ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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C A P. XLI.

An Act for carrying into effect a Convention between Her Majesty and the Republic of *Hayti* for the more effectual Suppression of the Slave Trade. [30th *June* 1842.]

Convention between Great Britain and France for Suppression of the Slave Trade.

WHEREAS Two Conventions for the Suppression of the Slave Trade were concluded between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one, and the Twenty-second Day of *March* in the Year of our Lord One thousand eight hundred and thirty-three: And whereas by the Ninth Article of the first of the said Conventions the High Contracting Parties thereto agreed to invite the other Maritime Powers to accede thereunto: And whereas an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into effect Two Conventions with the King of the* French *for suppressing the Slave Trade:* And whereas a Convention was concluded between Her *Britannic* Majesty, His Majesty the King of the *French*, and the Republic of *Hayti*, containing the Accession of the Republic of *Hayti* to the aforesaid Two Conventions between *Great Britain* and *France* for the more effectual Suppression of the Slave Trade: And whereas the said Convention was signed at *Port-au-Prince* on the Twenty-third Day of *December* One thousand eight hundred and thirty-nine, whereby it was agreed as follows:—

3 & 4 W. 4. c 72.

ARTICLE

ARTICLE I.—The President of the Republic of *Hayti* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one, and on the Twenty-second of *March* One thousand eight hundred and thirty-three, between His late Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to the Annex of the latter Convention, containing Instructions to Cruisers, excepting the Reservations and Modifications expressed in the Articles II., III., IV., and V. hereinafter given, which Articles shall be considered additional to the said Conventions, and to the Annex above mentioned, and excepting the Differences which necessarily result from the Situation of the President of the Republic of *Hayti* as a Party acceding to these Conventions after their Conclusion:

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* accepts the Accession of the President of the Republic of *Hayti*:

Therefore all the Articles of the Two Conventions aforesaid, and all the Conditions of the said Annex, shall, excepting the Reservations and Modifications aforesaid, be held to have been concluded and signed in the same Manner as the present Convention directly between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the President of the Republic of *Hayti*:

The High Contracting Parties engage and promise reciprocally to each other to execute faithfully all the Clauses, Conditions, and Obligations of the present Convention, subject always to the Reservations and Modifications therein contained; and in order to prevent any Uncertainty it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing Instructions to Cruisers, shall be inserted here Word for Word [which were accordingly inserted Word for Word therein].

ARTICLE II.—It is agreed, with reference to the Fifth Article of the Instructions annexed to the Supplementary Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three, that all Vessels bearing the *Haytian* Flag, and appearing by their Papers to belong to *Hayti*, which shall be detained, in execution of the Conventions above described, by the Cruisers of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, shall be conducted or sent to *Port-au-Prince*, Capital of the Republic of *Hayti*.

ARTICLE III.—If the Republic of *Hayti* should not deem it expedient to fit out Cruisers for the Suppression of the Slave Trade, it nevertheless engages to furnish the special Authority or Warrant required by the Fifth Article of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one to the Commanders of the *British* Cruisers, as soon as the Names and the Number thereof shall have been notified to the Republic.

ARTICLE IV.—Whereas the Islands of *Cuba* and of *Porto Rico* are only separated from the Island of *Hayti* by a narrow Strait each: And whereas the Republic of *Hayti*, as a free, sovereign, and independent State, possesses the exclusive Right of Police within its own Waters: It is agreed that, by Exception to Numbers 3. and 4. of Article I. of the Convention of the Thirtieth

November One thousand eight hundred and thirty-one, *British* Cruisers shall not search *Haytian* Vessels navigating within that Half of one or the other Strait contiguous to the Coasts of *Hayti*.

ARTICLE V.—It is also agreed—

First,—That Article II. of the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one, Article I. of the Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three, and No. 1. of the Instructions thereunto annexed, shall, as far as the Commanders of *Haytian* Cruisers are concerned, be understood in this Sense, that the said Commanders shall be of the Ranks therein specified, or of corresponding Ranks.

