos, o que para o futuro, houvesse de se fazer em taes circumstancias como as seguintes; a saber:

1º. Em Navios e debaixo de bandeira Britannica, ou por conta de vassallos Britannicos em qualquer navio, ou debaixo de qualquer bandeira que seja.

2º. Em Navios Portuguezes em todos os portos ou paragens da costa da Africa, que se acham prohibidas em virtude do Artigo Primeiro do Tratado de 22 de Janeiro de 1815.

Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, having bound Himself, by the second Article of the said Treaty, to adopt the measures necessary to prevent His subjects from all illicit traffic in slaves; and His Majesty the King of the United Kingdom of Great Britain and Ireland, having, on His part, engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent Portuguese vessels trading in slaves, in conformity with the laws of Portugal and the existing Treaties, from suffering any loss or hindrance from British cruisers; Their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of these objects, and have therefore named as Plenipotentiaries, *ad hoc*, viz.:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K.G., His Principal Secretary of State for Foreign Affairs, &c., &c., &c.; and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, the Most Illustrious and Most Excellent Lord, Don Pedro de Souza Holstein, Count of Palmella, Councillor of His said Majesty, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c., &c., &c.; who, after having exchanged their respective full Powers, found to be in good and due form, have agreed upon the following articles:

I. The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two high Contracting Powers declare, that they consider as illicit, any traffic in Slaves carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel or under any flag whatsoever.

2nd. By Portuguese vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the first Article of the Treaty of the 22nd January, 1815.

3º. Debaixo da bandeira Portugueza ou Britannica quando por conta de vassallo de outra Potencia.

4º. Por navios Portuguezes que se destinassem para hum porto qualquer fora dos Dominios da Monarquia de Sua Magestade Fidelissima.

II. Os Territorios nos quaes, segundo o Tratado de 22 de Janeiro de 1815, o Commercio dos Negros fica sendo licito para os vassallos de Sua Magestade Fidelissima, saõ :

1º. Os Territorios que a Corõa de Portugal possui na costa d'África ao sul do Equador, a saber, na costa oriental da Africa, o Territorio comprehendido entre o Cabo Delgado e a Bahia de Lourenço Marques; e na costa occidental, todo o Territorio comprehendido entre o oitavo e decimo oitavo grau de latitude meridional.

2º. Os Territorios da costa da Africa ao sul do Equador sobre os quaes Sua Magestade Fidelissima declarou reservar Seus direitos, a saber :

Os Territorios de Molembo e de Cabinda na costa oriental da Africa, desde o quinto grau e doze minutos até ao oitavo de latitude meridional.

III. Sua Magestade Fidelissima Se obriga, dentro do espaço de dois mezes depois da troca das ratificaçoens da presente Convenção, a promulgar na Sua capital e, logo que for possivel, em todo o resto dos Seus Estados, huma Ley determinando as penas que encorrem todos os Seus vassallos, que para o futuro fizerem hum trafico illicito de Escravos; e a renovar, ao mesmo tempo, a prohibiçaõ ja existente de importar Escravos no Brasil debaixo de outra bandeira que naõ seja a Portugueza; e a este respeito, Sua Magestade Fidelissima conformará quanto for possivel, a Legislaçaõ Portugueza com a Legislaçaõ actual da Gram-Bretanha.

IV. Todo o navio Portuguez que se destinar para fazer o commercio de Escravos em qualquer parte da costa d'África em que este commercio fica sendo licito, deverá hir munido de hum passaporte Real, conforme ao formulario annexo á presente Con-

3rd. Under the Portugueze or British flag for the account of the subjects of any other Government.

4th. By Portugueze vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

II. The Territories in which the traffic in Slaves continues to be permitted, under the Treaty of the 22nd of January, 1815, to the subjects of His Most Faithful Majesty, are the following :

1st. The Territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator, that is to say, upon the eastern coast of Africa, the Territory laying between Cape Delgado and the Bay of Lourenço Marques ; and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2nd. Those Territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that He has retained His rights, namely :

The Territories of Molembo and Cabinda upon the eastern\* coast of Africa, from the 5th degree 12' to the 8th degree south latitude.

III. His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present Convention, to promulgate in His capital, and in the other parts of His Dominions, as soon as possible, a Law which shall prescribe the punishment of any of His subjects, who may in future participate in an illicit traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils, under any flag, other than that of Portugal ; and His Most Faithful Majesty engages to assimilate, as much as possible, the Legislation of Portugal in this respect, to that of Great Britain.

IV. Every Portugueze vessel which shall be destined for the Slave Trade, on any point of the African coast, where this traffic still continues to be lawful, must be provided with a Royal passport, conformable to the model annexed to this present Conven-

\* See Declaration at the end of this Treaty.

venção da qual o mesmo formulario faz parte integrante: o passaporte deve ser escripto em Portuguez com a traducção authentica em Inglez unida ao dito passaporte, o qual deverá ser assignado pelo Ministro da Marinha, pelo que respeita aos navios que sahirem do Rio de Janeiro. Para os navios que sahirem dos outros portos do Brasil e mais Dominios de Sua Magestade Fidelissima fora da Europa, os quaes se destinarem para o dito commercio, os passaportes seraõ assignados pelo Governador e Capitaõ General de Capitania a que pertencer o porto. E para os navios que, sahindo dos portos de Portugal, se destinarem ao mesmo trafico, o passaporte deverá ser assignado pelo Secretario do Governo da repartição da Marinha.

V. As duas altas Partes Contractantes para melhor conseguirem o fim que Se propoem, de impedir todo o commercio illicito de Escravos aos Seus vassallos respectivos, consentem mutuamente em que os navios de guerra de ambas as marinhas Reaes, que para esse fim se acharem munidos das instrucçoens especiaes de que abaixo se fará menção, possam vizitar os navios mercantes de ambas as naçoens, que houver motivo razoavel de se suspeitar terem a bordo escravos adquiridos por hum commercio illicito; os mesmos navios de guerra poderaõ (mas sómente no cazo em que de facto se acharem escravos abordo) deter e levar os ditos navios, afim de os fazer julgar pelos tribunaes estabelecidos para esse effeito, como abaixo será declarado. Bem entendido que os commandantes dos navios de ambas as marinhas Reaes, que exercerem esta commissão, deveraõ observar stricta e exactamente as instrucçoens de que seraõ munidos para este effeito. Este Artigo sendo inteiramente reciproco, as duas altas Partes Contractantes se obrigam, huma para com a outra, á indemnizaçãõ das perdas que os Seus vassallos respectivos houverem de soffrer injustamente pela detençaõ arbitraria, e sem cauza legal, dos seus navios. Bem entendido que a indemnizaçãõ será sempre á custa de Governo ao qual pertencer o cruzador que tiver commettido o acto de arbitrariedade: bem entendido tambem, que a vizita e a detençaõ dos navios de escravatura, conforme se declarou neste Artigo, só poderaõ effectuar-se pelos navios Portuguezes ou Britannicos que pertencerem a qualquer das duas marinhas Reaes, e

tion, and which model forms an integral part of the same. The passport must be written in the Portuguese language, with an authentic translation in English annexed thereto, and it must be signed, for those vessels sailing from the port of Rio Janeiro, by the Minister of Marine: and for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the Dominions of His Most Faithful Majesty not in Europe, the passports must be signed by the Governor in Chief of the Captaincy to which the port belongs: and as to those vessels which may proceed from the ports of Portugal, to carry on the traffic in slaves, their passports must be signed by the Secretary of the Government for the Marine Department.

V. The two high Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit traffic in Slaves, on the part of their respective subjects, mutually consent, that the ships of war of their Royal navies, which shall be provided with special instructions for this purpose, as hereinafter provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, (in the event only of their actually finding slaves on board,) may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two Royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two high Contracting Parties engage mutually, to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels:

It being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of slave ships, specified in this Article, shall only be effected by those British or Portuguese vessels, which may form part of

que se acharem munidos das Instrucçoens especiaes annexas a presente Convenção.

VI. Os cruzadores Portuguezes ou Britannicos não poderaõ deter navio algum de escravatura em que actualmente não se acharem escravos a bordo; e será precizo, para legalisar a detenção de qualquer navio, ou seja Portuguez ou Britannico, que os escravos que se acharem a seu bordo, sejam effectivamente conduzidos para o trafico; e que aquelles que se acharem a bordo dos navios Portuguezes hajam sido tirados d'aquella parte da costa d' Africa aonde o trafico foi prohibido pelo Tratado de 22 de Janeiro de 1815.

VII. Todos os navios de guerra das duas naçoens, que para o futuro se destinarem para impedir o trafico illicito de escravos, deveraõ hir munidos pelo seu proprio Governo de huma copia das Instrucçoens annexas á presente Convenção, e que seraõ consideradas como parte integrante d'ella. Estas Instrucçoens seraõ escriptas em Portuguez e em Inglez, e assignadas para os navios de cada huma das duas Potencias pelos ministros respectivos da marinha. As duas altas Partes Contractantes se reservam a faculdade de mudarem em todo ou em parte, as ditas instrucçoens, conforme as circumstancias o exigirem. Bem entendido, todavia, que as ditas mudanças não se poderaõ fazer senaõ de commum accordo e com o consentimento das duas altas Partes Contractantes.

VIII. Para julgar com menos demoras e inconvenientes, os navios que poderaõ ser detidos como empregados em hum commercio illicito de escravos, se estabeleceraõ (ao mais tardar dentro do espaço de hum anno depois da troca das ratificaçoens da presente Convenção) duas Commissões mixtas, compostas de hum numero igual de individuos das duas naçoens, nomeados para este effeito, pelos seus Soberanos respectivos.

Estas Commissõens residiraõ, huma nos Dominios de Sua Magestade Britannica, e a outra nos de Sua Magestade Fidelissima; e os dois Governos declararaõ, na epoca da troca das ratificaçoens da presente Convenção, cada hum pelo que diz respeito aos seus proprios Dominios os lugares da residencia das sobreditas Commissõens. Reservando-se cada huma



the two Royal navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Convention.

VI. No British or Portuguese cruiser shall detain any slave ship, not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there for the express purpose of the traffic; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the slave trade was prohibited by the Treaty of the 22d of January, 1815.

VII. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own Government with a copy of the Instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These Instructions shall be written in Portuguese and English, and signed for the vessels of each of the two Powers, by the ministers of their respective marine.

The two high Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two high Contracting Parties.

VIII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Convention, two mixed Commissions formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside—one in a possession belonging to His Britannic Majesty, the other within the Territories of His Most Faithful Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own Dominions, in what places the Commissions shall respectively reside. Each of the

das duas altas Partes Contractantes o direito de mudar, a seu arbitrio, o lugar da residencia da Commissão que residir nos seus estados: bem entendido, todavia, que huma das duas Commissoens deverá sempre residir no Brasil, e a outra na costa d'Africa.

Estas Commissoens julgaraõ sem appellação, as cauzas que lhes forem apresentadas e conforme ao Regulamento e Instrucções annexas á presente Convenção, e que seraõ consideradas como parte integrante d'ella.

IX. Sua Magestade Britannico, em conformidade ao que foi estipulado no Tratado de 22 de Janeiro de 1815, Se obriga a conceder, pelo modo abaixo explicado, indemnidades sufficientes a todos os donos de navios Portuguezes e suas cargas appresados pelos cruzadores Britannicos desde a epoca do 1º de Junho de 1814, até á epoca em que as duas Commissoens, indicadas no Artigo oitavo da presente Convenção, se acharem reunidas nos seus lugares respectivos.

As duas altas Partes Contractantes convieram, que todas as reclamaçoens da natureza acima apontada, serãõ recebidas e liquidadas por huma Commissão mixta que residirá em Londres, e que será composta de hum numero igual de individuos das duas naçoens, nomeados pelos seus Soberanos respectivos, e debaixo dos mesmos principios estipulados pelo Artigo oitavo, d'esta Convenção Additional, e pelos demais Actos que formam parte integrante d'ella.

A sobredita Commissão entrará em exercicio seis mezes depois da troca das ratificaçoens do presente Convenção, ou antes se for possivel.

As duas altas Partes Contractantes convieram em que os donos dos navios tomados pelos cruzadores Britannicos, naõ possam reclamar indemnidades por hum maior numero de escravos do que aquelle que, segundo as leys Portuguezas existentes, lhes era permittido de transportar, conforme o numero de toneladas do navio appresado.

As duas altas Partes Contractantes igualmente convieram, que todo o navio Portuguez apprezado com escravos abordo para o trafico, os quaes legalmente se provasse terem sido embarcados

two high Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own Dominions; provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These Commissions shall judge the causes submitted to them without appeal, and according to the Regulation and Instructions annexed to the present Convention, of which they shall be considered as an integral part.

IX. His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January, 1815, engages to grant in the manner hereafter explained, sufficient indemnification to all the proprietors of Portuguese vessels and cargoes captured by British cruisers, between the 1st of June, 1814, and the period at which the two Commissions, pointed out in Article VIII of the present Convention, shall assemble at their respective posts.

The two high Contracting Parties agree that all claims of the nature herein-before mentioned, shall be received and liquidated by a mixed Commission, to be held at London, and which shall consist of an equal number of the individuals of the two nations, named by their respective Sovereigns, and upon the same principles stipulated by the 8th Article of this Additional Convention, and by the other Acts which form an antegral part of the same. The aforesaid Commission shall commence their functions, six months after the ratification of the present Convention, or sooner if possible.

