

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. LX.

An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade.

[9th *September* 1835.]

WHEREAS a Treaty was, on the Eighth Day of *August* in the Year of our Lord One thousand eight hundred and thirty-four, with an additional Article thereto on the Eighth Day of *December* in the same Year, concluded between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia*, and signed at *Turin*, whereby it was agreed as follows:

ARTICLE I.—His Majesty the King of *Sardinia* 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 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 their Annexes, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to their Annexes, and excepting the Differences which necessarily result from the Situation of His *Sardinian* Majesty as a Party acceding to the Conventions in question after their Conclusion; His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French* having accepted the said Accession, all the Articles of these Two Conventions, and all the Conditions of their Annexes, shall in consequence be held to have been concluded and signed in the same Manner as the present Convention directly between His Majesty the King of the

United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia*:

Their said Majesties engage and promise reciprocally to fulfil faithfully, excepting the Reservations and Modifications hereby stipulated for, all the Clauses, Conditions, and Obligations which result therefrom; and in order to prevent any Uncertainty it has been agreed that the above-mentioned Conventions, as well as their Annexes, shall be inserted here Word for Word, as follows:

Convention between His Majesty and the King of the French for the more effectual Suppression of the Traffic in Slaves, signed at Paris the Thirtieth Day of November One thousand eight hundred and thirty-one.

The Courts of *Great Britain* and of *France*, being desirous of rendering more effectual the Means of Suppression which have hitherto been in force against the criminal Traffic known under the Name of the Slave Trade, they have deemed it expedient to negociate and conclude a Convention for the Attainment of so salutary an Object, and they have to this End named as their Plenipotentiaries; (that is to say,) His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* the Right Honourable Viscount *Granville*, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of *France*; and His Majesty the King of the *French* the Lieutenant General Count *Horace Sebastiani*, Grand Cross of the Order of the Legion of Honour, Member of the Chamber of Deputies of the Departments, and Minister and Secretary of State for the Department of Foreign Affairs; who, after having exchanged their full Powers, found to be in due Form, have signed the following Articles:

Article I.—The mutual Right of Search may be exercised on board the Vessels of each of the Two Nations, but only within the Waters herein-after described; namely,

1°. Along the Western Coast of *Africa*, from *Cape Verd* to the Distance of Ten Degrees to the South of the Equator; that is to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Thirtieth Degree of West Longitude, reckoning from the Meridian of *Paris*.

2°. All round the Isle of *Madagascar* to the Extent of Twenty Leagues from that Island.

3°. To the same Distance from the Coasts of the Island of *Cuba*.

4°. To the same Distance from the Coasts of the Island of *Porto Rico*.

5°. To the same Distance from the Coasts of *Brazil*.

It is however understood that a suspected Vessel descried and begun to be chased by the Cruizers whilst within the said Space of Twenty Leagues may be searched by them beyond those Limits, if, without having ever lost Sight of her, they should only succeed in coming up with her at a greater Distance from the Coast.

Article II.—The Right of searching Merchant Vessels of either of the Two Nations in the Waters herein-before mentioned shall be exercised only by Ships of War whose Com-

manders shall have the Rank of Captain or at least that of Lieutenant in the Navy.

Article III.—The Number of Ships to be invested with this Right shall be fixed each Year by a special Agreement; the Number for each Nation need not be the same, but in no Case shall the Number of the Cruizers of the one Nation be more than Double the Number of the Cruizers of the other.

Article IV.—The Names of the Ships, and of their Commanders shall be communicated by each of the contracting Governments to the other, and Information shall be reciprocally given of all Changes which may take place in the Cruizers.

Article V.—Instructions shall be drawn up and agreed upon in common by the Two Governments for the Cruizers of both Nations, which Cruizers shall afford to each other mutual Assistance in all Circumstances in which it may be useful that they should act in concert. The Ships of War authorized to exercise the reciprocal Right of Search shall be furnished with a special Authority from each of the Two Governments.

Article VI.—Whenever a Cruizer shall have chased and overtaken a Merchant Vessel as liable to Suspicion, the Commanding Officer, before he proceeds to the Search, shall exhibit to the Captain of the Merchant Vessel the special Orders which confer upon him by Exception the Right to visit her; and in case he shall ascertain the Ship's Papers to be regular, and her Proceedings lawful, he shall certify upon the Log Book of the Vessel that the Search took place only in virtue of the said Orders; these Formalities having been completed, the Vessel shall be at liberty to continue her Course.

