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ADDITIONAL ARTICLES

TO THE

Convention concluded at London, July 28, 1817,

BETWEEN

HIS MAJESTY

AND

HIS MOST FAITHFUL MAJESTY,

FOR THE

PREVENTION OF THE ILLICIT TRAFFICK IN SLAVES,

Signed at Lisbon, March 15, 1823.

*Presented to both Houses of Parliament by His Majesty's Command,
1824.*

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ADDITIONAL ARTICLES

FOR THE

PREVENTION OF THE ILLICIT TRAFFICK IN SLAVES,

Signed at Lisbon, March 15, 1823.

Additional Articles to the Convention between His Britannick Majesty and His Most Faithful Majesty, signed in London, on the 28th of July 1817.

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, wishing to remove every obstacle to the faithful execution of the Convention signed in London, by Their respective Plenipotentiaries, on the 28th of July 1817, for the purpose of preventing Their Subjects from engaging in any illicit Traffick in Slaves; and seeing the necessity of adding, to that intent, certain Articles to the said Convention, have, for this purpose, named Their Plenipotentiaries, that is to say:—His Majesty The King of the United Kingdom of Great Britain and Ireland, Edward Michael Ward, Esquire, His Chargé d’Affaires at the Court of Lisbon; and His Majesty The King of the United Kingdom of Portugal, Brazil, and Algarves, Joze Bazilio Rademaker, Knight Professed in the Order of Christ, and Chief Clerk of the Department of State for Foreign Affairs:—who, after having exchanged their respective Full Powers, found to be in good and due form, have agreed upon the following Articles.

ARTICLE I.

Whereas it is stated, in the first Article of the Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffick in Slaves, that “Ships on board of which no Slaves shall be found, intended for purposes of Traffick, shall not be detained on any account or pretence whatever”: and whereas it has been found by experience, that Vessels employed in the illegal Traffick 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 Convention of the 28th of July 1817: the Two 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, of either sex, has or have been put on board a Vessel for the purpose of illegal Traffick, in the particular voyage on which the Vessel be captured, then and on that account, according to the true intent and meaning of the stipulations of the above-mentioned Convention, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

Artigos Addicionaes á Convenção entre Sua Magestade Britannica, e Sua Magestade Fidelissima, assignada em Londres, aos 28 de Julho de 1817.

SUA Magestade El Rey do Reyno Unido da Grande Bretanha e Irlanda, e Sua Magestade El Rey do Reyno Unido de Portugal, Brazil, e Algarves, desejando evitar qualquer obstaculo á fiel execução da Convenção assignada em Londres, pelos Seus respectivos Plenipotenciarios, aos 28 de Julho de 1817, para o fim de impedir qualquer commercio illicito de Escravatura por parte de Seus respectivos Subditos; e reconhecendo a necessidade de accrescentar, para esse fim, alguns Artigos á mesma Convenção, Nomeáram, para este effeito, por Seus Plenipotenciarios, á saber:—Sua Magestade El Rey do Reyno Unido da Grande Bretanha e Irlanda, a Eduardo Miguel Ward, Escudeiro, Seu Encarregado de Negocios na Corte de Lisboa; e Sua Magestade El Rey do Reyno Unido de Portugal, Brazil, e Algarves, a Joze Bazilio Rademaker, Cavalleiro Professo na Ordem de Christo, e Official Maior da Secretario de Estado dos Negocios Estrangeiros:—os quaes, depois de haverem trocado os seus Plenos Poderes respectivos, que se acháram em boa e devida forma, conviéram nos Artigos seguintes.

ARTIGO I.

Havendo-se estipulado, no primeiro Artigo das Instrucções destinados para os Navios de Guerra Inglezes e Portuguezes, que tiverem a seu cargo o impedir o commercio illicito de Escravos, que “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”: e tendo mostrado a experiencia, que os Navios empregados no dito Trafico illicito tem momentaneamente desembarcado os Escravos que estáram a seu bordo, immediatamente antes de serem visitados pelos Navios de Guerra, achando assim o meio de evitarem a condemnação, e poderem continuar impunemente sua illegal viagem, em contravenção ao verdadeiro objecto e espirito da Convenção de 28 de Julho de 1817: as Duas Altas Partes Contractantes conhecem a necessidade de declarar, e por este Artigo declaram, que, se houver prova clara e innegavel de ter sido embarcado, a bordo de qualquer Navio, algum Escravo ou Escravos, de um ou outro sexo, destinados ao trafico illicito, na viagem em que o mesmo Navio fôr capturado, nesse caso, e por esse motivo, em conformidade do verdadeiro espirito e intenção das estipulações da Convenção acima mencionada, será aquelle Navio detido pelos Cruzadores, e condemnado a final pelos Commissarios.

ARTICLE II.

Inasmuch as the Convention of the 28th of July 1817 does not stipulate the mode of supplying the absence of the Commissioners, occurring from any other cause besides that of death, which is the only case provided for by the fourteenth Article of the Regulation for the Mixed Commissions, annexed to the said Convention ; the Two High Contracting Parties have agreed, that, in the event of the recal, or of the absence on account of illness, or any other unavoidable cause, of any of the Commissioners Judges or Arbitrators ; or in the case of their absence in consequence of leave from their Government, (which must be notified to the respective Commission,) their Posts shall be supplied in the same form and manner as is determined for the case of death, by the above-mentioned fourteenth Article of the said Regulation.

These Additional Articles shall have the same force and effect as if they were inserted, word for word, in the said Convention, and shall be considered as forming part of the same: they shall be ratified, and the Ratifications thereof exchanged in Lisbon, within three months, at latest, after the date of their signature.

In witness whereof the Undersigned, being furnished with Full Powers to that effect, have signed these Articles, and affixed thereunto the Seals of their Arms.

Done at Lisbon, this fifteenth day of March, in the year of Our Lord one thousand eight hundred and twenty-three.

(L. S.) E. M. WARD.

ARTIGO II.

Não se achando estipulado, na Convenção de 28 de Julho de 1817 o modo de supprir os Commissarios que vierem a faltar por qualquer outra cauza que não seja a de morte, que foi o unico cazo providenciado no Artigo XIV. do Regulamento para as Commissões Mixtas, annexo á mesma Convenção; Conviéram as Duas Altas Partes Contractantes, em que, no cazo de demissão, ou de auzencia por molestia, ou por outro qualquer impedimento inevitavel, de qualquer dos Commissarios Juizes, ou Arbitros; ou no cazo de se auzentarem com licença do seu Governo, (que deverão communicar á Commissão respectiva) os seus logares serão suppridos pela mesma forma e maneira que para o cazo de morte se acha determinado, no citado Artigo XIV. do referido Regulamento.

Estes Artigos Addicionaes terão o mesmo vigor e effeito, como se fossem inseridos, palavra por palavra, na mencionada Convenção, e serão considerados como formando parte della: serão ratificados, e as Ratificações trocadas em Lisboa, no termo de tres mezes, ao mais tardar, depois da data da sua assignatura.

Em fé do que, os abaixo assignados, munidos de Plenos Poderes para este fim, assignáram estes Artigos, e os selláram com os Sellos de Suas Armas.

Feito em Lisboa, aos quinze dias do mez de Março, do anno do nascimento de Nosso Senhor Jesus Christo, de mil outocentos e vinte e tres.

(L. S.) JOZE BAZILIO RADEMAKER.