The two high Contracting Parties have agreed, that the proprietors of vessels captured by the British cruisers, cannot claim compensation for a larger number of slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two high Contracting Parties are equally agreed, that every Portuguese vessel captured with slaves on board for the traffic, which shall be proved to have been embarked within the

nos territorios da costa d'Africa situados ao norte do Cabo de Palmas, e não pertencentes á Corôa de Portugal; assim como que todo o navio Portuguez aprezado com escravos a bordo para o trafico, seis mezes depois da troca das ratificaçoens do Tratado de 22 de Janeiro de 1815, e ao qual se poder provar que os ditos escravos houvessem sido embarcados em paragens da costa d'Africa situadas ao norte do Equador, não terão direito a reclamar indemnidade alguma.

X. Sua Magestade Britannica Se obriga a pagar, o mais tardar no espaço de hum anno depois que cada sentença for dada, as sommas que pelas Commissoens mencionadas nos Artigos precedentes, forem concedidas aos individuos que tiverem direito de as reclamar.

XI. Sua Magestade Britannica Se obriga formalmente a pagar as 300,000 libras esterlinas de indemnidade, estipuladas pela Convenção de 21 de Janeiro de 1815, a favor dos donos dos navios Portuguezes apreizados pelos cruzadores Britannicos até a epoca do 1 de Junho de 1814, nos termos seguintes; a saber: o primeiro pagamento de 150,000 libras esterlinas, seis mezes depois da troca das ratificaçoens da presente Convenção, e as 150,000 libras esterlinas restantes, assim como os juros de cinco por cento, devidos sobre toda a somma desde o dia da troca das ratificaçoens da Convenção de 21 de Janeiro de 1815, serão pagos nove mezes depois da troca da ratificação da presente Convenção. Os juros devidos seraõ abonados até o dia do ultimo pagamento.

Todos os sobreditos pagamentos serão feitos em Londres ao Ministro de Sua Magestade Fidelissima junto a Sua Magestade Britannica ou ás pessoas que Sua Magestade Fidelissima houver por bem de authorisar para este effeito.

XII. Os Actos ou Instrumentos annexos á presente Convenção, e que formam parte integrante d'ella, saõ os seguintes:

No. 1. Formulario de Passaporte para os navios mercantes Portuguezes que se destinarem ao trafico licito da escravatura.

No. 2. Instrucçoens para os navios de guerra das duas naçoens, destinados a impedir o trafico illicito de escravos.

No. 3. Regulamento para as Commissoes mixtas que residiraõ na Costa da Africa, no Brasil, e em Londres.

territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the Crown of Portugal,—as well as all Portuguese vessels captured with slaves on board for the traffic, six months after the exchange of the ratifications of the Treaty of the 22nd of January, 1815, and on which it can be proved that the aforesaid slaves were embarked in the roadsteads of the coast of Africa, situated to the north of the Equator, shall not be entitled to claim any indemnification.

X. His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the individuals having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Articles.

XI. His Britannic Majesty formally engages to pay the 300,000*l.* of indemnification, stipulated by the Convention of the 21st of January, 1815, in favour of the proprietors of Portuguese vessels captured by British cruizers, up to the period of the 1st of June, 1814, in the following manner, viz.:

The first payment of 150,000*l.* six months after the exchange of the ratifications of the present Convention, and the remaining 150,000*l.*, as well as the interest at five per cent. due upon the total sum, from the day of the exchange of the ratifications of the Convention of the 21st of January, 1815, shall be paid nine months after the exchange of the ratifications of the present Convention. The interest due shall be payable up to the day of the last payment. All the aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty, at the Court of His Britannic Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

XII. The Acts or Instruments annexed to this Additional Convention, and which form an antegral part thereof, are as follows:

No. 1. Form of passport for the Portuguese merchant ships destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the mixed Commissions, which are to hold their sittings on the Coast of Africa, at the Brazils, and in London.

XIII. A presente Convenção será ratificada, e as ratificações serão trocadas no Rio de Janeiro, no termo de quatro mezes o mais tardar, depois da data do dia da sua assignatura.

Em fé do que, os Plenipotenciarios respectivos a assignaram e sellaram com o sello das suas armas.

Feita em Londres, aos 28 de Julho, de 1817.

Assignada

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

*Formulario de Passaporte para Embarcações Portuguezas  
que se destinarem ao Trafico licito de Escravos.*

(Lugar das Armas Reaes.)

F,                    Ministro e Secretario de Estado dos Negocios  
da Marinha e Dominios Ultramarinos, &c., &c.

(ou Governador,)

(ou Secretario do Governo de Portugal,)

faço saber a todos que o presente Passaporte virem, que o navio  
denominado                    de                    tonelladas, levando  
homens de tripulação e                    passageiros: de que he mestre  
e dono                    , Portuguezes e vassallos deste Reino  
Unido, segue viagem para os portos de                    e  
e costa de                    d'onde ha de voltar para                    .

Os ditos mestre e dono havendo primeiro prestado o juramento necessario perante a Real Junta do Commercio desta Capital, (ou Meza de Inspeccão d'esta Capitania,) e tendo provado legalmente que no dito navio e carga não tem parte pessoa alguma estrangeira, como se mostra pela certidão da mesma Real Junta (ou da Meza de Inspeccão) que vai annexa a este passaporte. Os ditos                    mestre, e                    dono do dito navio ficando obrigados a entrar unicamente naquelles portos da costa de Africa onde o trafico da Escravatura he permitido aos vassallos do Reino Unido de Portugal, do Brasil, e dos Algarves, e a voltar de lá para qualquer dos portos deste Reino, onde unicamente lhes será permitido desembarcar os Escravos que trouserem, depois de ter satisfeito ás formalidades necessarias para mostrar que se tem em tudo conformado com as determinações

XIII. The present Convention shall be ratified, and the ratifications thereof exchanged at Rio Janeiro within the space of four months at furthest, dating from the day of its signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London, the 28th July, 1817.

Signed

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

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*Form of Passport for Portuguese Vessels destined for the lawful Traffic in Slaves.*

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(Place for the Royal Arms.)

I, Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c., &c.

(or Governor of this Province,)

(or Secretary of the Government of Portugal,)

make known to those that shall see the present Passport, that the vessel called \_\_\_\_\_ of \_\_\_\_\_ tons, and carrying \_\_\_\_\_ men, and \_\_\_\_\_ passengers, \_\_\_\_\_ Master, and \_\_\_\_\_ Owner, Portuguese, and subjects of the United Kingdom, is bound to the Ports of \_\_\_\_\_ and \_\_\_\_\_ and coast of

\_\_\_\_\_ from whence she is to return to \_\_\_\_\_ the said Master and Owner having previously taken the required oath before the Royal Board of Commerce of this Capital, (or the Board of Inspection of this Province,) and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that Royal Board, (or Board of Inspection,) which is annexed to this Passport. The said

\_\_\_\_\_ Master, and \_\_\_\_\_ Owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa where the Slave Trade is permitted to the subjects of the United Kingdom of Portugal, Brazil, and Algarves; and to return from thence to any of the ports of this Kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to show that they have, in every respect, complied with the provisions of the *Alvará* of the 24th

do Alvará de 24 de Novembro de 1813, pelo qual Sua Magestade foi servido regular o transporte de Escravos da costa de Africa para os Seus Dominios do Brasil. E deixando elles de cumprir qualquer destas condiçoens ficarão sujeitos ás penas impostas pelo Alvará de\* contra aquelles que fizerem o trafico de Escravos de huma maneira illicita.

E porque na hida ou volta pode ser encontrado em quaesquer mares ou portos pelos cabos e Officiaes das Náos e mais embarcaçoens do mesmo reino; ordena El Rey Nosso Senhor que lhe não ponhaõ impedimento algum, e recommenda aos das armadas, esquadras, e mais embarcaçoens dos Reys, Principes, Republicas, Potentados, Amigos e Alliados desta Corôa, que lhe não embarassem seguir a sua viágem, antes para a fazer lhe dém a ajuda e favor de que necessitar, na certeza de que aos recommendados pelos seus principes se fará pela nossa parte o mesmo e igual tratamento. Em fé do que, Sua Magestade lhe mandou dar este Passaporte por mim assignado e sellado com o Sêllo Grande das Armas Reas; o qual Passaporte valerá sómente por e só para huma viagem.

Dado no Palacio de \_\_\_\_\_, aos \_\_\_\_\_ dias do  
mez de \_\_\_\_\_ do anno do nascimento de Nosso Senhor  
Jesus Christo

(L.S.) \_\_\_\_\_ N.

Por ordem de Sua Excellencia,  
o Official que lavrou o Passaporte.

Esse Passaporte (No. \_\_\_\_\_) authoriza o navio nelle mencionado a levar a seu bordo de huma vez qualquer numero de Escravos não excedendo \_\_\_\_\_ sendo \_\_\_\_\_ por tonellada, conforme he permittido pelo Alvará de † \_\_\_\_\_; exceptuando sempre os Escravos empregados como marinheiros ou criados e as crianças nascidas a bordo durante a viagem.

(Assignado como o Passaporte pelas Authoridades Portuguezas respectivas.)

Assignado

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

\* Este Alvará deverá ser promulgado em consequencia do Artigo 3 da Convenção Adicional de 28 de Julho de 1817.

† Isto he, o Alvará de 24 de Novembro de 1813, ou outra qualquer Ley Portugueza que haja de se promulgar para o futuro, em lugar d'esta.



of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to His Dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the *Alvará* of \* against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King Our Lord orders them not to give her any obstruction; and His Majesty recommends to the Officers of the fleets, squadrons, and ships of the Kings, Princes, Republics, and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid and accommodation she may want for continuing the same; being persuaded that those recommended by their Princes, will, on our part, experience the same treatment. In testimony of which, His Majesty has ordered her to be furnished by me with this Passport, signed and sealed with the Great Seal of the Royal Arms, which shall have validity only for and for one voyage alone.

Given in the Palace of the of  
in the year after the birth of our Lord Jesus Christ.  
(L.S.) N.

By order of His Excellency,  
the Officer who made out the Passport.

This Passport (No. ) authorizes any number of  
Slaves not exceeding being per  
ton (as permitted by the *Alvará* of †) to be on board  
of this ship at one time, excepting always such Slaves employed  
as sailors or domestics, and children born on board during the  
voyage.

(Signed as above, by the proper Portuguese Authorities.)  
Signed

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

\* This *Alvará* to be promulgated in pursuance of the III<sup>d</sup>. Article of the Additional Convention of the 28th July, 1817.

† That it is to say, the *Alvará* of the 24th of November, 1813, or any other Portuguese Law which may hereafter be promulgated in lieu thereof.

*Instrucçoens destinadas para os Navios de guerra Portuguezes e Inglezes que tiverem a seu Cargo o impedir o Commercio illicito de Escravos.*

I. Todo o navio de guerra Portuguez ou Britannico terá o direito, na conformidade do Artigo 5 da Convenção Adicional de data de hoje, de vizitar os navios mercantes de huma ou da outra Potencia, que fizerem realmente, ou forem suspeitos de fazer, o commercio de Negros; e se abordo d'elles se acharem escravos, conforme o theor do Artigo 6 da Convenção Adicional acima mencionada; e pelo que diz respeito aos navios Portuguezes, se houverem motivos para se suspeitar que os sobreditos escravos fossem embarcados em hum dos pontos da costa de Africa, onde este commercio não lhes he já permittido, segundo as estipulaçoens existentes entre as duas altas Potencias: n'este cazo tão sómente o commandante do dito navio de guerra os poderá deter, e havendo-os detido, deverá conduzi-los o mais promptamente que for possivel, para serem julgados por aquella das duas Commissoens mixtas, estabelecidas pelo Artigo 8 da Convenção Adicional de data de hoje, de que estiverem mais proximos, ou á qual o commandante do navio apprezador julgar, debaixo, da sua responsabilidade, que pode mais depressa chegar, desde o ponto onde o navio de escravatura houver sido detido.

Os navios a bordo dos quaes se não acharem escravos destinados para o trafico, não poderão ser detidos debaixo de nenhum pretexto, ou motivo qualquer.

Os criados ou marinheiros Negros que se acharem a bordo destes ditos navios, não serão em cazo nenhum hum motivo sufficiente de detençaõ.

II. Não poderá ser vizitado ou detido debaixo de qualquer pretexto ou motivo que seja, navio algum mercante ou empregado no commercio de Negros, em quanto estiver dentro de hum porto ou enseada pertencente a huma das duas altas Partes Contractantes, ou ao alcance de tiro de peça das baterias de terra; mas dado o cazo que fossem encontrados n'esta situação navios suspeitos, poderão fazer-se as representaçoens convenientes ás autoridades do paiz, pedindo-lhes que tomem medidas efficazes para obstar a semelhantes abuzos.

*Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves.*

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I. Every British or Portuguese ship of war shall, in conformity with Article 5 of the Additional Convention of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged in the Slave Trade; and should any slaves be found on board according to the tenor of the 6th Article of the aforesaid Additional Convention;—and as to what regards the Portuguese vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic in slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers: in these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible, for judgment before that of the two mixed Commissions appointed by the 8th Article of the Additional Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall upon his own responsibility, think he can soonest reach from the spot where the slave-ship shall have been detained.