Article VII.—The Vessels captured for being engaged in the Slave Trade, or as being suspected of being fitted out for that infamous Traffic, shall, together with their Crews, be delivered over, without Delay, to the Jurisdiction of the Nation to which they shall belong; it is furthermore distinctly understood, that they shall only be judged according to the Laws in force in their respective Countries.

Article VIII.—In no Case shall the Right of mutual Search be exercised upon the Ships of War of either Nation.

The Two Governments shall agree upon a particular Signal, with which those Cruizers only shall be furnished which are invested with this Right, and which Signal shall not be made known to any other Ship not employed upon this Service.

Article IX.—The High Contracting Parties to the present Treaty agree to invite the other Maritime Powers to accede to it within as short a Period as possible.

Article X.—The present Convention shall be ratified, and the Ratifications of it shall be exchanged within One Month, or sooner, if it be possible.

In Faith of which the Plenipotentiaries have signed the present Convention, and have affixed thereto the Seal of their Arms.

Done at *Paris* the Thirtieth of *November* One thousand eight hundred and thirty-one.

(Signed) *Granville.* (L. S.)
Horace Sebastiani. (L. S.)

Supplementary Convention between His Majesty and the King of the French for the more effectual Suppression of the Traffic in Slaves, signed at Paris March Twenty-second One thousand eight hundred and thirty-three.

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French* having felt the Necessity of developing some of the Clauses contained in the Convention which was signed between Their Majesties on the Thirtieth of *November* One thousand eight hundred and thirty-one, relating to the Suppression of the Crime of Slave Trade, have named as their Plenipotentiaries for this Purpose; (to wit,)

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* the Right Honourable *Granville* Viscount *Granville*, Peer of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, Member of the Privy Council of His *Britannic* Majesty, and His Ambassador Extraordinary and Plenipotentiary to the Court of *France;* and His Majesty the King of the *French* Monsieur *Charles Leonce Achille Victor* Duc *de Broglie*, Peer of *France*, Knight of the Royal Order of the Legion of Honour, Minister and Secretary of State for the Department of Foreign Affairs; who, after having exchanged their Powers, which have been found in good and due Form, have agreed on the following Articles:

Article I.—Whenever a Merchant Vessel navigating under the Flag of one of the Two Nations shall have been detained by the Cruizers of the other duly authorized to that Effect, conformably to the Provisions of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, such Merchant Vessel, as also her Master, her Crew, her Cargo, and the Slaves who may be on board, shall be carried to such Places as shall have been appointed by the Contracting Parties respectively, in order that Proceedings may be there instituted respecting them agreeably to the Laws of each Country, and they shall be delivered over to the Authorities appointed for that Purpose by the respective Governments.

When the Commander of the Cruizer shall not think proper to take upon himself the carrying in and delivering up the detained Vessel he shall not entrust that Duty to an Officer below the Rank of Lieutenant in the Navy.

Article II.—The Cruizers of the Two Nations authorized to exercise the Right of Visit and Detention in execution of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, shall, in all that relates to the Formalities of the Visit and of the Detention, as well as to the Measures to be taken for delivering up Vessels suspected of being engaged in the Slave Trade to the respective Jurisdictions, conform strictly to the Instructions annexed to the present Convention, and which shall be considered as an integral Part thereof.

The Two High Contracting Parties reserve to themselves the Power of making in these Instructions, by common Consent, any Modifications which Circumstances might render necessary.

Article III.—It is clearly understood that if the Commander of a Cruizer of one of the Two Nations should have Reason to suspect

suspect that a Merchant Vessel navigating under Convoy of or in company with a Vessel of War of the other Nation has engaged in the Slave Trade, or has been fitted out for the said Trade, he is to make known his Suspicions to the Commander of the Convoy or Vessel of War, who shall proceed alone to visit the suspected Vessel; and in case the latter Commander should find that the Suspicion is well founded he shall cause the Vessel to be taken, together with her Master, her Crew, and the Cargo, and the Slaves who may be on board, into a Port of his own Nation, in order that Proceedings may be instituted with regard to them, agreeably to the respective Laws.

