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Identifier: 0114f1d9-816b-46f7-9b06-e1d639a25472

Range: Scans 001 - 008

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**EXPLANATORY AND ADDITIONAL ARTICLES**

TO THE

*Treaty concluded at Madrid, September 23, 1817,*

BETWEEN

**HIS MAJESTY**

AND

**THE KING OF THE SPAINS,**

FOR THE

*PREVENTION OF THE TRAFFIC IN SLAVES,*

Signed at Madrid, December 10, 1822.

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*Presented to both Houses of Parliament by His Majesty's Command, 1823.*

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LONDON :

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.



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**EXPLANATORY AND ADDITIONAL ARTICLES**

**FOR THE**

***PREVENTION OF THE TRAFFIC IN SLAVES,***

Signed at Madrid, December 10, 1822.

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**Explanatory Article to the Treaty between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains, concluded and signed at Madrid, September 23, 1817.**

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**WHEREAS** it is stated in Article I. of “ Instructions intended for the “ British and Spanish ships of war employed to prevent the illicit traffic “ in Slaves,” that “ ships on board of which no Slaves shall be found, intended “ for purposes of traffic, shall not be detained on any account or pretence “ whatever.” And whereas it has been found by experience, that vessels employed in the illegal traffic have put their Slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned :—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof, the undersigned, furnished with full powers to that effect, have hereunto signed their names and affixed their seals.

Done at Madrid, the tenth day of December 1822.

(L. S.)      WILLIAM A'COURT.

**Artículo declaratorio del Tratado existente entre Su Magestad El Rey del Reyno Unido de la Gran Bretaña é Irlanda, y Su Magestad El Rey de las Españas, firmado en Madrid, á 23 Setiembre de 1817.**

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**E**STANDO estipulado en el Artículo I. de las Instrucciones para los buques de guerra Españoles é Ingleses, empleados en impedir el ilícito comercio de Esclavos, “ Que los Buques á cuyo bordo no se hallaren Esclavos destinados para el Trafico, no serán detenidos bajo ningun pretexto ó motivo:” y habiendo acreditado la experiencia, que algunos Buques empleados en dicho ilegal Trafico, han desembarcado momentaneamente los Esclavos que tenian á su bordo, inmediatamente antes de ser visitados por los Buques de Guerra, logrando por este medio evadirse de la confiscacion, y continuar impunemente sus ilegítimos procedimientos, contra el verdadero objeto y espíritu del referido Tratado :—

Las Altas Partes Contratantes creen necesario declarar, como por el presente Artículo declarán, Que si constare por una prueba clara é irrefragable, que hubiesen sido embarcados uno ó mas Esclavos en cualquier Buque con objeto de Comercio ilegítimo, durante el viage particular en que fuere apresado, en tal caso, y en virtud de esta causa, segun el verdadero espíritu y sentido de las estipulaciones del Tratado, el mencionado Buque será detenido por los cruceros, y condenado por los Comisionados.

El presente Artículo declaratorio tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se considerará como parte del mismo.

En fé de lo cual, los Infrascriptos, autorizados con plenos poderes al efecto, han firmado y sellado el presente convenio en Madrid, á diez de Diciembre de 1822.

(L. S.)

**EVARISTO SAN MIGUEL.**

**Additional Article to the Treaty between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains, signed at Madrid, September 23, 1817.**

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**T**HE High Contracting Parties hereby agree, that in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators under the above mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article XIV. of the "Regulations" for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above mentioned Treaty, and shall be held to form part of the same.

In witness whereof, the undersigned, duly furnished with full powers to that effect, have signed the present Additional Article, and have affixed thereunto the seal of their Arms.

Done at Madrid, the tenth day of December 1822.

(L. S.)      WILLIAM A'COURT.

**Artículo Adicional al Tratado existente entre Su Magestad El Rey del  
Reyno Unido de la Gran Bretaña é Irlanda, y Su Magestad El Rey de  
las Españas, firmado en Madrid, à 23 Setiembre 1817.**

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**L**AS Altas Partes Contratantes estipulan por el presente Artículo, Que en caso de ausentarse por enfermedad ú otra causa inevitable, uno ó mas Comisionados, Jueces, Arbitros, establecidos con arreglo al referido Tratado, ó sea que proceda esta ausencia de permiso dado por su Gobierno, y notificado en debida forma al Tribunal de Comision formado en virtud del mencionado Tratado, serán substituidas sus plazas del mismo modo en que, con arreglo al XIV. Artículo del Reglamento para las Comisiones Mixtas, se deben suplir las vacantes que ocurran en la Comision por muerte de uno ó mas de dichos Comisionados.

Este Artículo tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se tendrá por parte del mismo.

En fé de lo cual, los Infrascriptos, autorizados con plenos poderes al efecto, han firmado y sellado el presente convenio en Madrid, à diez de Diciembre de 1822.

(L. S.)            **EVARISTO SAN MIGUEL.**