Ships on board of which no slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

II. No merchantman or slave-ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the two high Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

III. As altas Partes Contractantes, considerando a immensa extensaõ das costas de Africa ao norte do Equador, onde este commercio fica prohibido, e a facilidade que haveria de fazer hum trafico illicito naquellas paragens onde a falta total ou talvez a distancia das authoridades competentes impedisse de se recorrer a estas authoridades, para se opporem ao dito commercio: e para mais facilmente alcançarem o fim util que tem em vista; conviáraõ de conceder, e com effeito se concedem mutuamente, a faculdade, sem prejudicar aos direitos de Soberania, de vizitar e de deter, como se se encontrasse no mar largo, qualquer navio que for achado com escravos a bordo, ainda mesmo ao alcance de tiro de peça de terra das costas dos seus territorios respectivos, no continente da Africa ao norte do Equador, huma vez que ali não haja authoridade local á qual se possa recorrer, como fica dito no Artigo antecedente. No caso sobredito, os navios vizi-tados poderãõ ser conduzidos perante as Commissoens mixtas, na forma estipulada no Artigo 1 das presentes instrucçoens.

IV. Naõ poderãõ ser detidos, debaixo de pretexto algum, os navios Portuguezes mercantes, ou empregados no commercio de Negros, que forem encontrados em qualquer paragem que seja, quer perto do terra quer no mar largo, *ao sul do Equador*, a menos que não seja em consequencia de se lhes haver começado a dar caça ao norte do Equador.

V. Os navios Portuguezes munidos de hum passaporte em regra, que tiverem carregado a seu bordo escravos nos pontos da costa de Africa onde o commercio de negros he permittido aos vassallos Portuguezes, e que depois forem encontrados ao norte do Equador, naõ deverãõ ser detidos pelos navios de guerra das duas naçoens, quando mesmo estejam munidos das presentes instrucçoens, com tanto que justifiquem a sua derrota, seja por ter, segundo os uzos da navegaçaõ Portugueza, feito um bordo para o norte de alguns grãos, a fim de hir buscar ventos favoraveis, seja por outras cauzas legitimas, como as fortunas de mar, devidamente provadas; ou seja finalmente no cazo em que os seus passaportes mostrarem que elles se destinaõ para algum dos portos pertecentes á Corõa de Portugal que estaõ situados fóra do continente da Africa.

Bem entendido que, pelo que respeita aos navios de escrava-

III. The high Contracting Powers having in view the immense extent of the shores of Africa, to the north of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic, on points where either the total absence, or at least the distance of lawful authorities bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of Sovereignty, to visit and detain, as if on the high seas, any vessel having slaves on board, even within cannon-shot of the shore of their respective territories on the continent of Africa to the north of the Equator, in case of there being no local authorities to whom recourse might be had, as has been stated in the preceding Article. In such case, vessels so visited may be brought before the mixed Commissions, in the form prescribed in the 1st Article of the preceding instructions.

IV. No Portugueze merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found anywhere near the land, or on the high seas, *south of the Equator*, unless after a chase that shall have commenced north of the Equator.

V. Portugueze vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Portugueze subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Portugueze navigation, by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved; or lastly, in the case of their passports proving that they were bound for a Portugueze port not within the Continent of Africa.

Provided always, that, with regard to all slave-ships detained

tura que forem detidos ao norte do Equador, a prova da legalidade da viagem deverá ser produzida pelo navio detido; e que ao contrario, acontecendo que hum navio de escravatura seja detido ao sul do Equador, conforme a estipulação do Artigo precedente, nesse cazo a prova da illegalidade deverá ser produzida pelo apprezador.

He igualmente estipulado que, ainda mesmo quando o numero de escravos, que os cruzadores acharem a bordo de hum navio de escravatura, não corresponder ao que declarar o seu passaporte, não será este motivo bastante para justificar a detençaõ do navio; mas neste cazo o capitão e o dono do navio deverão ser denunciados perante os Tribunaes Portuguezes no Brasil, para ali serem castigados conforme as leis do paiz.

VI. Todo o navio Portuguez que se destinar a fazer o commercio licito de escravos, debaixo dos principios declarados na Convenção Additional de data de hoje, deverá ter o capitão e os dois terços ao menos da tripulação de nação Portugueza. Bem entendido que o ser o navio de construcção estrangeira nada implicará com a sua nacionalidade; e que os marinheiros negros serão sempre considerados como Portuguezes, com tanto que (se forem escravos) pertençaõ a vassallos da Corõa de Portugal, ou que tenhaõ sido forrados nos Dominios de Sua Magestade Fidelissima.

VII. Todas as vezes que huma embarcação de guerra encontrar hum navio mercante que estiver no cazo de dever ser vizitado, aquella deverá comportar-se com toda a moderação, e com as attençoens devidas entre naçoens amigas e alliadas; e em todo o cazo a vizita será feita por hum official que tenha o posto ao menos de Tenente de Marinha.

VIII. As embarcaçoens de guerra que, debaixo dos principios declarados nas presentes instrucçoens, detiverem os navios de escravatura, deverão deixar a bordo toda a carga de negros intacta, assim como o Capitão e huma parte ao menos da tripulação do dito navio.

O capitão fará huma declaração authentica por escrito que mostre o estado em que elle achou a embarcação detida e as alteraçoens que n'ella tiverem havido. Deverá tambem dar ao capitão do navio de escravatura hum certificado assignado, dos papeis que houverem sido apprehendidos ao dito navio, assim

to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave-ships detained to the south of the Equator, in conformity with the stipulation of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of slaves found on board a slave-ship by the cruisers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese Tribunals in the Brazils, in order to their being punished according to the laws of the country.

VI. Every Portuguese vessel, intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native Portuguese; and two-thirds, at least, of the crew, shall likewise be Portuguese. Provided always, that its Portuguese or foreign construction shall in no wise affect its nationality, and that the negro sailors shall always be reckoned as Portuguese, provided they belong, as slaves, to subjects of the Crown of Portugal, or that they have been enfranchised in the Dominions of His Most Faithful Majesty.

VII. Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of Lieutenant in the Navy.

VIII. The ships of war which may detain the slave-ships, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part at least of the crew of the above-mentioned slave-ship: the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it: he shall deliver to the captain of the slave-ship a signed certificate of the papers seized on board the said vessel, as

como do numero de escravos achados a bordo ao tempo da detençaõ. Os negros não seraõ desembarcados senaõ quando os navios a bordo dos quaes se achaõ, chegarem ao lugar onde a validade da preza deve ser julgada por huma das duas Commissoens mixtas, para que no cazo que não sejaõ julgados de boa preza, a perda dos donos possa mais facilmente ressarcir-se. Se porem houverem motivos urgentes, procedidos da duraçaõ da viagem, do estado de saude dos escravos, ou outros quaesquer que exijaõ que os Negros sejaõ desembarcados, todos, ou parte delles, antes de poderem os navios ser conduzidos ao lugar da residencia de huma das mencionadas Commissoens, o Commandante do navio apprezador poderá tomar sobre si esta responsabilidade, com tanto porem que aquella necessidade seja constatada por hum attestado em forma.

IX. Não se poderá fazer transporte algum de escravos, como objecto de commercio, de hum para outro porto do Brasil, ou do Continente e Ilhas na costa de Africa para os Dominios da Corõa de Portugal fora da America, senaõ em navios munidos de passaportes, *ad hoc*, do Governo Portuguez.

Feito em Londres, aos 28 de Julho, de 1817.

Assignado

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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*Regulamento para as Commissoens mixtas que devem rezidir na Costa de Africa, no Brasil, e em Londres.*

I. As Commissoens mixtas estabelecidas pela Convençaõ Adicional da data de hoje, na costa de Africa e no Brasil, saõ destinadas para julgar da legalidade da detençaõ dos navios empregados no trafico da escravatura, que os cruzadores das duas naçoens houverem de deter, em virtude da mesma Convençaõ, por fazerem hum commercio illicito de escravos.

As sobreditas Commissoens julgaraõ sem appellaçaõ, conforme a letra e espirito do Tratado de 22 de Janeiro, de 1815, e da Convençaõ Adicional ao mesmo Tratado, assignada em Londres no dia 28 de Julho, de 1817.

As Commissoens deveraõ dar as suas sentençaõs taõ summariamente quanto for possivel; e lhes he prescripto o decidirem



well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two mixt Commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said Commissions, the Commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

IX. No conveyance of slaves from one port of the Brazils to another, or from the Continent or Islands of Africa, to the Possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portuguze Government, *ad hoc*.

Done at London, the 28th of July, 1817.

Signed

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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*Regulation for the mixed Commissions, which are to reside on the Coast of Africa, in the Brazils, and at London.*

I. The mixed Commissions to be established by the Additional Convention of this date, upon the coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such slave vessels, as the cruizers of both nations shall detain, in pursuance of this same Convention, for carrying on an illicit commerce in slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22d of January, 1815, and of the Additional Convention to the said Treaty, signed at London on this 28th day of July, 1817.

The Commissions shall give sentence as summarily as possible, and they are required to decide, (as far as they shall find it prac-

(sempre que for praticavel) no espaço de vinte dias, contados daquelle em que cada navio detido for conduzido ao porto da sua residencia :

1. Sobre a legitimidade da captura.
2. Sobre as indemnidades que o navio aprezado deverá receber no cazo de se lhe dar liberdade.

Ficando estipulado que em todos os cazos a sentença final não poderá ser differida alem do termo de dous mezes, quer seja por cauza de auzencia de testemunhas, ou por falta de outras provas ; excepto á requerimento de alguma das partes interessadas, com tanto que estas dêem fiança sufficiente de se encarregarem das despezas e riscos da demora, no qual cazo os Commissarios poderaõ, á sua discricião, conceder huma demora adicional, a qual não passará de quatro mezes.

II. Cada huma das sobreditas Commissoens mixtas que devem rezidir na costa de Africa e no Brasil, será composta da maneira seguinte, a saber :

As duas altas Partes Contractantes nomearaõ cada huma dellas hum Commissario Juiz, e hum Commissario Arbitro, os quaes seraõ authorizados a ouvir e decidir, sem appellação, todos os cazos de captura dos navios de Escravatura, que lhes possaõ ser submettidos, conforme a estipulação da Convenção Adicional da data de hoje. Todas as partes essenciaes do processo perante estas commissoens mixtas, deveraõ ser feitas por escripto na lingua do paiz onde rezidir a commissaõ.

Os Commissarios Juizes e os Commissarios Arbitros prestaraõ juramento, perante o magistrado principal do paiz onde rezidir a Commissaõ, de bem e fielmente julgar, de não dar preferencia alguma nem aos reclamadores nem aos captores, e de se guiarem em todas as suas decizoens pelas estipulaçoens do Tratado de 22 de Janeiro de 1815, e da Convenção Adicional ao mesmo Tratado.

Cada Commissaõ terá hum Secretario ou Official de Registo, nomeado pelo Soberano do paiz onde rezidir a Commissaõ. Este official deverá registrar todos os actos da commissaõ; e antes de tomar posse do lugar deverá prestar juramento, ao menos perante hum dos Juizes Commissarios, de se comportar com respeito á sua authoridade, e de proceder com fidelidade em todos os negocios pertencentes ao seu emprego.

licable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside ; 1st, upon the legality of the capture ; 2nd, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of two months : except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay not exceeding four months.

II. Each of the above-mentioned mixed Commissions, which are to reside on the coast of Africa, and in the Brazils, shall be composed in the following manner :

The two high Contracting Parties shall each of them name a Commissary Judge, and a Commissioner of Arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of Slave vessels which, in pursuance of the stipulation of the Additional Convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these mixed Commissions shall be written down in the language of the country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration, shall make oath, in presence of the principal Magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of the 22nd January, 1815, and of the Additional Convention to the said Treaty.

There shall be attached to each Commission a Secretary or Registrar, appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

**III. A forma do processo será como se segue :**

Os Commissarios Juizes das duas naçoens devereão em primeiro lugar proceder ao exame dos papeis do navio, e receber os depoimentos, debaixo de juramento, do Capitaõ, e de dous ou trez pelo menos dos principaes individuos a bordo do navio detido, assim como a declaraçaõ do captor debaixo de juramento, no cazo que pareça necessaria, a fim de se poder julgar e decidir, se o dito navio foi devidamente detido ou naõ, segundo as estipulaçoens da Convençaõ Addicional da data de hoje, e para que á vista deste juizo seja condemnado, ou posto em liberdade. E no cazo que os dous Commissarios Juizes naõ concordem na sentença que devereão dar, já seja sobre a legitimidade da detençaõ, já sobre a indemnidade que se deverá conceder, ou sobre qualquer outra duvida que as estipulaçoens da Convençaõ desta data possaõ suscitar; nestes cazos faraõ tirar por sorte o nome de hum dos dous Commmissarios Arbitros, o qual, depois de haver tomado conhecimento dos autos do processo, deverá conferir com os sobreditos Commissarios Juizes sobre o cazo de que se trata; e a sentença final se pronunciará conforme os votos da maioria dos sobreditos Commissarios Juizes e do sobredito Commissario Arbitro.

**IV. Todas as vezes que a carga de Escravos achada a bordo de hum navio de Escravatura Portuguez houver sido embarcada em qualquer ponto da costa de Africa onde o trafico de Escravos he licito aos vassallos de Sua Magestade Fidelissima hum tal navio naõ poderá ser detido, debaixo do pretexto de terem sido os sobreditos escravos trazidos na sua origem, *por terra*, de outra qualquer parte do continente.**

**V. Na declaraçaõ authentica que o captor deverá fazer perante a Commissaõ, assim como na certidaõ dos papeis apprehendidos que se deverá passar ao Capitaõ do navio aprezado, no momento da sua detençaõ; o sobredito captor será obrigado a declarar o seu nome, e o nome do seu navio, assim como a latitude e longitude da paragem onde tiver accoetecido a detençaõ, e o numero de escravos achados vivos a bordo do navio, ao tempo da detençaõ.**

**VI. Inmediatamente depois de dada a sentença, o navio detido**

## III. The form of the process shall be as follows :

The Commissary Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the Captain and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Additional Convention of this date, and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the Convention of this date,—they shall draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges and of the above-mentioned Commissioner of Arbitration.