Article IV.—As soon as any Merchant Vessel detained and sent before the Tribunals aforesaid shall arrive at one of the Ports respectively pointed out, the Commander of the Cruizer which shall have detained her, or the Officer appointed to bring her in, shall deliver to the Authorities appointed for that Purpose One Copy, signed by him, of all the Lists, Declarations, and other Documents specified in the Instructions annexed to the present Convention, and the said Authorities shall in consequence proceed to a Survey of the detained Vessel and her Cargo, and to an Inspection of her Crew, and of the Slaves who may be on board, after having previously given Notice of the Time of such Survey and Inspection to the Commander of the Cruizer, or to the Officer who shall have brought in the Vessel, in order that he, or some Person in his Behalf, may be present thereat.

A Declaration (Procès verbal) of these Proceedings shall be drawn up in Duplicate, signed by the Persons who shall have acted therein or been present at the same, and one of the said Declarations shall be delivered to the Commander of the Cruizer, or to the Officer who shall have been appointed to bring in the detained Vessel.

Article V.—The Vessels detained as before mentioned, their Masters, Crews, and Cargoes, shall be forthwith proceeded against before the proper Tribunals in the respective Countries according to the established Forms; and if in consequence of such Proceedings the said Vessels shall be found to have been employed in the Slave Trade, or to have been fitted out for the Purposes thereof, the Master, the Crew, and the Accomplices, as well as the Ship and Cargo, shall be dealt with conformably to the respective Laws of the Two Countries.

In case the said Vessels shall be confiscated a Portion of Proceeds arising from their Sale shall be paid into the Hands of the Government to which the Captor belongs, to be distributed among the Officers and Crew of the capturing Ship. This Portion shall be Sixty-five *per Centum* of the Net Produce of the Sale, as long as such a Distribution of the Proceeds is consistent with the respective Laws of the Two Countries.

Article VI.—Any Merchant Vessel of either of the Two Nations visited and detained in pursuance of the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one, and of the Provisions herein-before recited, shall, unless Proof be given to the contrary, be held and taken of Right

to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, if any of the Particulars hereinafter specified shall be found in her Outfit or Equipment, or on board of her; *videlicet*,

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 Planks, either actually fitted in that Shape, or fit for readily laying a Second or movable Deck or Slave Deck.

4°. Having on board Shackles, Bolts, or Handcuffs.

5°. Having on board a Supply of Water 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 at which he cleared outwards stating that a sufficient Security had been given by the Owners of such Vessel that such Casks or other Vessels should only be used for the Reception of Palm Oil, or be employed in any other lawful Trade.

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 evidently larger than requisite for the Use of her Crew as a Merchant Vessel.

9°. Having on board a Quantity of Rice or Farinha, Flour of the Manioc of *Brazil* or 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.

Article VII.—No Compensation shall in any Case be granted either to the Master or to the Owner or to any other Person interested in the Equipment or Lading of a Merchant Vessel in which any of the Particulars specified in the preceding Article shall be found, even if the Tribunals should not pronounce any Condemnation in consequence of her Detention.

Article VIII.—When a Merchant Vessel of either of the Two Nations shall have been visited and detained illegally, or without sufficient Cause of Suspicion, or when the Visit and Detention shall have been attended with any Abuse or vexatious Acts, the Commander of the Cruizer, or the Officer who shall have boarded the said Vessel, or the Officer who shall have been appointed to bring her in, as the Case may be, shall be liable to Costs and Damages to the Master and to the Owners of the Vessel and Cargo.

These Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Master, Crew, and Cargo, shall have been instituted; and the Government of the Country to which the Officer who gave Occasion for such Award shall belong shall pay the Amount of the said Costs and Damages within the Period of One Year from the Date of the Award.

Article IX.—If in the Visit or Detention of a Merchant Vessel, made in virtue of the Provisions of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, or of the present Convention, any Abuse or Vexation shall have been committed, but the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Vexations of which he has to complain, and of the Costs and Damages to which he lays Claim, before the competent Authorities in the first Port of his own Country at which he may arrive, or before the Consular Agent of his Nation if the Vessel proceeds to a Foreign Port where there is such an Agent. This Declaration shall be confirmed by an Examination under Oath of the principal Persons of the Crew or Passengers who have witnessed the Visit or Detention; and One formal Declaration (Procès verbal) of the whole shall be drawn up, and Two Copies thereof delivered to the Master, who shall forward One of them to his own Government in support of his Claim for Costs and Damages. It is understood, that if any compulsory Circumstances should prevent the Master from making his Declaration it may be made by the Owner, or by any other Person interested in the Vessel or in her Cargo.

