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EXPLANATORY AND ADDITIONAL ARTICLES

TO THE

Treaty concluded at The Hague, May 4, 1818,

BETWEEN

HIS MAJESTY

AND

THE KING OF THE NETHERLANDS,

FOR THE

PREVENTION OF THE TRAFFIC IN SLAVES,

Signed at Bruxelles, December 31, 1822,

and January 25, 1823.

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

LONDON:

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Articles Explanatory of, and Additional to, the Treaty concluded at the Hague, May 4, 1818, between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, for the prevention of the Traffic in Slaves.

Signed at Bruxelles, December 31, 1822.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following arrangements, additional to and explanatory of the Treaty concluded between their aforesaid Majesties at the Hague, on the 4th of May 1818, for the prevention of the trade in Slaves, have therefore named as Plenipotentiaries *ad hoc* :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg : and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State, holding the department of Foreign Affairs : who, having exchanged their full powers, found in good and due form, have agreed on the following explanatory and additional Articles :

ARTICLE I.

Whereas it is stated in Article I. of "Instructions intended for the British and Dutch 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 unshipped their Slaves immediately prior to their being visited by the 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 cruisers, and finally condemned by the Commissioners.

ARTICLE II.

The 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 IX. 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.

The explanatory and additional Articles above-mentioned shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted word for word in the Treaty of the 4th of May 1818 above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

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

Done at Bruxelles, this thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(L. S.)	CLANCARTY.
(L. S.)	A. W. C. DE NAGELL.

Further Additional Article to the before mentioned Treaty.

Signed at Bruxelles, January 25, 1823.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between Their aforesaid Majesties at the Hague, on the 4th of May 1818, for the prevention of the trade in Slaves, and also in addition to the two Explanatory and Additional Articles, executed by the Plenipotentiaries of Their said Majesties, on the 31st of December 1822, have named, authorized, and directed the same Plenipotentiaries to sign, in their names, an agreement *ad hoc*—

His Majesty the King of the United Kingdom of Great Britain and Ireland, The Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain, and also in Ireland, Member of the Committee of the first for the affairs of Commerce and Colonies, Colonel of the Regiment

of Militia of the county of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg.

And His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State holding the Department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed upon the following additional Article.

ADDITIONAL ARTICLE.

And it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel, subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering or sailing upon the Coast of Africa, within one geographic degree to the westward thereof, and between the twentieth degree of latitude north of the Equinoctial Line, and the twentieth degree of latitude to the southward thereof, or at anchor within any of the rivers, bays, or creeks of the said coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which ship or vessel, in her outfit and equipment, shall fall within one or more of the following designations, namely:

1.—Having her hatches fitted with open gratings, instead of being close hatches as usual in merchant vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for trading vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or handcuffs.

5.—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel.

6.—Having on board an unreasonable number of water casks or other vessels for holding water, unless the master shall produce a certificate from the Custom-House from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a merchant vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

The proof of these, or of any one or more of these several indications, shall be considered as *prima facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

The aforesaid Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted word for word in the Treaty of the 4th of May 1818 above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner if possible.

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

Done at Bruxelles, the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-three.

(L. S.) CLANCARTY.
(L. S.) A. W. C. DE NAGELL.