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A

COMPLETE COLLECTION

OF THE

TREATIES AND CONVENTIONS,

AND

RECIPROCAL REGULATIONS,

AT PRESENT SUBSISTING BETWEEN

GREAT BRITAIN AND FOREIGN POWERS,

AND OF THE

LAWS, DECREES, AND ORDERS IN COUNCIL,

CONCERNING THE SAME;

SO FAR AS THEY RELATE TO

COMMERCE AND NAVIGATION,

TO THE

REPRESSION AND ABOLITION OF THE SLAVE TRADE;

AND TO THE

PRIVILEGES AND INTERESTS OF THE SUBJECTS OF THE HIGH CONTRACTING PARTIES.

COMPILED FROM AUTHENTIC DOCUMENTS,

BY LEWIS HERTSLET, ESQ.

LIBRARIAN, AND KEEPER OF THE PAPERS, FOREIGN OFFICE.

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AUSTRIA.

CONVENTION *of Commerce and Navigation between His Britannic Majesty and the Emperor of Austria. Signed at London, 21st December,* 1829.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, being equally desirous of extending and increasing the commercial intercourse between their respective States, and of affording every facility and encouragement to their subjects engaged in such intercourse; and being of opinion that nothing will more contribute to the attainment of their mutual wishes in this respect, than a reciprocal abrogation of all discriminating and countervailing duties which are now demanded and levied upon the ships or productions of either Nation in the ports of the other, have appointed their Plenipotentiaries to conclude a Convention for that purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie; a Peer of the said United Kingdom, a Member of His Britannic Majesty's most

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honourable Privy Council, Knight of the most ancient and most noble Order of the Thistle, and His said Majesty's Principal Secretary of State for Foreign Affairs: And the Right Honourable William FitzGerald, Vesey FitzGerald, a Member of His said Majesty's most Honourable Privy Council, a Member of Parliament, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, Treasurer of His said Majesty's Navy, and His Lieutenant and Governor of the County of Clare, in Ireland:

And His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Paul Prince Esterhazy-Galantha, Count of Edelstett, &c. &c., Grand Cross of the Orders of St. Stephen of Hungary, of the Guelphs of Hanover, of St. Ferdinand and of Merit of Sicily, and of Christ; Chamberlain and Privy Councillor of His Imperial and Royal Apostolic Majesty, and His Ambassador Extraordinary to His Britannic Majesty: —

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

Art. I. From and after the 1st day of February, 1830, Austrian vessels entering or departing from the ports of the United Kingdom of Great Britain and Ireland, and British vessels entering or departing from the ports of His Imperial and Royal Apostolic Majesty's Dominions, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on National vessels entering or departing from such ports respectively.

II. All articles of the growth, produce, or manufacture of any of the Dominions of either of the High Contracting Parties, which are or shall be permitted to be imported into, or exported from the ports of the United Kingdom and of Austria, respectively, in vessels of the one Country, shall, in like manner, be permitted to be imported into and exported from those ports in vessels of the other.

III. All articles not of the growth, produce, or manufacture of the Dominions of His Britannic Majesty, which can legally be imported from the United Kingdom of Great Britain and Ireland, into the ports of Austria, in British ships, shall be subject only to the same duties as are payable upon the like

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articles, if imported in Austrian ships: and the same reciprocity shall be observed in the ports of the United Kingdom, in respect to all articles not the growth, produce, or manufacture of the Dominions of His Imperial and Royal Apostolic Majesty, which can legally be imported into the Ports of the United Kingdom in Austrian ships.

IV. All goods, wares, and merchandize which can legally be imported into the ports of either country, shall be admitted at the same rate of duty, whether imported in vessels of the other Country, or in National vessels; and all goods, wares, or merchandize which can be legally exported from the ports of either Country, shall be entitled to the same bounties, drawbacks, and allowances, whether exported in vessels of the other Country, or in National vessels.

V. No priority or preference shall be given, directly or indirectly, by the Government of either Country, or by any company, corporation, or agent, acting on its behalf, or under its authority, in the purchase of any article the growth, produce, or manufacture of either Country, imported into the other, on account of, or in reference to the National character of the vessel in which such article may be imported; it being the true intent and meaning of the High Contracting Parties, that no distinction or difference whatever shall be made in this respect.