On the official Transmission of One Copy of the former Declaration (Procès verbal) above mentioned through the Channel of the respective Embassies the Government of the Country to which the Officer charged with Abuses or Vexations shall belong shall forthwith institute an Inquiry into the Matter, and if the Validity of the Complaint be admitted the said Government shall cause to be paid to the Master or Owner, or to any other Person interested in the Vessel which has been molested, or in her Cargo, the Amount of Costs and Damages which may be due to them.

Article X.—The Two Governments engage reciprocally to communicate each to the other, free of Expence, and upon Application being made, Copies of all the Proceedings instituted and Judgments given relative to Vessels visited or detained in execution of the Provisions of the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one and of the present Convention.

Article XI.—The Two Governments agree to ensure the immediate Freedom of all Slaves who shall be found on board Vessels visited and detained in virtue of the Stipulations of the principal Convention herein-before referred to, or of the present Convention, whenever the Offence of trafficking in Slaves shall have been established by the Sentence of the respective Tribunals. 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.

Article XII.—It is hereby agreed between the Two High Contracting Parties, that in all Cases in which a Vessel, under the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one, or under this Supplementary Convention, shall be detained by their respective Cruizers as having been

been engaged in the Slave Trade, or fitted out for the Purposes thereof, and shall be placed at the Disposal of either Government for the Purpose of being sold, in consequence of a Sentence of Confiscation pronounced by a competent Tribunal, the said Vessel shall be broken up, in whole or in part, before the Sale, whenever its peculiar Construction or Outfit shall give Reason to fear that it may be again employed in the Slave Trade or any other illicit Traffic.

Article XIII.—The present Convention shall be ratified, and the Ratifications shall be exchanged at *Paris*, within the Space of One Month, or sooner, if possible.

In witness whereof the above-named Plenipotentiaries have signed in Duplicate the present Convention, and have affixed thereunto the Seals of their Arms.

Done at *Paris* the Twenty-second of *March* One thousand eight hundred and thirty-three.

(Signed) *Granville.* (L.S.)
V. Broglie. (L.S.)

Instructions to Cruizers.

1°. Whenever a Merchant Vessel of either of the Two Nations shall be visited by a Cruizer of the other, the Officer commanding the Cruizer shall exhibit to the Master of such Vessel the special Orders which confer upon him the exceptional Right of Visit, and shall deliver to him a Certificate, signed by him, specifying his Rank in the Navy of his Country, with the Name of the Ship which he commands, and declaring that the only Object of such Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purposes of such Traffic. When the Visit is made by another Officer of the Cruizer than her Commander this Officer shall not be under the Rank of Lieutenant in the Navy, and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruizer, and shall likewise deliver to him a Certificate, signed by him, specifying the Rank which he holds in the Navy, the Name of the Commander under whose Orders he is acting, and of the Cruizer to which he belongs, and the Object of his Visit, as herein-before recited. If it shall be ascertained by the Visit that the Ship's Papers are regular, and her Proceedings lawful, the Officer shall certify upon the Log Book of the Vessel that the Visit took place only in virtue of the special Orders above mentioned, and the Vessel shall be permitted to continue her Course.

2°. If in consequence of the Visit the Officer commanding the Cruizer shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if he shall in consequence determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a List to be made out in Duplicate of all the Papers found on board, and he shall sign this List and the Duplicate, adding to his Name his Rank in the Navy, and the Name of the Vessel under his

Command. He shall in like Manner make out and sign in Duplicate a Declaration stating the Place and Time of the Detention, the Name of the Vessel, that of her Master, and those of the Persons composing her Crew, and also the Number and Condition of the Slaves found on board. This Declaration shall further contain an exact Description of the State of the Vessel and her Cargo.

3°. The Commander of the Cruizer shall without Delay carry or send the detained Vessel, with her Master, Crew, Cargo, and the Slaves found on board, to one of the Ports herein-after specified, in order that Proceedings may be instituted in regard to them conformably to the respective Laws of each Country, and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the respective Governments.

