
BRAZIL.

CONVENTION *between His Majesty and the Emperor of Brazil, for the Abolition of the African Slave Trade. Signed at Rio de Janeiro, November 23, 1826.*

Whereas, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, respectively acknowledge the obligation which devolves upon them, to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil:—

And whereas, in furtherance of that important object, His Majesty the King of the United Kingdom of Great Britain and

Ireland, and His Majesty the Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said trade, so far as relates to the dominions and subjects of the Brazilian Empire, shall take place; their said Majesties have accordingly named as their Plenipotentiaries to conclude a Convention for this purpose; that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil:—And His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Minister and Secretary of State for Foreign Affairs, &c.;—and the Most Illustrious and Most Excellent Marquis of Santo Amaro, Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, &c.

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Art. I. At the expiration of 3 years, to be reckoned from the exchange of the ratifications of the present Treaty*, it shall not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such trade after that period by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy.

II. His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said trade, till the time of it's final abolition, they hereby mutually agree to adopt and renew, as effectually as if the same were inserted, word for word, in this Convention, the several Articles and Provisions of the Treaties concluded between His Britannick Majesty and the King of Portugal on this subject, on the

* The Ratifications were exchanged in London, 13th March, 1827.

22nd of January, 1815*, and on the 28th of July, 1817†, and the several Explanatory Articles which have been added thereto‡.

III. The High Contracting Parties further agree, that all the matters and things contained in those Treaties, together with the instructions and regulations, and forms of instruments annexed to the Treaty of the 28th of July, 1817,—shall be applied, *mutatis mutandis*, to the said High Contracting Parties and their subjects, as effectually as if they were recited, word for word, herein; confirming and approving hereby, all matters and things done by their respective subjects under the said Treaties, and in execution thereof.

IV. For the execution of the purposes of this Convention, the High Contracting Parties further agree to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannick Majesty and the King of Portugal, under the Convention of the 28th of July, 1817.

V. The present Convention shall be ratified, and the ratifications shall be exchanged at London within 4 months from the date hereof, or sooner if possible.

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

Done at Rio de Janeiro, the 23rd day of November, in the year of our Lord 1826.

(L.S.) ROBT. GORDON.

(L.S.) MARQUEZ DE INHAMBUPE.

(L.S.) MARQUEZ DE S. AMARO.

Em Nome da Santissima e Indivisivel Trindade.

Havendo Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, e sua Magestade o Imperador do Brazil, reconhecido respectivamente a obrigaçãõ, que, pela separaçãõ do Imperio do Brazil do Reino de Portugal, se lhes devolve de renovar, confirmar, e dar pleno effeito às estipulações dos Tratados, para a regulaçãõ e aboliçãõ do Commercio de Escravatura na costa d'África, que subsistem entre as corõas da Gram Bretanha e Portugal, em quanto estas estipulações são obrigatorias para com o Brazil: e como para se conseguir este taõ importante objecto, Sua Magestade o Rei do Reino Unido da

* See Vol. II. page 73.

† See Vol. II. page 81.

‡ See Vol. II. page 121, and this Vol. "Portugal."

Gram Bretanha e Irlanda, e Sua Magestade o Imperador do Brazil, se achão animados do mais sincero desejo de determinar e definir a epoca, em que a total abolição do dito commercio terá lugar, em quanto respeitar aos dominios e subditos do Imperio do Brazil; suas ditas Magestades tem nomeado para seus Plenipotenciarios para concluir huma Convenção à este fim; a saber:

Sua Magestade Britannica, ao muito honrado Robert Gordon, Seu Enviado Extraordinario, e Ministro Plenipotenciario junto á Corte do Brazil.

E Sua Magestade o Imperador do Brazil, ao Illustrissimo e Excellentissimo Marquez de Inhambupe, Senador do Imperio, do Conselho de Estado, Ministro e Secretario de Estado dos Negocios Estrangeiros, &c.; e ao Illustrissimo e Excellentissimo Marquez de Santo Amaro, Senador do Imperio, do Conselho de Estado, &c.