IV. As often as the cargo of Slaves found on board of a Portuguese slave ship, shall have been embarked on any point whatever of the coast of Africa where the Slave Trade continues lawful to the subjects of the Crown of Portugal, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally *by land*, from any other part whatever of the Continent.

V. In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the Captain of the captured vessel, at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship, at the time of the detention.

VI. As soon as sentence shall have been passed, the detained

(se for julgado livre) e quanto restar da sua carga seraõ restituídos aos donos, os quaes poderaõ reclamar, perante a mesma Commissaõ, a avaliaçaõ das indemnidades, a que toraõ direito de pretender. O mesmo captor, e na sua falta, o seu Governo ficarã responsavel pelas scbreditas indemnidades. As duas altas Partes Contractantes se obrigaõ a satisfazer, no prazo de hum anno desde a data da sentença, as indemnidades que forem concedidas pela sobredita Commissaõ. Bem entendido que estas indemnidades seraõ sempre á custa daquella Potencia á qual pertencer o captor.

VII. No cazo de ser qualquer navio condemnado por viagem illicita, seraõ declarados boa preza o casco, assim como a carga, qualquer que ella seja; á excepçaõ dos escravos que se acharem a bordo para objeto de commercio; e o dito navio e a dita carga seraõ vendidos em leilaõ publico, a beneficio dos dous Governos. E quanto aos Escravos, estes deveraõ receber da Commissaõ mixta, huma carta de Alforria, e seraõ consignados ao Governo do paiz em que residir a Commissaõ que tiver dado a sentença, para serem empregados em qualidade de criados, ou de trabalhadores livres. Cada hum dos dous Governos se obriga a garantir a liberdade daquella porçaõ destes individuos que lhe for respectivamente consignada.

VIII. Qualquer reclamaçaõ de indemnidade por perdas occasionadas aos navios, suspeitos de fazerem o commercio illicito de Escravos, que naõ forem condemnados como boa preza pelas Commissoens mixtas, deverã ser igualmente recebida e julgada pelas sobreditas Commissoens, na forma especificada pelo Artigo 3 do presente regulamento.

E em todos os cazos em que se passar sentença de restituiaçaõ, a Commissaõ adjudicará á quelquer requerente, ou aos seus procuradores respectivos, reconhecidos como taes em devida forma, huma justa e completta indemnidade, em beneficio da pessoa ou pessoas que fizerein as reclamaçoens:

I. Por todas as custas do processo, e por todas as perdas e damnos que qualquer requerente ou requerentes possaõ ter soffrido por tal captura e detençaõ; isto he, no cazo de perda total o requerente ou requerentes seraõ indemnizados;

vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who may, before the same Commission, claim a valuation of the damages which they may have a right to demand: the captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages. The two high Contracting Parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

VII. In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the two Governments; and as to the Slaves, they shall receive from the mixed Commission, a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

VIII. Every claim for compensation of losses occasioned to to ships suspected of carrying on an illicit trade in Slaves, not condemned as lawful prize by the mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the third Article of the present regulation.

And in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys, for his or their use; a just and complete indemnification:

First, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified;

1. Pelo casco, massame, apparelho, e mantimentos.
2. Por todo o frete vencido, ou que se possa vir a dever.
3. Pelo valor da sua carga de generos, se a tiver.
4. Pelos Escravos que se achavam a bordo no momento da detençaõ, segundo o calculo do valor dos sobreditos Escravos no lugar do seu destino, dando sempre porem o desconto pela mortalidade que naturalmente teria acontecido, se a viagem não tivesse sido interrompida; e alem disso por todos os gastos e despezas que se hajaõ de incorrer com a venda de taes cargas, incluindo commissaõ de venda, quando esta haja de se pagar.
5. Por todas as demais despezas ordinarias em cazos semelhantes de perda total.

Em outro qualquer cazo, em que a perda não seja total o requerente ou requerentes seraõ indemnizados.

1. Por todos os damnos e despezas especiaes occasionadas ao navio pela detençaõ e pela perda do frete vencido, ou que se possa vir a dever.
  2. Huma somma diaria regulada pelo numero de tonelladas do navio, para as despezas da demora, quando a houver, segundo a cedula annexa ao presente Artigo.
  3. Huma somma diaria, para manutençaõ, dos Escravos, de hum shilling (ou cento e oitenta reis) por cabeça, sem distincãõ de sexo, nem de idade, por tantos dias quantos parecer à commissaõ que a viagem haja sido, ou possa ser retardada por cauza da detençaõ; e tambem,
  4. Por toda e qualquer deterioraçãõ da carga ou dos Escravos.
  5. Por qualquer diminuiçaõ no valor da carga de Escravos, por effeito de mortalidade augmentada alem do computo ordinario parataes viagens, ou por cauza de molestias occasionadas pela detençaõ; este valor deverá ser regulado pelo calculo do preço que os sobreditos Escravos teriaõ no lugar do seu destino, da mesma forma que no cazo precedente de perda total.
  6. Hum juro de cinco por cento sobre o importe do capital empregado na compra e manutençaõ da carga, pelo periodo da demora occasionada pela detençaõ, e
  7. Por todo o premio de seguro sobre o augmento de risco.
- O requerente ou requerentes poderaõ outrossim pretender hum juro, a razaõ de cinco por cento por anno, sobre a somma adju-



1st. For the ship, her tackle, apparel, and stores ;

2dly. For all freight due and payable ;

3dly. For the value of the cargo of merchandize, if any ;

4thly. For the Slaves on board at the time of detention, according to the computed value of such Slaves at the place of destination ; deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage ; deducting also for all charges and expences payable upon the sale of such cargoes, including commission of sale when payable at such port ; and

5thly. For all other regular charges in such cases of total loss ; and in all other cases not of total loss, the claimant or claimants shall be indemnified,—

First, for all special damages and expences occasioned to the ship by the detention, and for loss of freight when due or payable ;

Secondly, a demurrage when due, according to the schedule annexed to the present Article ;

Thirdly, a daily allowance for the subsistence of slaves, of one shilling, or one hundred and eighty reis for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention ; as likewise,

Fourthly, for any deterioration of cargo or slaves ;

Fifthly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention ; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss ;

Sixthly, an allowance of five per cent. on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention ; and

Seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until

dicada, até que ella tenha sido paga pelo Governo a que pertencer o navio que tiver feito a preza; o importe total de taes indemnidades deverá ser calculado no moeda do paiz a que pertencer o navio detido; e liquidado ao cambio corrente do dia da sentença da commissião, excepto a totalidade da manutenção dos escravos, que será paga ao par, como acima fica estipulado.

As duas altas Partes Contractantes, dezejando evitar, quanto for possível, toda a especie de fraude na execução da Convenção Adicional da data de hoje, convierão que, no cazo em que se provasse de huma maneira evidente e convincente para os Juizes de ambas as naçoens, e sem lhes ser preciso recorrer á decizaõ do Commissario Arbitro, que o captor fôra induzido a erro por culpa voluntaria e reprehensivel do capitão do navio detido; nesse cazo somente não terá o navio detido direito á receber, durante os dias de detençaõ, a compensação pela demora estipulada no prezente Artigo.

*Cedula para regular a estalia, ou compensação diaria das despesas da demora.*

Por hum navio de 100 toneladas até 120 inclusive,	£5	} por dia.
121 do. ————— 150 do.	6	
151 do. ————— 170 do.	8	
171 do. ————— 200 do.	10	
201 do. ————— 220 do.	11	
221 do. ————— 250 do.	12	
251 do. ————— 270 do.	14	
271 do. ————— 300 do.	15	
e assim em proporçaõ.		

IX. Quando o dono de qualquer navio, suspeito de fazer commercio illicito de escravos, que tiver sido posto em liberdade, em consequencia de sentença de huma das Commissoens mixtas (ou no cazo acima especificado de perda total) reclamar indemnidades pela perda de escravos que possa haver soffrido, nunca elle poderá pretender mais escravos alem do numero que o seu navio tinha direito de transportar, conforme as leis Portuguezas, o qual numero deverá sempre ser especificado no seu passaporte.

paid by the Government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid *at par*, as above stipulated.

The two high Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the two nations, and without having recourse to the decision of a Commissioner of Arbitration, that the captor has been led into error by a voluntary and reprehensible fault, on the part of the captain of the detained ship; in that case only, the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

*Schedule of Demurrage or daily allowance for a Vessel of*

100 tons to 120 inclusive,	£5	} per diem,
121 ditto — 150 ditto,	6	
151 ditto — 170 ditto,	8	
171 ditto — 200 ditto,	10	
201 ditto — 220 ditto,	11	
221 ditto — 250 ditto,	12	
251 ditto — 270 ditto,	14	
271 ditto — 300 ditto,	15	}

and so on in proportion.

IX. When the proprietor of a ship, suspected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the mixed Commissions (or in the case, as above-mentioned, of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel was, by the Portuguese laws, authorized to carry, which number shall always be declared in his passport.

X. A Commissaõ mixta, estabelecida em Londres pelo Artigo nono da Convençaõ da data de hoje, receberá e decidirá todas as reclamaçoens feitas acerca de navios Portuguezes e suas cargas apreçadas pelos cruzadores Britannicos por motivo de commercio illicito de escravos, desde o 1 de Junho de 1814, até á época em que a Convençaõ da data de hoje tiver sido posta em plena execuçaõ; adjudicando-lhes, em conformidade do Artigo nono da dita Convençaõ Adicional, huma indemnizaçaõ justa e completa, conforme as bases estabelecidas nos Artigos precedentes, tanto no cazo de perda total, como por despezas feitas, e prejuizos soffridos pelos donos e outros interessados nos ditos navios e cargas. A sobredita commissãõ estabelecida em Londres será composta da mesma maneira e será guida pelos mesmos principios ja enunciados nos Artigos 1, 2, e 3, deste regulamento para as commissoens estabelecidas na costa de Africa e no Brasil.

XI. Naõ será permittido a nenhum dos Juizes Commissarios, nem aos Arbitros, nem ao Secretario de qualquer das Commissoens mixtas, debaixo de qualquer pretexto que seja, o pedir, ou receber de nenhuma das partes interessadas nas sentençaes que derem, emolumentos alguns em razaõ dos deveres que lhes saõ prescriptos pelo presente regulamento.

XII. Quando as partes interessadas julgarem ter motivo de se queixar de qualquer injustiça evidente da parte das Commissoens mixtas, poderaõ representa-la aos seus Governos respectivos, os quaes se reservaõ o direito de se entenderem mutuamente para mudar, quando o julgarem conveniente, os individuos do que se compozerem estas Commissoens.

XIII. No cazo que algum navio seja detido indevidamente com o pretexto das estipulaçoens da Convençaõ Adicional da data de hoje, e sem que o captor se ache autorizado, nem pelo theor da sobredita Convençaõ, nem pelas instrucçoens á ella annexas; o Governo ao qual pertencer o navio detido, terá o direito de pedir reparação; e em tal cazo o Governo ao qual pertencer o captor se obriga á mandar proceder efficazmente á hum exame do motivo de queixa, e á fazer com que o captor receba, no cazo

X. The mixed Commission established in London by Article IX. of the Convention of this date, shall hear and determine all claims for Portuguese ships and cargoes, captured by British cruizers on account of the unlawful trading in slaves, since the 1st of June, 1814, till the period when the Convention of this date is to be in complete execution ; awarding to them, conformably to Article IX. of the Additional Convention of this date, a just and complete compensation, upon the basis laid down in the preceding Articles, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said Commission established in London, shall be composed and proceed exactly upon the same basis determined in Articles 1, 2, and 3, of the present regulation for the Commissions established on the coast of Africa and the Brazils.

XI. It shall not be permitted to any of the Commissary Judges nor to the Arbitrators, nor to the Secretary of any of the mixed Commissions, to demand or receive, from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

XII. When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the individuals who may compose these Commissions.

XIII. In the case of a vessel detained unjustly, under pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorized by the tenour of the above-mentioned Convention, nor of the instructions annexed to it, the Government to which the detained vessel may belong, shall be entitled to demand reparation ; and in such case, the Government to which the captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment

de o ter merecido, hum castigo proporcionado á infracção em que houver cahido.

XIV. As duas altas Partes Contractantes convierão, que no cazo da morte de hum ou varios dos Commissarios Juizes e Arbitros que compoem as sobreditas Commissoens mixtas, os seus lugares seraõ suppridos, *ad interim*, da maneira seguinte :

Da parte do Governo Britannico as vacancias seraõ substituidas successivamente ; na Commissão que rezidir nos Dominios de Sua Magestade Britannica pelo Governador, ou Tenente Governador residente naquella colonia ; pelo principal Magistrado do lugar, e pelo Secretario. No Brasil, pelo Consul e Vice Consul Britannico que rezidirem na cidade onde se achar estabelecida a Commissão mixta.

Da parte de Portugal as vacancias seraõ preenchidas, no Brazil, pelas pessoas que o Capitaõ General da Provincia nomear para este effeito ; e vista a difficuldade que o Governo Portuguez acharia de nomear pessoas adequadas para substituir os lugares que possuão vagar na Commissão residente nos Dominios Britannicos, conveiose, que succedendo morrerem os Commissarios Portuguezes, Juiz, ou Arbitro, o resto dos individuos da sobredita Commissão deverá proceder igualmente á julgar os navios de escravatura que forem conduzidos perante elles, e á execuçaõ, da sua sentença.