4°. No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo, nor of the Slaves found on board, be removed from her, until after such Vessel shall have been delivered over to the Authorities of her own Nation, excepting only when the Removal of the Whole or of Part of the Crew, or of the Slaves found on board, shall be deemed necessary, either for the Preservation of their Lives, or from any other Consideration of Humanity, or for the Safety of the Persons who shall be charged with the Navigation of the Vessel after her Detention. In this Case the Commander of the Cruizer or the Officer appointed to bring in the detained Vessel shall make a Declaration of such Removal, in which he shall specify the Reasons for the same; and the Masters, Sailors, Passengers, or Slaves so removed shall be carried to the same Port as the Vessel and her Cargo, and they shall be received in the same Manner as the Vessel, agreeably to the Regulations herein-after set forth.

5°. All such *French* Vessels as shall be detained by the Cruizers of His *Britannic* Majesty on the *African* Station shall be carried and delivered up to the *French* Jurisdiction at *Goree*.

All such *French* Vessels as shall be detained by the *British* Squadron on the *West India* Station shall be carried and delivered up to the *French* Jurisdiction at *Martinique*.

All such *French* Vessels as shall be detained by the *British* Squadron on the *Madagascar* Station shall be carried and delivered up to the *French* Jurisdiction at the Isle of *Bourbon*.

All such *French* Vessels as shall be detained by the *British* Squadron on the *Brazilian* Station shall be carried and delivered up to the *French* Jurisdiction at *Cayenne*.

All such *British* Vessels as shall be detained by the Cruizers of His Majesty the King of the *French* on the *African* Station shall be carried and delivered up to the Jurisdiction of His *Britannic* Majesty at *Bathurst* on the River *Gambia*.

All such *British* Vessels as shall be detained by the *French* Squadron on the *West India* Station shall be carried and delivered up to the *British* Jurisdiction at *Port Royal* in *Jamaica*.

All such *British* Vessels as shall be detained by the *French* Squadron on the *Madagascar* Station shall be carried and delivered up to the *British* Jurisdiction at the *Cape of Good Hope*.

All such *British* Vessels as shall be detained by the *French* Squadron on the *Brazilian* Station shall be carried and delivered up to the *British* Jurisdiction at the Colony of *Demerara*.

6°. As soon as a Merchant Vessel which shall have been detained as aforesaid shall arrive at one of the Ports or Places above mentioned, the Commander of the Cruizer, or the Officer appointed to bring in the detained Vessel, shall forthwith deliver to the Authorities duly appointed for that Purpose by the respective Governments the Vessel and her Cargo, together with the Master, Crew, Passengers, and Slaves found on board, as also the Papers which shall have been seized on board the Vessel, and one of the Lists made out in Duplicate of the said Papers, the other remaining in his Possession. Such Officer shall at the same Time deliver to the said Authorities One of the Declarations made out in Duplicate, as herein-before specified, adding thereto a Statement of any Changes which may have taken place from the Time of Detention to that of the Delivery, as well as a Copy of the Declaration of any Removals which may have taken place, as above provided for. In delivering over these several Documents the Officer will make Attestation of their Truth on Oath and in Writing.

7°. If the Commander of a Cruizer of either of the High Contracting Parties who shall be duly furnished with the aforesaid special Instructions shall have Reason to suspect that a Merchant Vessel sailing under Convoy or in company with a Ship of War of the other Party is engaged in the Slave Trade, or has been fitted out for the Purpose of that Traffic, he shall confine himself to the communicating his Suspicions to the Commander of the Convoy or of the Ship of War, and he shall leave it to the latter to proceed alone to a Visit of the suspected Vessel, and to deliver her up, if the Case require it, to the Jurisdiction of her own Country.

8°. The Cruizers of the Two Nations shall conform strictly to the Tenor of these Instructions, which are to be considered as a Development of the Clauses of the principal Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, as well as of the Convention to which they are annexed.

The undersigned Plenipotentiaries have agreed, in conformity with the Second Article of the Convention signed by them on this Day, the Twenty-second Day of *March* One thousand eight hundred and thirty-three, that the preceding Instructions shall be annexed to the said Convention and considered as an integral Part thereof.

Paris, the Twenty-second Day of *March* One thousand eight hundred and thirty-three. (Signed) *Granville.* (L.S.)
V. Broglie. (L.S.)

ARTICLE II.—It is agreed, with reference to Article Three of the Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, herein above transcribed, that His Majesty the King of *Sardinia* shall fix according to his Convenience the Number of *Sardinian* Cruizers which shall be employed on the Service mentioned in the said Article, and the Stations on which they shall cruize.