Os quaes, depois de terem trocado os respectivos plenos poderes, que foraõ achados em bõa e devida forma, concordãrão e concluirãõ os Artigos seguintes:

ART. I. Acabados 3 annos depois da troca das ratificações do presente Tratado, não será licito aos subditos do Imperio do Brazil fazer a Commercio de Escravos na costa d'Africa debaixo de qualquer pretexto ou maneira qualquer que seja. E a continuação deste Commercio feito depois da dita epoca por qualquer pessoa subdita de Sua Magestade Imperial, será considerado e tratado de pirataria.

II. Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, e Sua Magestade o Imperador do Brazil, julgando necessario declararem as obrigações, pelas quaes se achão ligados para regular o dito commercio até o tempo de sua final abolição, concordãõ por isso mutuamente em adoptarem e renovarem taõ efficazmente, como se fossem inseridos palavra por palavra nesta Convenção, todos os Artigos e disposições dos Tratados concluidos entre Sua Magestade Britannica, e El Rei de Portugal, sobre este assumpto em 22 de Janeiro de 1815, e 28 de Julho de 1817, e os varios Artigos explicativos, que lhes tem sido addicionados.

III. As Altas Partes Contractantes concordãõ mais em que todas as materias e cousas nos ditos Tratados contendas;

assim como as instrucções e regulações, e formas de instrumentos annexos ao Tratado de 28 de Julho de 1817, sejaõ applicados *mutatis mutandis* ás ditas Altas Partes Contractantes, e seus subditos taõ efficazmente, como se fossem aqui repetidas palavra por palavra, confirmando e approvando por este acto todo o que foi feito pelos seus respectivos subditos em conformidade dos ditos Tratados, e em observancia delles.

IV. Para a execuçaõ dos fins desta Convençaõ as Altas Partes Contractantes concordãõ mais em nomearem desde já Commissões Mixtas na forma d'aquellas já estabelecidas por parte de Sua Magestade Britannica, e El Rei de Portugal, em virtude da Convençaõ de 28 de Julho de 1817.

V. A presente Convençaõ será ratificado, e as Ratificações seraõ trocadas em Londres dentro do espaço de 4 mezes desde esta data, ou mais cedo, se for possivel.

Em testemunho do que os respectivos Plenipotenciarios assignãrãõ a mesmo, e lhe pozeraõ o sello dos suas armas.

Feita na Cidade do Rio de Janeiro, aos 23 de Novembro, 1826.

(L.S.) MARQUEZ DE INHAMBUPE. (L.S.) ROBERT GORDON.

(L.S.) MARQUEZ DE SANTO AMARO.

ACT of the British Parliament, "to carry into execution a Convention between His Majesty and the Emperor of Brazil, for the regulation and final abolition of the African Slave Trade."

[7 & 8 Geo. 4. Cap. 74.]

[2nd July 1827.]

Whereas a Convention was concluded between His Majesty and His Majesty the Emperor of Brazil, for the regulation and final abolition of the African Slave Trade, so far as relates to the dominions and subjects of the Brazilian Empire, and signed at Rio de Janeiro on the 23rd day of November, in the year of our Lord 1826.

And whereas by the 1st Article of the said Convention it was agreed upon and concluded between the High Contracting Parties, that at the expiration of 3 years, to be reckoned

from the exchange of the ratifications of the present Treaty, it should not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and that the carrying on such trade after that by any person, subject of His Imperial Majesty, should be deemed and treated as piracy.

And whereas by the 2nd Article of the said Convention, His Majesty and His Majesty the Emperor of Brazil, deeming it necessary to declare the engagements by which they hold themselves bound to provide for the regulation of the said trade till the time of its final abolition, did mutually agree to adopt and renew, as effectually as if the same were inserted word for word in the said Convention, the several articles and provisions of the Treaties concluded between His Majesty and the King of Portugal on this subject, on the 22nd of January 1815, and on the 28th of July 1817, and the several explanatory Articles which have been added thereto; and by the 3rd Article of the said Convention, the High Contracting Parties further agreed that all the matters and things contained in those Treaties, together with the instructions and regulations and forms of instruments annexed to the Treaty of the 28th July 1817, should be applied *mutatis mutandis* to the said Contracting Parties and their subjects, as effectually as if they were recited word for word therein, confirming and approving thereby all matters and things done by their respective subjects under the said Treaties, and in execution thereof; and by the 4th Article of the said Convention, for the execution of the purposes of the said Convention, the said High Contracting Parties further agreed to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannic Majesty and the King of Portugal, under the Convention of the 28th of July 1817: And whereas by the 5th Article of the said Convention it is agreed, that the said Convention should be ratified, and the ratifications should be exchanged at London within 4 months from the date thereof, or sooner if possible; and the same has been done accordingly: And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Convention:

And whereas the several Articles and provisions of the Treaties, and the several explanatory Articles which have been added thereto, mentioned in the said 2nd Article, and the instructions and regulations and forms of instruments annexed to the Treaty mentioned in the said 3rd Article, are fully set forth in an Act made and passed in the 5th year of His present Majesty, [Cap. 113.] intituled, "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade*," reciting and confirming an Act made and passed in the 58th year of His late Majesty King George the Third, [Cap. 85.] intituled, "An Act to carry into execution a Convention made between His Majesty and the King of Portugal, for the preventing traffic in Slaves," and an Act made and passed in the 59th year of His late Majesty King George the Third, [Cap. 17.] intituled, "An Act to amend an Act of last Session of Parliament, for carrying into execution a Convention made between His Majesty and the King of Portugal, for the preventing the traffic in Slaves;" 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 the several Treaties, Articles, matters and things aforesaid, as the same are set forth in the said Acts, and the several powers, penalties, provisions, enactments, and clauses in the same Acts relating thereto, shall be applied *mutatis mutandis* to His Majesty and the Emperor of Brazil, and their respective subjects, and that all matters and things done or to be done in pursuance thereof, so far as they are applicable to the said Convention between His Majesty and His Majesty the Emperor of Brazil, shall be deemed lawful and authorised by this Act, in like manner, form, and effect, as if all the said several Treaties, Articles, matters and things, and all the said powers, penalties, provisions, enactments, and clauses were repeated and set forth *mutatis mutandis* in this Act; and that from and after the passing of this Act, it shall not be lawful for any person to commence, prosecute or proceed in any claim, action or suit whatever, in the High Court of Admiralty, or in any other Court, or before any judges or persons whomsoever, other than

* See Great Britain.

the several mixed courts of justice, appointed under and by virtue of the said Convention between His Majesty and His Majesty the Emperor of Brazil, and the instructions and regulations therein mentioned or referred to, and this Act, for the condemnation or restitution, of any ship or cargo or Slaves, or for any compensation or indemnification for any loss or damage, or for any injury sustained by such ship, cargo, or Slaves, or by any person on board any such ship, in consequence of any capture, seizure or detention, under the authority or in pursuance of the provisions of the said last-mentioned Convention, or of the instructions and regulations therein mentioned or referred to, or of this Act; and that the pendency of any claim, suit, or proceeding instituted or which may be instituted before any of the said mixed courts, so to be appointed under the authority of the said last-mentioned Convention, and the instructions and regulations therein mentioned or referred to, and this Act, for the condemnation or restitution of any ship or cargo or Slaves, taken, seized or detained by virtue of the said last-mentioned Convention, or of the instructions and regulations therein mentioned or referred to, or for any compensation or indemnification for any loss or damage in consequence of the taking, seizing or detaining, any such ship, or the final adjudication, condemnation, judgment or determination of any such mixed court, as the case shall require, may be pleaded in bar or given in evidence under the general issue; or in case no such claim, suit or proceeding, shall have been instituted before any such mixed court, then the said last-mentioned Convention, and the instructions and regulations therein mentioned or referred to in this Act, may in like manner be pleaded in bar, or given in evidence under the general issue; and every such plea in bar or evidence so given under the general issue, shall be deemed and adjudged to be a good and complete bar to any such claim, action, suit or proceeding, in the said High Court of Admiralty, or in any Court or place other than such mixed courts; any thing in any Act or Acts, or law or laws to the contrary in anywise notwithstanding.