Todavia neste cazo somento as partes interessadas terãõ o direito de appellar da sentença, se bem lhes parecer, para a Commissão que rezidir no Brasil, e o Governo ao qual pertencer o captor ficará obrigado a satisfazer plenamente as indemnidades que se deverem, no cazo que a appellaçaõ seja julgada a favor dos reclamadores ; bem entendido que o navio e a carga ficaraõ, em quanto dura esta appellaçaõ no lugar da residencia da primeira Commissão, perante a qual tiverem sido conduzidos.

As altas Partes Contractantes se obrigaõ a preencher, o mais depressa que seja possivel, qualquer vacancia que possa occorrer nas sobreditas Commissoens, por cauza de morte, ou por qualquer outro motivo. E no cazo que a vacancia de cada hum dos Commissarios Portuguezes que rezidirem nos Dominios Britan-

proportioned to the transgression which may have been committed.

XIV. The two high Contracting Parties have agreed, that in the event of the death of one or more of the Commissioners, Judges and Arbitrators, composing the above-mentioned mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner: on the part of the British Government, the vacancies shall be filled successively, in the Commission which shall sit within the possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that colony, by the principal Magistrate of the place, and by the Secretary; and in the Brazils, by the British Consul and Vice-Consul resident in the city in which the mixed Commission may be established.

On the part of Portugal, the vacancies shall be supplied, in the Brazils, by such persons as the Captain General of the Province shall name for that purpose; and, considering the difficulty which the Portuguese Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the British possessions, it is agreed, that in case of the death of the Portuguese Commissioners, Judge, or Arbitrators in those possessions, the remaining individuals of the above-mentioned Commission, shall be equally authorised to proceed to the judgment of such slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident in the Brazils; and the Government to which the captor shall belong, shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants: it being well understood that the ship and cargo shall remain, during this appeal, in the place of residence of the first Commission before whom they may have been conducted.

The high Contracting Parties have agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions, from death or any other contingency. And in case that the vacancy of each of the Portuguese Commissioners residing in the British possessions, be not supplied at the end of

nicos, naõ esteja preenchida no fim de seis mezes, os navios que ali forem conduzidos depois dessa época, para serem julgados, cessaraõ de ter o direito de appellação acima estipulado.

Feita em Londres, aos 28 de Julho, de 1817.

Assignada

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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### ARTIGO SEPARADO.

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Logo que se verificar a total Abolição do Trafico de Escravatura para os vassallos da Corôa de Portugal, as duas altas Partes Contractantes convem em adaptar, de commum accordo, ás novas circunstancias as estipulaçoens da Convenção Adicional assignada em Londres, em 28 de Julho proximo passado; mas quando naõ seja possivel concordar em outro ajuste, a Convenção Adicional d'aquella data ficará sendo valida até a expiração de quinze annos contados desde o dia em que o Trafico da Escravatura for totalmente abolido pelo Governo Portuguez.

O presente Artigo Separado será da mesma força e vigor como se fosse inserido palavra por palavra na sobredita Convenção Adicional. E será ratificado e as ratificaçoens seraõ trocadas o mais cedo que for possivel.

Em fé do que, os Plenipotenciarios respectivos o assignaram e sellaram com os sellos das suas armás.

Feito em Londres, aos 11 de Setembro, de 1817.

Assignado

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal herein-before stipulated.

Done at London, the 28th of July, 1817.

Signed

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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SEPARATE ARTICLE.

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As soon as the total Abolition of the Slave Trade, for the subjects of the Crown of Portugal, shall have taken place, the two high Contracting Parties hereby agree, by common consent, to adapt, to that state of circumstances, the stipulations of the Additional Convention concluded at London, the 28th of July last; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years, from the day on which the general abolition of the Slave Trade shall so take place, on the part of the Portugueze Government.

The present Separate Article shall have the same force and validity as if it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seals of their arms.

Done at London, this 11th September, 1817.

Signed

CASTLEREAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

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## DECLARACAO.

Havendo-se concluido entre Sua Magestade Britannica e Sua Magestade Fidelissima huma Convenção, assignada em Londres, aos 28 de Julho de 1817, que tem por objecto o impedir o trafico illicito d'escravatura :

E tendo-se declarado pelo Artigo segundo da sobredita Convenção que o trafico d'escravatura continua a ser permittido aos vassallos Portuguezes, unicamente em certos territorios que no mencionado Artigo se descrevem :

E porquanto os Territorios de Molembo e Cabinda, se achão designados no sobredito Artigo como situados na costa Oriental de Africa, o que evidentemente se mostra ser hum engano de palavras, pois que os ditos Territorios de Molembo e Cabinda estaõ de facto situados na costa *Occidental*, e naõ na costa *Oriental* de Africa :

Declaraõ os abaixo assignados que se terá por annullada a palavra *Oriental* n'aquella parte de Artigo segundo acima mencionada, substituendose-lhe a palavra *Occidental*, e que a ultima parte de referido Artigo fica portanto sendo de teor seguinte :

“Os Territorios de Molembo e Cabinda na costa *Occidental* da Africa, desde o quinto grau e doze minutos até ao oitavo grau de latitude meridional.”

Convieraõ outrosim os abaixo assignados em que a presente Declaração seja considerada como parte integrante da sobredita Convenção.

Em testemunho e fé do que, os abaixo assignados, Secretario d'Estado de Sua Magestade Britannica da Repartição dos Negocios Estrangeiros, e Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidelissima junto a Sua Magestade Britannica, firmáram a presente Declaração com os seus proprios punhos, e a sellaram com os sellos das suas armas, em Londres, aos trez dias do mez de Abril de 1819.

Assignada

CASTLEBEAGH, (L. S.)

CONDE DE PALMELLA, (L. S.)

DECLARATION.

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Whereas a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 28th of July, 1817:—

And whereas by the second Article of that Convention the Traffic in Slaves was declared still to be permitted to Portuguese subjects, only within certain territories therein described :

And whereas the Territories of Molembo and Cabinda are described by that Article to be on the Eastern coast of Africa ; and whereas this description is evidently a verbal mistake, the said Territories of Molembo and Cabinda, lying in fact upon the *Western* and not upon the *Eastern* coast of Africa :

It is hereby declared, by the undersigned, that the word *Eastern*, in that part of the second Article above alluded to, shall be held to be annulled, and the word *Western* to stand in its place ; and the latter part of the Article in question shall accordingly be held to run thus:—

“The Territories of Molembo and Cabinda, upon the *Western* coast of Africa, from the fifth degree, twelve minutes, to the eighth degree south latitude.”

It was further agreed between the undersigned, that the present Declaration shall be considered as an antegral part of the said Convention.

In witness and in faith of the above, the Undersigned, His Britannic Majesty's Secretary of State for Foreign Affairs, and His Most Faithful Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James's, have hereunto set their hands and seals, at London, this thir'd day of April, 1819.

Signed

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA, (L.S.)

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*ALVARÁ of His Most Faithful Majesty, for the punishment of Persons concerned in the Slave Trade. January 26th, 1818.*

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Eu El-Rey faço saber aos que este Alvará com força de lei virem : Que attendendo a que a prohibição do Commercio de Escravos em todos os portos da costa d'África ao norte do equador, estabelecida pela ratificação do Tratado de 22 de Janeiro de 1815\*, e da Convenção Adicional de 28 de Julho de 1817†, exige novas providencias, que, prescrevendo as justas e proporcionadas penas, que hão de ser impostas aos transgressores, sirvão de regra certa de julgar, e decidir nos cazos occurrentes sobre este objecto, aos juizes, e mais pessoas encarregadas da sua execução : Hei por bem ordenar o seguinte.

Art. I. Todas as pessoas de qualquer qualidade e condição que sejão, que fizerem armar e preparar navios para o resgate e compra de escravos, em qualquer dos portos da costa d'África, situados ao norte do equador, incorrerão na pena de perdimento dos escravos, os quaes immediatamente ficarão libertos, para terem o destino abaixo declarado : e lhe serão confiscados os navios empregadas nesse trafico com todos os seus aparelhos e pertences, e juntamente a carga, qualquer que seja, que a seu bordo estiver por conta dos donos e fretadores dos mesmos navios, ou dos carregadores de escravos. E os officiaes dos navios, a saber, capitão ou mestre, piloto, e sobrecarga, serão degradados por 5 annos para Moçambique, e cada hum pagará huma multa equivalente á soldada e mais interesses que haveria de vencer na viagem. Não se poderão fazer seguros sobre taes navios, ou sua carregação ; e fazendose, serão nullos ; e os seguradores, que scientemente os fizerem, serão condemnados no tresdobro do premio estipulado para o caso de sinistro.

II. Na mesma pena de perdimento dos escravos, para ficarem libertos, e terem o destino abaixo declarado, incorrerão todas as pessoas de qualquer qualidade e condição, que os conduzirem a qualquer dos portos do Brazil em navios com bandeira que não seja Portugueza.

III. Todos os sobreditos cazos serão objecto de denuncia.

\* See Vol. II. Page 73.

† See Vol. II. Page 81.

E no cazo de ter havido confisco de navio e de sua carga, a metade de todo o preço, que se realizar em arrematação publica, bem como a metade das outras penas pecuniarias, será para os denunciantes, e a outra metade para a minha real fazenda, á qual pertencerá tudo quando não houver denunciante. No cazo porém de ter havido preza de navio, feita por embarcação de guerra; a respeito d'elle, e sua carga se observará o que he prescripto pelo Artigo 7, do regulamento para as Commissões Mixtas, addicionado em numero 3 á sobredita Convenção de 28 de Julho de 1817. Porém só poderão ser demandados dentro de 3 annos, contados, no cazo de preza ou confisco do navio, do dia da entrada do navio no porto da descarga, e findo este espaço, ficarão prescriptas e extinctas as acções.

IV. As Denuncias, e todos os autos do Processo até sentença final e sua execução, serão feitos perante os Juizes dos Contrabandos e Descaminhos do lugar ou destrito, onde os Escravos forem conduzidos, ou perante qualquer outro Magistrado ou Juiz, que essa jurisdição exercitar, aos quaes Hei por bem commetter esta jurisdição, bem como a necessaria para executarem as sentenças proferidas pelas Commissões Mixtas, nos cazos do seu conhecimento, e para julgar e conhecer dos outros cazos que occorrerem, e suas dependencias, dando os competentes recursos na forma da Ordenação. Qualquer das partes porém poderá requerer a Commissão Mixta, para que julgue, se he, ou não, cazo de prohibição; e neste cazo se lhe remetterão os autos no estado, em que estiverem: E o que por ella for decidido, se executará.

V. Os Escravos consignados á minha real fazenda pelo modo prescripto, no sobredito 7 Artigo do regulamento para as Commissões mixtas, e todos os mais libertos pela maneira acima decretada, por não ser justo que fiquem abandonados, serão entregues no juizo da Ouvidoria da Comarca; e onde o não houver, naquelle que estiver encarregado da Conservatoria dos Indios, que Hei por bem ampliar, unindo-lhe esta jurisdição; para ahi serem destinados a servir como libertos por tempo de 14 annos; ou em algum serviço publico de mar, fortalezas, agricultura, e de officios, como melhor convier, sendo para isso alistados nas respectivas estações; ou alugados em

praça a particulares de estabelecimento e probidade conhecida, assignando estes termo de os alimentar, vestir, doutrinar, e ensinar-lhe o officio ou trabalho, que se convencionar, e pelo tempo, que for estipulado ; renovando-se os termos e condições as vezes que for necessario, até preencher o sobredito tempo de 14 annos: Este tempo porém poderá ser diminuido por 2 ou mais annos, áquelles libertos, que por seu prestimo e bons costumes se fizerem dignos de gozar antes d'elle do pleno direito da sua liberdade. E no cazo de serem destinados a serviço publico na maneira sobredita, quem tiver authoridade na respectiva estação nomeará huma pessoa capaz para assignar o sobredito termo, e para ficar responsavel pela educação e ensino dos mesmos libertos. Terão hum Curador, pessoa de conhecida probidade, que será proposto todos os triennios pelo Juiz, e approvedo pela Mesa do Desembargo do Paço desta Córte, ou pelo Governador e Capitão-General da respectiva provincia ; e a seu officio pertencera requerer tudo o que for a bem dos libertos ; e fiscalizar os abuzos ; procurar que no tempo competente se lhe dê resalva do serviço ; e promover geralmente em seu beneficio a observancia do que se acha prescripto pela lei a favor dos orfãos, no que lhes poder ser applicado, para o que será sempre ouvido em tudo, o que á cerca delles se ordenar pelo sobredito juizo.

VI. Nos portos ao sul do equador, em que he permitido o Commercio de Escravos, se observará o que está ordenado pelo Alvará de 24 de Novembro de 1813 com as modificações e declarações seguintes ; a saber : Ficará abolida a distincção entre tonelladas, que excederem o numero de 201 e que não excederem este numero ; e sem effeito o que á cerca destas ultimas he ordenado no dito Alvará, para ser regulada a carga de Escravos a razão de 5 por cada 2 tonelladas do porte de qualquer navio, medida pelo antigo padrão. Da prohibição das marcas feitas com ferro no corpo dos escravos, serão exceptuadas e permittidas as marcas impressas com carimbos de prata. Será licito aos donos ou fretadores dos navios empregar no serviço destes caldeiras de ferro ou de cobre indistinctamente, com tanto que estas sejam todas as viagens estanhadas de novo, o que se fiscalizará nas vizitas que se hão de fazer a bordo dos mesmos navios : E quando a bordo destes não possão andar

Cirurgiãos para curar os Escravos, pelos não haver, ou por outra razão equivalente, serão os donos ou fretadores obrigados a trazer a bordo dos ditos navios pretos sangradores, intelligentes e experimentados no tratamento das molestias, de que ordinariamente são infectados os ditos escravos, e no conhecimento dos remedios proprios e adequados, de que elles uzão em seus curativos: porque em todos estes objectos tem mostrado a experiencia ser necessario declarar as providencias dadas naquelle Alvará, que se observará (com as sobreditas explicações) em tudo o mais, que nelle he disposto.