ARTICLE III.—The Government of His Majesty the King of *Sardinia* shall make known to the Governments of *Great Britain* and of *France*, conformably to Article Four of the Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, the *Sardinian* Ships of War which are to be employed in the Suppression of the Trade, in order that the necessary Warrants for their Commanders may be delivered; the Warrants which are to be delivered by *Sardinia* shall be issued after Notification of the Number of *British* and *French* Cruizers intended to be employed shall have been made to the *Sardinian* Government.

ARTICLE IV.—It is agreed, with reference to the Fifth Article of the Instructions annexed to the Supplementary Convention of *March* the Twenty-second One thousand eight hundred and thirty-three, that all *Sardinian* Vessels or Vessels bearing the *Sardinian* Flag which may be detained, in execution of the Conventions herein above transcribed, by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of the *French*, employed on the Stations of *America*, of *Africa*, and of *Madagascar*, shall be carried in and delivered at the Port of *Genoa*.

ARTICLE V.—The present Treaty shall be ratified, and the Ratifications shall be exchanged at *Turin* in the Space of Three Months or sooner if possible.

Done at *Turin* the Eighth of *August* One thousand eight hundred and thirty-four.

(Signed) *Aug. J. Foster.* (L.S.)
Barante. (L.S.)
De La Tour. (L.S.)

Additional Article.

Whereas by the Fourth Article of the Treaty signed at *Turin* on the Eighth Day of *August* One thousand eight hundred and thirty-four, whereby the King of *Sardinia* accedes to the Two Conventions concluded between Their Majesties the King of the United Kingdom of *Great Britain* and *Ireland* and the King of the *French* on the Thirtieth Day of *November* One thousand eight hundred and thirty-one and on the Twenty-second Day of *March* One thousand eight hundred and thirty-three, it is stipulated, that all Vessels under the Flag of *Sardinia*, which in pursuance of the before-mentioned Treaty and Convention may be detained by the Cruizers either of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of the *French*, stationed on the Coasts of *America*, *Africa*, or *Madagascar*, shall be carried or sent to *Genoa*: And whereas the landing of Negroes from such Ships at *Genoa* may be productive of great Inconvenience, the undersigned Plenipotentiaries of the Three Powers, Parties to the aforesaid Treaty of Accession, being hereunto authorized and instructed by their respective Sovereigns, have agreed to the following additional Article to the before-mentioned Treaty:

ARTICLE.—Negroes who shall be found on board Vessels under the Flag of *Sardinia* which may be so detained, and which, according to the Stipulations of the said Treaty, are to be sent to *Genoa*, shall

shall be landed at some Port nearer than *Genoa* to the Place where such Slave Vessels may be found; (that is to say,)

1°. That if such *Sardinian* Vessel shall be detained by an *English* Cruizer, the Negroes found on board such Vessel shall be landed at that Port or Place to which an *English* Slave Vessel found and detained under similar Circumstances, and at the same Place, by a *French* Cruizer, would under the aforesaid Conventions with *France* be sent or taken.

2°. If such *Sardinian* Vessel shall be detained by a *French* Cruizer, the Negroes found on board such Vessel shall be landed at that Port or Place to which a *French* Slave Vessel, found and detained under similar Circumstances, and at the same Place, by an *English* Cruizer, would under the aforesaid Conventions with *France* be sent or taken.

3°. If such *Sardinian* Vessel shall be detained by a *Sardinian* Cruizer, the Negroes found on board shall be landed at the nearest of those Ports or Places, *English* or *French*, to which under the aforesaid Conventions with *France* the Vessel having such Slaves on board would have been taken or sent if such Vessel had been either *English* or *French*, instead of being *Sardinian*, and if she had been detained by an *English* or by a *French* Cruizer.

The present Additional Article shall have the same Force and Effect as if it had been inserted Word for Word in the before-mentioned Treaty of Accession signed at *Turin* on the Eighth Day of *August* last.

It shall be ratified by each of the High Contracting Parties, and the Ratifications shall be exchanged at *Turin* within the Space of Six Months.

Done at *Turin* this Eighth Day of *December* One thousand eight hundred and thirty-four.

(Signed) *Henry Edward Fox.* (L.S.)
Barante. (L.S.)
De La Tour. (L.S.)