Second,—That, by Exception to Article V. of the Convention of the Twenty-second *March* One thousand eight hundred and thirty-three, that Portion of the net Produce of the Sale of the captured Vessels and of their Cargoes which falls to the Share of the *British* Cruisers shall, conformably to the *Haytian* Laws, be only Fifty *per Centum* of the net Produce of the Sale; and it is further understood, that no Kind of Head Money will be due by the *Haytian* Government on Captives found on board the said Ships, and landed in the Republic.

Third,—That the last Paragraph of Article XI. of the Convention of the Twenty-second *March* One thousand eight hundred and thirty-three; (*videlicet*,) "They reserve to themselves, however, for the Welfare of the Slaves themselves, the Right to employ them as Servants or free Labourers, conformably to their respective Laws," shall be held null and void as regards the *Haytian* Government, inasmuch as the Liberty they will enjoy in *Hayti* will, conformably to the Intention of the Constitution, be full, entire, and without Restraint, and as, according to a Law passed on the Nineteenth of *November* last, the Republic has proclaimed that it will provide for their Welfare.

And whereas by the Sixth and last Article of the said Convention it was agreed that the same should be ratified, and the Ratifications thereof should be exchanged at *Port-au-Prince* within the Space of Six Months, or sooner if possible: And whereas the said Convention was ratified by and between Her Majesty and the Republic of *Hayti* respectively, and such Ratifications were exchanged at *Port-au-Prince* on the Twentieth of *October* in the Year of our Lord One thousand eight hundred and forty: And whereas it is expedient and necessary that the Provisions of the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth should be applied to the said Convention of Accession of the Republic of *Hayti*, signed at *Port-au-Prince*, One thousand eight hundred and thirty-nine, for the carrying into execution the said Convention and Articles for the more effectual Suppression of the Slave Trade: Be it therefore enacted by the Queen'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 all Clauses, Provisions, Powers, and Authorities contained in, and all Penalties and Forfeitures imposed by, the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be applied and put in force for the Purpose of carrying into execution the said Convention, and the

The Provisions of the recited Act extended to the Convention of Accession of the Republic of Hayti.

the several Articles, Stipulations, and Regulations therein respectively contained, (except so far as any of such Powers and Authorities are altered by this Act,) as fully and effectually as if the same were re-enacted in this Act as to such Convention, and as to all Matters therein respectively contained.

Slaves found on board Vessels captured bearing the Haytian Flag to be taken to certain Ports.

II. And be it enacted, That in pursuance of the said Second Article of the Convention all Vessels bearing the *Haytian* Flag, and appearing by their Papers to belong to *Hayti*, which may be detained, in execution of the said Conventions of the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-three respectively, by the Cruisers of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, shall be conducted or sent to *Port-au-Prince*, the Capital of the Republic of *Hayti*.

British Cruisers Share of Captured Vessels.

III. And be it enacted, That the Portion of the net Produce of the Sale of captured Vessels and of their Cargoes which falls to the Share of the *British* Cruiser shall be only Fifty *per Centum* or One Moiety of the Produce of the Sale thereof.

Extending Provisions of 5 G. 4. c. 113. 11 G. 4. & 1 W. 4 c. 55. and 1&2 Vict. c. 47., to Vessels seized under this Act.

IV. And be it enacted, That the several Enactments set forth in an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, and also in an Act of the First Year of the Reign of King *William* the Fourth, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*, and also in an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*, relative to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeiture to the Crown; to the Manner of disposing of the Slaves subsequent to Adjudication; to rewarding the Captors with a Moiety of the Proceeds of the Vessel and Cargo, as well as Bounty on the Vessel and Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty, where Slaves may not have been condemned or delivered over, in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court, shall be applied, *mutatis mutandis*, to Seizures of Vessels under this Act, in like Manner, Form, and Effect as if all the said Matters and Things, and all the said Powers and Penalties, Provisions, Enactments, and Clauses, were repeated and set forth, *mutatis mutandis*, in this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.