VII. Attendendo a que a mudança e alteração superveniente ao commercio dos escravos pelas restricções, ajustadas no sobredito Tratado e Convenção Adicional, exige que em grande parte se alterem e modifiquem as disposições das antigas leis a este respeito feitas sem attenção áquella posterior mudança, pela qual muitas até ficarão sem ter applicação: Hei por bem ordenar que em todos os portos do Brazil seja licito importar escravos trazidos dos portos em que for licito este commercio: E que os fretes fiquem á disposição e convenção das partes.

Este se cumprirá como nelle se contém: Pelo que Mando á Mesa do Desembargo do Paço e da Consciencia e Ordens; Presidente de Meu Real Erario; Conselho da Minha Real Fazenda; Regedor da Caza da Supplicação do Brazil; Governador de Relação de Bahia; Governadores e Capitães Generaes; e mais Governadores do Brazil e dos meus Dominios Ultramarinos; e a todos os Ministros de Justiça, e mais Pessoas, a quem pertencer o conhecimento deste Alvará, o cumprão e guardem, não obstante qualquer Decisão em contrario, que Hei por derogada para este effeito sómente: E valerá como Carta passada pela Chancellaria, posto que por ella não ha de passar, e que o seu effeito haja de durar mais de hum anno, sem embargo da lei em contrario.

Dado no Palacio do Rio de Janeiro, em 26 de Janeiro de 1818. REY.

THOMAZ ANTONIO DE VILLANOVA PORTUGAL.

*Alvará com força de lei, pelo qual Vossa Magestade ha por bem estabelecer penas, para os que fizerem commercio prohibido de escravos; e dar as convenientes providencias a respeito*

*daquelles escravos, que em consequencia das sobreditas penas ficarem libertos ; tudo na forma acima declarada.*

*(Translation.)*

I, the King, make known to those to whom the present Alvará having the force and effect of a law, shall come, that, as the abolition of the Slave Trade in the ports of the coast of Africa, north of the equator, established by the ratification of the Treaty, dated the 22d of January, 1815\*, and of the Additional Convention, dated the 28th July, 1817†, requires the adoption of fresh measures, which, fixing just and adequate penalties that shall attach to offenders, may afford to Judges and other persons charged with the execution of those measures, a standard for deciding upon such cases as shall occur relative to this object, think proper to ordain as follows :

Art. I. All persons of whatsoever quality or condition, who shall proceed to fit out or prepare vessels for the traffic in slaves, in any part of the coast of Africa, lying north of the equator, shall incur the penalty of the loss of the slaves, who shall be declared free, with a destination hereinafterwards mentioned. The vessels engaged in the traffic shall be confiscated, with all their tackle and appurtenances, together with the cargo, of whatever it may consist, which shall be on board, on account of the owners or freighters of such vessel, and of the owners of such slaves. The officers of such vessel, to wit, the captain or master, the pilot and supercargo, shall be banished for 5 years to Mosambique, and each shall pay a fine equivalent to the pay or other profits which he was to gain by the adventure. Policies of insurance cannot be made on such vessels, or their cargoes ; and if they are made, the assurers who shall knowingly make them shall be condemned in triple the amount of the stipulated premium.

II. All persons of whatever rank or condition who shall import slaves into Brazil in Foreign vessels shall incur the same penalty of the loss of the slaves, who shall become freemen, and be provided for as hereinafter directed.

III. Informations shall be received relative to all the above cases. And if the vessel and her cargo have been confiscated,

\* See Vol. II. Page 73.

† See Vol. II. Page 81.



half of the whole proceeds of the property, sold by public auction, as well as half of the fines, shall be given to the informer, and the other half shall be paid into my Royal Treasury, to which the whole produce shall belong, if there be no informer. In case, however, of a vessel having been captured by a ship of war, such vessel and her cargo shall be subject to the provisions specified in the 7th Article of the regulation concerning the Mixed Commissions, annexed, under number 3, to the above Convention of July the 28th, 1817. But in case the ship should be captured or confiscated, it shall not be lawful to commence an action for the recovery of such ship and cargo, except within a term not exceeding 3 years, to reckon from the date of the ship's entrance into the port where she has unloaded, after the expiration of which period, the said action shall be inadmissible and void.

IV. Informations, and all proceedings, inclusive of the final sentence and its execution, shall be brought before the Judges appointed to try causes respecting contraband goods and embezzlement, in any place or district whither the slaves have been carried, or before any other Magistrate or Judge competent to decide on those matters, to whom I deem proper to commit this jurisdiction, as well as the authority requisite for carrying into execution the sentences passed by the Mixed Commission, in cases cognizable by the latter, and for trying and determining other cases that may occur, as also those accruing from them, allowing the party to bring an appeal conformably to the ordinance. It shall, however, be lawful for either of the parties to apply to the Mixed Commission for them to determine, whether, or not, the case have reference to the abolition, in which event the proceedings upon it shall be delivered up to the commission in the state in which they are; and whatever the commission may decide, shall be carried into effect.

V. The slaves made over to my Royal Treasury in the manner specified in the above 7th Article of the regulation concerning the Mixed Commissions, and those declared free by the above Article (as it would be unjust to abandon them without support) shall be delivered into the office of the judge of the district, or, where there is none, into that of the judge

charged to watch over the rights of the Indians, whose powers I enlarge with that jurisdiction, to serve as freedmen for 14 years in any public service of the navy, the fortresses, agriculture, or manual trades, as may be thought most convenient, being for that purpose enrolled in the respective stations; or shall be hired out to individuals of known property and probity, who shall be bound to support, clothe, and instruct them, teaching them some handicraft or labour, that may be agreed upon, during the stipulated period; the terms and the conditions of which shall be renewed as often as necessary, till the 14 years are expired; the time of servitude may be shortened by 2 or more years, according as the good conduct of these persons may entitle them to the enjoyment of full freedom. In case these freedmen are destined for the public service, the officer who shall have authority in the respective stations to which they are assigned, shall nominate a proper person to fix the period as above-mentioned, who shall be responsible for their education and treatment. They shall have as curator a person of known probity, who shall be nominated every 3 years by the judge, and approved by the Judicial Council or Governor, and Captain General of the Province. To him it shall belong to provide every thing which may contribute to their well being, to testify abuses that may affect them, to procure them release after their proper term of service, and enforce generally for their benefit the observance of the laws prescribed for the protection of orphans, in as far as those laws are applicable to them, to the end that whatever is ordered concerning them may be strictly executed.

VI. In the ports to the south of the equator, where the traffic in slaves is still permitted, the regulations passed in the law of the 24th November, 1813, shall be observed with the following modifications:—The distinction between vessels which shall exceed or shall not exceed 201 tons, shall be abolished, and the number of slaves shall be regulated according to the tonnage of the vessel, in the proportion of 5 to every 2 tons, according to the ancient measure. The prohibition respecting marks made with iron on the body of the slaves, shall not extend to marks imprinted with silver

carimbos, which, being excepted, shall be permitted. It shall be allowed to the persons who own or freight slave vessels, to use, indiscriminately, iron or copper kettles, provided the latter be tinned anew every voyage, which shall be ascertained by proper officers visiting those vessels. If surgeons do not sail on board such vessels, on account of the impossibility of procuring them, or for some other reason equally conclusive, the owners shall be obliged to carry with them black sangradores, experienced in the treatment of the diseases with which the slaves are commonly afflicted, and in the remedies proper for curing them; because in regard to all these objects experience has evinced the necessity of specifying the provisions set forth in this Alvará, which, under the above modifications, shall be observed in all its details.

VII. Whereas the alteration effected in the Slave Trade by the restrictions contained in the above Treaty and Additional Convention, requires considerable modifications in the provisions of the former laws enacted on this subject, independent of the last change which will tend to render many of them void, I think proper to order, that it shall be permitted to import into the ports of Brazil, slaves from any ports where this traffic is not prohibited, and that the freight shall continue to be settled by the parties.

The present injunctions shall be strictly complied with; wherefore I direct the Tribunal of the Privy Council of Conscience and of Orders; the President of my Royal Exchequer; the Council of my Royal Treasury; the Chief Justice of the Supreme Court of Appeal in Brazil; the President of the Tribunal of Bahia; the Governors and Captains General; and the other Governors of Brazil, and of my dominions beyond sea; also all the Ministers of Justice, and other persons whom the present Alvará may concern, to comply with and observe the same, notwithstanding any decision that may be at variance with it, and which I rescind for this end only: and it shall have the force and effect of a letter issued by the Chancellery, though it be not actually issued by the same, and though its validity extend beyond a year, notwithstanding the law to the contrary.

Given at the Palace of Rio de Janeiro, the 26th of January,  
1818. THE KING.

THOMAS ANTONIO DE VILLANOVA PORTUGAL.

*Alvará having the force and effect of a law, by which Your Majesty is pleased to enact penalties against those who shall carry on illicit Slave Trade, and to direct the proper measures respecting such slaves as, in consequence of the above penalties, shall become free; all in the form set forth above.*

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\* See Vol. II. Page 81.

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(3.) *CONVENTION between Great Britain and Portugal. Rio de Janeiro, February 19, 1810.*

[See Vol. 5, Page 406.]

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ACT of the British Parliament, "to carry into execution a Convention made between His Majesty and the King of Portugal, for the preventing Traffic in Slaves."\*

[58 Geo. III, cap. 85.]

[June 5, 1818.]

WHEREAS an additional Convention to a Treaty of the 22nd of January, 1815, † was made between His Majesty and His Most Faithful Majesty the King of *Portugal*, for the purpose

\* Repealed by Act 5 Geo. IV, cap. 113, Vol. 3, Page 152.

† See Vol. 2 Page 73.

of preventing illicit Traffic in Slaves, and signed at *London* on the 28th day of July, 1817\* : And whereas it was, in the 1st Article of the said Convention, declared to be the object of the said Convention, to prevent the respective subjects of His Majesty and His Most Faithful Majesty, from carrying on an illicit Slave Trade; and it was also thereby declared, that every Traffic in Slaves carried on under the following circumstances, should be considered as illicit : 1st, either by *British* ships and under the *British* flag, or for the account of *British* subjects by any vessel or under any flag whatsoever; 2nd, by *Portuguese* vessels in any of the harbours or roads of the coast of *Africa*, which are prohibited by the 1st Article of the Treaty of the 22nd of January, 1815; 3rd, under the *Portuguese* or *British* flag, for the account of the subjects of any other Government; 4th, by *Portuguese* vessels bound for any port not in the dominions of His Most Faithful Majesty :

And whereas it was by the 2nd Article of the said Convention declared and agreed, that the territories in which the Traffic in Slaves continues to be permitted under the Treaty of the 22nd of January, 1815, to the subjects of His Most Faithful Majesty, are the following : 1st, the territories possessed by the Crown of *Portugal* upon the coast of *Africa* to the south of the Equator, that is to say, upon the eastern coast of *Africa*, the territory laying between *Cape Delgado* and the Bay of *Lourenço Marques*, and upon the Western coast, all that which is situated from the 8th to the 18th degree of south latitude; 2nd, those territories on the coast of *Africa* to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely, the territories of *Molembo* and *Cabinda* upon the western coast of *Africa*, from the 5th degree 12 minutes to the 8th degree south latitude :

And whereas by the 3rd Article of the said Convention, His Most Faithful Majesty engaged, within the space of 2 months after the exchange of the Ratifications of the said Convention, to promulgate in his capital and in the other parts of his dominions, as soon as possible, a law which should prescribe the punishment of any of his subjects who may in future participate in an illicit Traffic in Slaves, and at the same time to renew the

\* See Vol. 2, Page 81.

prohibition which already exists, to import slaves into the *Brazils*, under any flag other than that of *Portugal*; and His Most Faithful Majesty also engaged to assimilate, as much as possible, the legislation of *Portugal*, in this respect, to that of *Great Britain* :

And whereas it was, by the IVth Article of the said Convention, declared and agreed, that every *Portuguese* vessel which should be destined for the Slave Trade on any point of the *African* coast where the Traffic in Slaves should still continue to be lawful, must be provided with a royal passport, conformable to the model annexed to the said Convention, and which model formed an integral part of the same, and that every such passport must be written in the *Portuguese* language, with an authentic translation in *English* annexed thereto, and must be signed, for all those vessels sailing from the port of *Rio Janeiro*, by the Minister of Marine, and for all other vessels which may be intended for the said Traffic, and which may sail from any other ports of the *Brazils*, or from any other of the dominions of His Most Faithful Majesty, not in *Europe*, the passports must be signed by the Governor-in-chief of the captaincy to which the port belongs, and as to the passports of those vessels which may proceed from the ports of *Portugal*, they must be signed by the Secretary of the Government for the Marine Department :