And whereas the said Treaty and the said Additional Article were ratified by and between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia* respectively, and such Ratifications were exchanged, *videlicet*, of the Treaty, on the Eighth Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, and of the said Additional Article, on the Thirty-first Day of *January* One thousand eight hundred and thirty-five: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty and of the said Additional Article: 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 it shall be lawful for any Officer commanding any Ship of War of His Majesty or of the King of *Sardinia* who shall have such Rank as by the Second Article of the said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one is agreed, and who shall be duly instructed

Any Officer commanding a Ship of War of His Majesty, or of the King of

and authorized and furnished according to the several Provisions of the said Two Conventions, and within the Waters described and according to the Provisions and Exceptions contained in the First Article of the said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, to exercise the Right of visiting and searching any Merchant Vessel of either of the said Two Nations of *Great Britain* and *Sardinia* liable to Suspicion and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Two Conventions, except as in the said Third Article of the said Supplementary Convention is excepted; and it shall further be lawful for such Officer under such Circumstances, and upon sufficient Grounds, to exercise the Right of detaining and of sending or of carrying in and delivering over such Vessel, together with its Master, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed by the respective Governments of *Great Britain*, *France*, and *Sardinia*, for the Purposes of the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto by the respective Governments of *Great Britain*, *France*, and *Sardinia*, and to One of the Jurisdictions in the said Instructions mentioned, as the same are altered and modified by the said Treaty, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries of *Great Britain* and *Sardinia*; and all such Commanders of His Majesty's Ships are hereby authorized and required, in the Exercise of such Right of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Two Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto.

Sardinia, may search Merchant Vessels of either Nation suspected of being engaged in Slave Trade.

II. And be it further enacted, That where any such Officer of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* respectively, all and every Proceedings instituted in the Tribunals herein-after mentioned, in regard to such Merchant Vessel, and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of His said Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be so detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court of *Sierra Leone*; and all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty, either

Any Proceedings instituted against Crew, &c. of captured Merchant Vessel to be conducted in the Name of the King of Great Britain and Ireland.

either at *Jamaica*, the *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

If any of the Particulars specified in Sixth Article are found on board a captured Vessel, she shall be deemed to have been engaged in the Slave Trade.

III. And be it further enacted and declared, That if any of the Particulars specified in the Sixth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three shall be found in the Outfit or Equipment of or on board of any such Merchant Vessel, wholly or in part owned as last aforesaid, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

5 G. 4. c. 113.

A Portion of the Proceeds arising from Sale of Slave Vessel captured by a Sardinian Officer to be paid to the King of Sardinia.

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be brought in by any Officer of His Majesty the King of *Sardinia* duly authorized, and shall be confiscated according to the Laws of this Country, and the Provisions of the said Two Conventions (as the same are altered and modified by the said Treaty), and of the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of *Sardinia* according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Fifth Article; and the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the capturing Ship, in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

Bounty of 5*l.* to be paid to Commanders and Crews for every Slave found on board a condemned Vessel of either Nation

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, seized and found on board a *British* or *Sardinian* Ship or Vessel taken, delivered over, and condemned

in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportion as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty to be paid on Production of Certificate of Officers appointed to receive Slaves.

VI. Provided always, and be it further enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury by producing a Copy duly certified of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Where Slaves are seized but not condemned, Lords of the Treasury empowered to grant a Moiety of the Bounty.

VII. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Sardinian* Ship or Vessel, in pursuance of the Provisions of the said Treaty and of this Act, but shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

Persons claiming Benefit of Bounty may resort to High Court of Admiralty for Judgment thereon.

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or any Share of the Proceeds of any *Sardinian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise on any Seizure made in pursuance of this Act, and to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations pertaining to the Distribution of Prize Money.

IX. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be and are extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

Where Damages are sustained by

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit or Detention without sufficient Cause of Suspicion,

the illegal Detention of a Vessel, the Treasury may make Compensation.

Suspicion, or any Abuse or Vexation, shall have taken place, and shall have been made by any Officer of His Majesty the King of *Great Britain* and *Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three, it shall be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon so to do by Order of the said Commissioners of His Majesty's Treasury.

Where Judgment is given against the Seizor, the Treasury to defray Expences by him incurred.

XI. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the aforesaid Treaty, and when Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

Defendant may plead the General Issue, and give this Act in Evidence.

XII. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty, or in pursuance of this Act in as far as it relates to the said Treaty, the Defendant or Defendants in such Action or Suit may plead the General Issue and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and may plead that the same was done in pursuance and by the Authority of the said Treaty or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be non-suited, or shall discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and shall have the like Remedy for the same as Defendants have in other Cases by Law.

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