And whereas it was declared and agreed, by the Vth Article of the said Convention, that the ships of war of the respective royal navies of His Majesty and His Most Faithful Majesty, which shall be provided with special instructions for that purpose, as hereinafter provided, may visit such merchant-vessels of the 2 nations as may be suspected, upon reasonable grounds, of having slaves on board acquired by an illicit Traffic; and in the event only of their actually finding slaves on board, may detain and bring away such vessels in order that they may be brought to trial before the tribunals established for that purpose, as specified in the said Convention; provided that the commanders of the ships of war of the 2 royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for that purpose; and that as the said Article is entirely reciprocal, the 2 High Contracting Parties engaged in the said Article mutually

to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessels, and that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention; provided that the visit and detention of slave-ships specified in the said Article, shall only be effected by those *British* or *Portuguese* vessels which may form part of the 2 royal navies, and by those only of such vessels which are provided with the Special Instructions annexed to the said Convention :

And whereas it was declared and decreed by the VIth Article of the said Convention, that no *British* or *Portuguese* cruiser shall detain any slave-ship not having slaves actually on board; and in order to render lawful the detention of any ship, whether *British* or *Portuguese*, the slaves found on board such vessel must have been brought there for the express purpose of the Traffic, and those on board *Portuguese* ships must have been taken from that part of the coast of *Africa* where the Slave Trade was prohibited by the Treaty of the 22nd of January, 1815 :

And whereas it was declared and agreed, by the VIIth Article of the said Convention, that all ships of war of the 2 nations which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a copy of the Instructions annexed to the said Convention, and which shall be considered as an integral part thereof, and that such Instructions shall be written in *Portuguese* and *English*, and signed for the vessels of each of the 2 Powers, by the Minister of their respective marine, with a reservation of the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the 2 High Contracting Parties :

And whereas it was, by the VIIIth Article of the said Convention agreed, that in order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic in Slaves, there shall be established, within the space of a year at furthest from the exchange of the Ratifications of the said Convention, 2 Mixed Commissions, formed of an equal number of individuals of the 2 nations, named for the purpose by their respective Sovereigns;



and that those Commissions shall reside, one in a possession belonging to His Majesty, the other within the territories of His Most Faithful Majesty; and that the 2 Governments, at the period of the exchange of the Ratifications of the said Convention, should declare, each for its own dominions, in what places the Commissions shall respectively reside, each of the 2 High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Commission held within its own dominions; provided, however, that one of the 2 Commissions shall always be held upon the coast of *Africa*, and the other in the *Brazils*; and that these Commissions shall judge the causes submitted to them, without appeal, and according to the Regulations and Instructions annexed to the said Convention, of which they shall be considered as an integral part:

And whereas by the IXth Article of the said Convention, His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January, 1815, engaged to grant in the manner hereinafter explained, sufficient indemnification to all the proprietors of *Portuguese* vessels and cargoes captured by *British* cruisers, between the 1st day of June, 1814, and the period at which the 2 Commissions pointed out in the VIIIth Article of the said Convention shall assemble at their respective posts; and His Majesty and His Most Faithful Majesty did agree, that all claims of the nature before mentioned, shall be received and liquidated by a Mixed Commission to be held at London, and which shall consist of an equal number of the individuals of the 2 nations, named by their respective Sovereigns, and upon the same principles stipulated by the VIIIth Article of the said Convention, and by the other Acts which form an integral part of the same; and that the aforesaid Commission shall commence their functions 6 months after the ratification of the said Convention, or sooner if possible:

And whereas it was also by the said Convention agreed, that the proprietors of vessels captured by the *British* cruisers, cannot claim compensation for a larger number of slaves than that which, according to the existing laws of *Portugal*, they were permitted to transport according to the rate of tonnage of the captured vessel; and that every *Portuguese* vessel captured with slaves on board for the Traffic, which shall be proved to have

been embarked within the territories of the coast of *Africa* situated to the north of Cape *Palmas*, and not belonging to the Crown of *Portugal*, as well as all *Portuguese* vessels captured with slaves on board for the Traffic, 6 months after the exchange of the Ratifications of the Treaty of the 22nd of January, 1815, and on which it can be proved that the aforesaid slaves were embarked in the roadsteads of the coast of *Africa* situated to the north of the Equator, shall not be entitled to claim any indemnification :

And whereas by the Xth Article of the said Convention, His Majesty engaged to pay, within the space of a year at furthest from the decision of each case, to the individual having a just claim to the same, the sums which shall be granted to them by the Commissioners described in the preceding Articles of the said Convention :

And whereas by the XIth Article of the said Convention, His Majesty engaged to pay 300,000*l.* of indemnification, stipulated by the Convention of the 21st of January, 1815,\* in favour of the proprietors of *Portuguese* vessels captured by *British* cruizers up to the period of the 1st of June, 1814, in the manner following: *videlicet*, the 1st payment of 150,000*l.*, 6 months after the exchange of the Ratifications of the Convention recited by this Act, and that the remaining 150,000*l.*, as well as the interest at 5 per centum due upon the total sum, from the day of the exchange of the Ratifications of the Convention of the 21st of January, 1815, should be paid 9 months after the exchange of the Ratifications of the Convention recited by this Act; and that the interest due shall be payable up to the day of the last payment; and that all the aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty at the Court of His Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose :

And whereas it was by the XIIth Article of the said Convention declared, that certain Acts or Instruments annexed to the said Convention should form an integral part thereof, and which were as follows: that is to say, 1st, a Form of Passport for the *Portuguese* merchant-ships destined for the lawful Traffic in slaves; 2ndly, Instructions for the ships of war of both nations

\* See Vol. 2, Page 71.

destined to prevent the illicit Traffic in Slaves; 3rdly, Regulations for the Mixed Commissions which are to hold their sittings on the coast of *Africa*, at the *Brazils*, and in *London* :

And whereas the said Instructions before secondly referred to, and made an integral part of the said Convention, did, in the 1st Article thereof, provide that every *British* or *Portuguese* ship of war shall have a right to visit the merchant-ships of either of the 2 Powers actually engaged or suspected to be engaged in the Slave Trade; and should any slaves be found on board, according to the tenor of the VIth Article of the aforesaid Additional Convention, and as to what regards the *Portuguese* vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of *Africa* where the Traffic in Slaves can no longer be legally carried on, in consequence of the Stipulations in force between the 2 High Contracting Powers, in these cases alone the commander of the said ship of war may detain them, and having detained them, he is to bring them as soon as possible for judgment before that of the 2 Mixed Commissions appointed by the VIIth Article of the Convention which shall be nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave-ship shall have been detained; and that ships on board of which no slaves shall be found, intended for the purposes of Traffic, shall not be detained on any account or pretence whatever; and that negro servants or sailors that may be found on board of the said vessels, cannot in any case be deemed a sufficient cause for detention :

And whereas it was by the IInd Article of the said Instructions provided, that no merchantman or slave-ship can on any account or pretence whatever be visited or detained, whilst in the port or roadstead belonging to either of the 2 High Contracting Powers, or within cannon-shot of the batteries on shore; but in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses :

And whereas it was also provided, in the IIIrd Article of the said Instructions, in consequence of the immense extent of

the shores of *Africa* to the north of the Equator, along which this Commerce continues prohibited, and the facility thereby afforded for illicit Traffic, on points where either the total absence, or at least the distance of lawful authorities, bar ready access to those authorities; in order to prevent it, and for the more readily attaining the salutary end, that His Majesty and His Most Faithful Majesty did actually grant to each other the power, without prejudice to the rights of sovereignty, to visit and detain, as if on the high seas, any vessels having slaves on board, even within cannon-shot of the shore of their respective territories on the Continent of *Africa* to the north of the Equator, in case of there being no local authorities to whom recourse might be had, as has been stated in the preceding Article; and that in such case, vessels so visited may be brought before the Mixed Commissioners in the Form prescribed in the 1st Article of the said Instructions:

And it was also by the IVth Article of the Instructions provided, that no *Portuguese* merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found anywhere near the land or on the high seas south of the Equator, unless after a chase that shall have commenced north of the Equator:

And by the Vth Article of the said Instructions, that *Portuguese* vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of *Africa* where the trade is permitted to *Portuguese* subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the 2 nations, though furnished with the present Instructions, provided the same can account for their course, either in conformity with the practice of *Portuguese* navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; or lastly, in the case of their passports proving that they were bound for a *Portuguese* port not within the Continent of *Africa*: Provided always, that with regard to all slave-ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained; on the other hand, with respect to slave ships detained to the south of the Equator, in conformity with

the stipulations of the preceding Article, the proof of the illegality of the voyage is to be exhibited by the captor; it is in like manner stipulated, that the number of slaves found on board a slave-ship by the cruizers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship, but the captain and the proprietors shall be denounced in the *Portuguese* tribunals in the *Brazils*, in order to their being punished according to the laws of the country:

And whereas it was by the VIth Article of the said Instructions provided, that every *Portuguese* vessel intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the said Convention, shall be commanded by a native *Portuguese*, and two-thirds at least of the crew shall likewise be *Portuguese*; Provided always, that its *Portuguese* or *Foreign* construction shall affect its nationality, and that the negro sailors shall always be reckoned as *Portuguese*, provided they belong as slaves to subjects of the Crown of *Portugal*, or that they have been enfranchised in the dominions of His Most Faithful Majesty:

And whereas it was also, by the VIIth Article of the said Instructions, provided, that whenever a ship of war shall meet a merchant-vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and in no case shall the search be made by an officer holding a rank inferior to that of Lieutenant of the navy:

And by the VIIIth Article of the said Instructions, that the ships of war which may detain slave-ships, in pursuance of the principles laid down in the said Instructions, shall leave on board all the cargo of negroes untouched, as well as the captain, and a part at least of the crew of the slave-ship; and that the captain shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it; and that he shall deliver to the captain of the slave-ship, a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention; and that the negroes shall not be disembarked till after the vessels

which contain them shall be arrived at the place where the legality of the capture is to be tried by 1 of the 2 Mixed Commissions, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired; but that if urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, require that they shall be disembarked entirely or in part, before the vessel can arrive at the place of the residence of 1 of the said Commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form:

And it was by the IXth Article of the said Instructions provided, that no conveyance of slaves from 1 port of the *Brazils* to another, or from the Continent or Islands of *Africa* to the possessions of *Portugal* out of *America*, shall take place as objects of commerce, except in ships provided with passports from the *Portuguese* Government *ad hoc*:

And whereas also it was by the said Regulations for the Mixed Commissions, which were to be established according to the stipulations in the said Convention, and which Regulations were declared to be an integral part of the said Convention, provided, in the Ist Article of the said Regulations, that the Mixed Commissions to be established by the said Convention upon the coast of *Africa* and in the *Brazils*, are appointed to decide upon the legality of the detention of such slave-vessels as the cruizers of both nations shall detain, in pursuance of the said Convention, for carrying on an illicit commerce in slaves; and that the above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22nd of January, 1815, and of the said Additional Convention to the said Treaty, signed at London on the 28th day of July, 1817, and recited in this Act, that the Commissions shall give sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside: 1st, upon the legality of the capture; 2ndly, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive; and it

is thereby provided, that in all cases the final sentence shall not be delayed on account of the absence of witnesses, or for want of other proofs, beyond the period of 2 months, except upon the application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding 4 months.

And it was by the II<sup>nd</sup> Article of the said Regulations provided, that each of the above-mentioned Mixed Commissions, which are to reside on the coast of *Africa* and in the *Brazils*, shall be composed in the following manner: the 2 High Contracting Parties shall each of them name a Commissary Judge and a Commissioner of Arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulation of the Additional Convention of this date, may be laid before them; and that all the essential parts of the proceedings carried on before these Mixed Commissions, shall be written down in the language of the country in which the Commission may reside; and the Commissary Judges, and the Commissioners of Arbitration, shall make oath, in presence of the principal Magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions in pursuance of the stipulations of the Treaty of the 22<sup>nd</sup> of January, 1815, and of the Additional Convention to the said Treaty recited in this Act; and that there shall be attached to each Commission a Secretary or Registrar appointed by the Sovereign of the country in which the Commissions may reside, who shall register all its acts, and who, previous to taking charge of his post, shall make oath, in presence of at least 1 of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

And it was also provided in the III<sup>rd</sup> Article of the Regulations, that the form of the process shall be as follows: the Commissary Judges of the 2 nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the captain and 2 or 3 at least

of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the said Additional Convention recited in this Act, and in order that according to this judgment it may be condemned or liberated; and in the event of the 2 Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the said Convention, they shall draw by lot the name of 1 of the 2 Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration :

And it was also provided by the IVth Article of the said Regulations, that as often as the cargo of slaves found on board of a *Portuguese* slave-ship shall have been embarked on any point whatever of the coast of *Africa* where the Slave Trade continues lawful to the subjects of the Crown of *Portugal*, such slave-ship shall not be detained on pretext that the above-mentioned slaves shall have been brought originally by land from any other part whatever of the continent :

And it was also in the Vth Article of the said Regulations provided, that in the authenticated declaration which the captors shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave-ship at the time of the detention :

And it was also provided, in the VIth Article of the said Regulations, that as soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo,



shall be restored to the proprietors, who may before the same Commission claim a valuation of the damages which they may have a right to demand, the captor himself, and in his default his Government, shall remain responsible for the above-mentioned damages; and that the 2 High Contracting Powers did bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject;

And it was also by the VIIth Article of the said Regulations provided, that in case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the 2 Governments; and as to the slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers, with guarantee by each of the 2 Governments respectively, of the liberty of such portion of these individuals as shall be respectively consigned to it:

And it was also provided by the VIIIth Article of the said Regulations, that every claim for compensation of losses occasioned to ships suspected of carrying on an illicit Trade in Slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the Form provided by the IIIrd Article of the said Regulations hereinbefore recited; and in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification: first, for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, in the case of total loss, the claimant or claimants shall be indemnified, 1st, for the ship, her tackle, apparel, and stores; 2ndly, for all freight due and pay-

able; 3rdly, for the value of the cargo of merchandize, if any; 4thly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage, deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale when payable at such port; and, 5thly, for all other regular charges in such cases of total loss: and in all other cases not of total loss, the claimant or claimants shall be indemnified, 1st, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; 2ndly, a demurrage, when due, according to the Schedule annexed; 3rdly, a daily allowance for the subsistence of slaves of 1 shilling, or 180 reis for each person, without distinction of age or sex, for so many days, as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise, 4thly, for any deterioration of cargo or slaves; 5thly, for any diminution in the value of the cargo of slaves proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention, this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; 6thly, an allowance of 5 per centum on the amount of capital employed in the purchase and maintenance of cargo for the period of delay occasioned by the detention; and, 7thly, for all premium of insurance on additional risks: the claimant or claimants shall likewise be entitled to interest at the rate of 5 per centum per annum on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated; and the 2 High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the 2 nations, and without having recourse to the decision of a Commissioner of Arbitration, that

the captor has been led into error by a voluntary and reprehensible fault on the part of the captain of the detained ship, in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article :

Schedule of demurrage or daily allowance for a vessel of 100 tons to 120 inclusive, *5l.* ; 121 tons to 150 inclusive, *6l.* ; 151 tons to 170 inclusive, *8l.* ; 171 tons to 200 inclusive, *10l.* ; 201 tons to 220 inclusive, *11l.* ; 221 tons to 250 inclusive, *12l.* ; 251 tons to 270 inclusive, *14l.* ; 271 tons to 300 inclusive, *15l.* ; and so in proportion :

And it was also provided by the IXth Article of the said Regulations, that when the proprietors of a ship suspected of carrying on an illicit Trade in Slaves, released in consequence of a sentence of 1 of the Mixed Commissions (or in the case as above mentioned of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel was by the *Portuguese* laws authorized to carry, which number shall always be declared in his passport :

And it was also provided by the Xth Article of the said Regulations, that the Mixed Commission established in *London* by the IXth Article of the said Convention hereinbefore recited, shall hear and determine all claims for *Portuguese* ships and cargoes captured by *British* cruizers, on account of the unlawful Trading in Slaves, since the 1st of June, 1814, till the period when the Convention is to be in complete execution, awarding to them, conformably to the IXth Article of the said Convention, a just and complete compensation, upon the basis laid down in the preceding Article, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes ; and it was also provided, that the said Commission established in *London* shall be composed and proceed exactly upon the same basis determined in the Articles I, II, and III of the Regulations hereinbefore recited, for the Commissions established on the coast of *Africa* and the *Brazils* :

And it was also provided by the XIth Article of the said Regulations, that it shall not be permitted to any of the Com-

missary Judges, nor to the Arbitrators, nor to the Secretary of any of the Mixed Commissions, to demand or receive from any one of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the Regulations annexed to the Convention as aforesaid :

And by the XIIth Article of the said Regulations, that when the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for removing, when they think fit, the individuals who may compose these Commissions :

And it was also provided by the XIIIth Article of the said Regulations, that in the case of a vessel detained unjustly under the pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorized by the tenor of the above-mentioned Convention, nor of the Instructions annexed to it, the Government to which the detained vessel may belong, shall be entitled to demand reparation, and in such case the Government to which the captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed :

And it was also agreed in the XIVth Article of the said Regulations, that in the event of the death of 1 or more of the Commissioners, Judges, and Arbitrators composing the above-mentioned Mixed Commissions, their posts shall be supplied *ad interim* in the following manner: on the part of the *British* Government, the vacancies shall be filled successively in the Commission which shall sit within the possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that colony, by the principal Magistrate of the place, and by the Secretary, and in the *Brazils*, by the *British Consul* and *Vice-Consul* resident in the city in which the Mixed Commission may be established; on the part of *Portugal*, the vacancies shall be supplied in the *Brazils*, by such persons as the Captain-General of the province shall name for that pur-

pose; and considering the difficulty which the *Portuguese* Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the *British* possessions, it is agreed, that in case of the death of the *Portuguese* Commissioners, Judges, or Arbitrators, in those possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgment of such slave-ships as may be brought before them, and to the execution of their sentence; in this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident in the *Brazils*; and the Government to which the captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants, it being well understood that the ship and cargo shall remain during this appeal in the place of residence of the first Commission before whom she may have been conducted:

And it was in the said Regulations agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions from death or any other contingency; and in case that the vacancy of each of the *Portuguese* Commissioners residing in the *British* possessions be not supplied at the end of 6 months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal hereinbefore stipulated:

And it was also further provided and declared and agreed, in a Separate Article, that as soon as the total abolition of the Slave Trade for the subjects of the Crown of *Portugal* shall have taken place, the 2 High Contracting Parties, by common consent, will adapt to that state of circumstances the Stipulations of the said Additional Convention of the 28th July hereinbefore recited; but in default of such alterations, that the said Additional Convention shall remain in force until the expiration of 15 years from the day on which the general abolition of the Slave Trade shall so take place on the part of the *Portuguese* Government; and that the said Separate Article shall have the same force and validity as if it were inserted word for word in the said Additional Convention hereinbefore mentioned as aforesaid:

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Treaty: be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any officers commanding any ship of war of His Majesty, duly authorized in that behalf, and provided with instructions according to the provisions of the said Convention, to visit and detain all ships and vessels which shall be suspected, upon reasonable grounds, of having slaves on board acquired by an illicit traffic, according to the Articles of the said Convention, and to detain and bring to adjudication all ships, vessels, and cargoes thereby made subject to detention and condemnation, according to the provisions of the said Convention, and the Instructions and Regulations aforesaid.

II. And be it further enacted, that all ships and vessels, belonging wholly or in part to His Majesty's subjects, which shall be suspected upon reasonable grounds of having slaves on board acquired by an illicit traffic, shall be and are hereby declared and made, according to the said Treaty, Convention, and Regulations aforesaid, subject to the visitation of *British* or *Portuguese* vessels of war, duly authorized for that purpose, according to the provisions before recited; and that all ships and vessels belonging wholly or in part to His Majesty's subjects, which shall be found having slaves on board acquired by an illicit traffic, contrary to the Treaty, Convention, and Regulations so recited as aforesaid, and all boats, apparel, furniture, and slaves belonging to such ships or vessels, and all cargoes therein, shall be and are hereby declared to be and made subject to the visit and detention of *British* or *Portuguese* vessels of war duly authorized for that purpose, according to the Stipulations of the said Convention, and to forfeiture according to the provisions of the said Convention, and the Regulations and Instructions thereunto annexed, and for that purpose shall be and are hereby made subject to the adjudication of, and to condemnation or other judgment by the Commissary Judges and Commissioners to be appointed according to the provisions of

the said Convention, and to the Instructions and Regulations annexed thereto, recited as aforesaid.

III. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his royal sign manual, countersigned by one of His Majesty's Principal Secretaries of State, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the said Convention, and Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such offices, by appointing other persons thereto; and to grant salaries to such Commissary Judges and Commissioners of Arbitration as aforesaid, not exceeding such annual sums as the Lords Commissioners of His Majesty's Treasury of *Great Britain and Ireland* shall from time to time direct: and such Commissary Judges and Commissioners are hereby authorized and empowered to examine and decide all such cases of detention, captures, and seizures of vessels and their cargoes as aforesaid, detained, seized, taken, or captured under the said Treaty or Convention, or Instructions and Regulations, as are by the said Treaty, Convention, Instructions and Regulations, and by this Act, made subject to their jurisdiction, and to proceed therein, and give such judgments, and make such orders therein, and to do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty and Convention, and the Instructions and Regulations annexed thereto and recited as aforesaid, as fully and effectually to all intents and purposes as if special powers and authorities were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his royal sign manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to nominate and appoint a Secretary or Registrar to the Commission which shall be established in His Majesty's dominions, and from time to time to supply, by other appointments, any vacancy which may thereafter occur in such office, and to grant salaries to such Secretary or Registrar, not exceeding such annual sum as the said Lords Commissioners shall from time to time direct; and such Secretary or Registrar

is hereby respectively authorized and empowered to do, perform, and execute all the duties of such office, as set forth and described in the said Convention, Instructions, and Regulations respectively hereinbefore recited as aforesaid, and to do, perform, and execute all such acts, matters, and things as may be necessary for the due discharge of the duties of his office, according to the provisions of the said Convention and Instructions and Regulations as aforesaid.

V. And be it further enacted, that it shall be lawful for the Governor, Lieutenant-Governor, or principal Magistrate of the colony or settlement in which the Commission shall sit, within the possessions of His Britannic Majesty, to fill up every vacancy which shall arise in such Commission, either of Commissary Judge, Commissioner, or any officer thereof, appointed by His Majesty as aforesaid, according to the provisions contained in the before-recited Regulations annexed to the said Convention as aforesaid, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some person or persons appointed by His Majesty for that purpose.

VI. And be it further enacted, that every Commissary Judge and Commissioner of Arbitration appointed by His Majesty, shall, before he shall enter upon the execution of any of the duties of such his office, take an oath, in the presence of the principal Magistrate then residing and acting in the colony, settlement, or place in which the Commission shall be appointed to reside; which oath every such Magistrate in any colony, settlement, or place belonging to His Majesty, in which such Court or Commission shall be appointed, is hereby authorized to administer, in the form following: that is to say,

“I *A. B.* do solemnly swear, that I will, according to the best of my skill and knowledge, act in execution of my office as                   faithfully, impartially, fairly, and without preference or favour, either for claimants or captors, or any other persons; and that I will, to the best of my judgment and power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Convention between His Majesty and His Most Faithful Majesty, signed at London on the 28th day of July, 1817. So help me God.”

And every Secretary or Registrar appointed by His Majesty



under the provisions of this Treaty, and Regulations, and Instructions, and of this Act, shall, before he enters on the duties of his said office, take the like oath before the *British* Commissary Judge as aforesaid, who is hereby empowered to administer the same.

VII. And be it further enacted, that it shall be lawful for the said Commissary Judges, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer oaths to and take the depositions of all parties, witnesses, and other persons who may come or be brought before them to be examined, or for the purpose of deposing, in the course of any proceeding before the said Commissary Judges, or before the said Commissary Judges and the Commissioners of Arbitration, in the cases in which such Commissioner of Arbitration shall act with the said Commissary Judges, under the said Convention, Instructions, or Regulations, or this Act; and it shall also be lawful for the said Commissary Judges, or for the said Commissary Judges and Commissioners of Arbitration, in the cases aforesaid, to summon before them all persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or matter or thing under their cognizance, and to send for and issue precepts for the producing of all such papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and the like means, powers, and authorities as any Court of Vice-Admiralty may do.

VIII. And be it further enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition or affidavit had or taken upon or in any proceeding before the said Commissary Judges or Commissioners aforesaid, under the said Treaty, Instructions, or Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of His Majesty near thereto, in which there is a Court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench

in *England*; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench, the venue may be laid in the county of *Middlesex*.

**IX.** And be it further enacted, that the pendency of any suit or proceeding instituted before the said Commissioners for the condemnation or restitution of any ship or cargo or slaves taken, seized, or detained by virtue of the said Convention, or Instructions or Regulations thereto annexed, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be and be deemed and adjudged in any Court whatever to be a good and complete bar in any action, suit, or proceeding, whether brought or instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or act, matter, or thing done under the authority or in pursuance of the provisions of the said Convention, or of the Instructions or Regulations thereto annexed; anything in any Act or Acts of Parliament, or law or laws, to the contrary notwithstanding.

**X.** Provided always, and be it enacted, that it shall be lawful for the Lords Commissioners of Appeal in prize causes, and for the High Court of Admiralty in all cases and questions arising out of the said captures that may be depending before them, or that may be brought before them on appeal from any Vice-Admiralty Court, according to their respective jurisdictions, to proceed therein, and to hear and determine all questions respecting any right or interest in or to the same, to which His Majesty, or the captors or seizors of such ships, vessels, or cargoes, may claim to be entitled, by reason of the capture or seizure thereof and the laws relating thereto, and to enforce their judgments and orders therein by the usual process of the said Courts; anything in this Act to the contrary notwithstanding.

**XI.** Provided also, and be it further enacted, that in all such cases as aforesaid in which the captors or seizors shall not establish any right or interest on their behalf, by reason of the capture thereof and the laws relating thereto, it shall be lawful

for the said Courts respectively to order and adjudge the ships, vessels, and cargoes, or the proceeds thereof, and all and every part thereof, into or to or which the captors shall not establish any right or interest as aforesaid, to be delivered or paid, for the use of His Majesty, to such person or persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the delivery or the payment thereof by the usual process as is used and established by law in cases of prize; anything in this Act to the contrary notwithstanding.

XII. And be it further enacted, that nothing in this Act contained shall extend or be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the clauses, penalties, forfeitures, and punishments contained and enacted in any Act or Acts of Parliament made for the suppression or prevention of the Slave Trade, but that all such Acts of Parliament and all clauses, regulations, penalties, forfeitures and punishments therein respectively contained, shall remain in full force and virtue; anything in this Act contained to the contrary notwithstanding.

XIII. And be it further enacted, that if any action or suit shall be commenced, either in *Great Britain* or elsewhere, or against any person or persons, for anything done in pursuance of the said Treaty, or Instructions or Regulations thereto annexed, or of this Act, the defendant or defendants in such action or suit may plead the general issue, and give this Act as herein recited, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Convention, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

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