VI. In respect to the commerce to be carried on in Austrian vessels with the British Dominions in the East Indies, or now held by the East India Company in virtue of their Charter, His Britannic Majesty consents to grant the same facilities and privileges, in all respects, to the subjects of His Imperial and Royal Apostolic Majesty, as are or may be enjoyed, under any Treaty or Act of Parliament, by the subjects or citizens of the most favoured Nation; subject to the laws, rules, regulations, and restrictions which are or may be applicable to the ships and subjects of any other Foreign Country enjoying the like facilities and privileges of trading with the said Dominions.

VII. All the possessions of His Britannic Majesty in Europe, except the British possessions in the Mediterranean sea, shall, for all the purposes of this Convention, be considered

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as forming part of the United Kingdom of Great Britain and Ireland.

VIII. That clause of Article VII of the Convention concluded at Paris on the 5th of November, 1815*, between the Courts of Great Britain, Austria, Prussia, and Russia, which relates to the commerce between the Dominions of His Imperial and Royal Apostolic Majesty, and the United States of the Ionian Islands, is hereby confirmed.

IX. The present Convention shall be in force until the 18th day of March, 1836, and further, until the end of 12 months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the High Contracting Parties reserving to itself the right of giving such notice to the other, on, or at any time after, the said 18th day of March, 1836; and it is hereby agreed between them, that, at the expiration of 12 months after such notice shall have been received by either Party from the other, this Convention, and all the provisions thereof, shall altogether cease and determine.

X. The present Convention shall be ratified, and the ratifications shall be exchanged at London, within one month from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 21st day of December, in the year of our Lord, 1829.

(L. S.) ABERDEEN. (L. S.) ESTERHAZY.
(L. S.) W. F. VESEY FITZGERALD.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, également animés du désir d'étendre et d'accroître les relations commerciales entre leurs Etats respectifs, et de procurer toutes les facilités et tous les encouragemens possibles à ceux de leurs sujets qui ont part à ces relations; et persuadés que rien ne sauroit contribuer davantage à l'accomplissement de leurs souhaits mutuels à cet

* See Vol. 1, Page 51.

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égard, que l'abolition réciproque de toute différence entre les impôts levés aujourd'hui sur les bâtimens ou les productions de l'un des 2 Etats dans les ports de l'autre, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable George Comte d'Aberdeen, Vicomte Gordon, Vicomte Formartine, Lord Haddo, Methlick, Tarvis, et Kellie; Pair du dit Royaume Uni, Conseiller de Sa Majesté Britannique en son Conseil Privé, Chevalier du très Ancien et très Noble Ordre du Chardon, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères:—Et le Très Honorable William FitzGerald, Vesey FitzGerald, Conseiller de Sa dite Majesté en Son Conseil Privé, Membre du Parlement, Président du Comité du Conseil Privé pour les Affaires de Commerce et des Colonies, Trésorier de la Marine de Sa dite Majesté, et Son Lieutenant et Gouverneur de la Comté de Clare, en Irlande:—

Et Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Paul Prince Esterhazy-Galantha, Comte d'Edelstett, &c. &c., Grand' Croix des Ordres de St. Etienne de Hongrie, des Guelphes de Hanovre, de St. Ferdinand et du Mérite de Sicile, et du Christ; Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, son Ambassadeur Extraordinaire près Sa Majesté Britannique:—

Lesquels, après s'être communiqué réciproquement leurs Pleins-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans:

Art. I. A dater du 1er Février 1830, et après cette époque, les bâtimens Autrichiens qui entreront dans les ports du Royaume Uni de la Grande Bretagne et de l'Irlande, ou qui en sortiront, et les navires Anglais qui entreront dans les ports de l'Autriche, ou qui en sortiront, ne seront sujets à aucuns droits ou charges, de quelque nature qu'ils soient, autres ou plus considérables que ceux qui sont actuellement, ou pourront, par la suite, être imposés aux navires indigènes à leur entrée dans ces ports, ou à leur sortie.

II. Toutes les productions du sol et de l'industrie de tous

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les Etats soumis à la domination des Hautes Parties Contractantes, dont l'importation dans les ports Autrichiens et dans les ports du Royaume Uni, où l'exportation de ces mêmes ports est, ou sera permise, dans les navires indigènes, pourront y être importés, ou en être exportés, exactement de la même manière, dans les navires appartenans aux Etats de l'autre.

III. Tous les objets qui ne sont pas des productions du sol et de l'industrie des Etats soumis à la domination de Sa Majesté Britannique, et qui peuvent légalement être importés du Royaume Uni de la Grande Bretagne et de l'Irlande dans les ports de l'Autriche, sur des vaisseaux Anglais, ne seront soumis qu'aux mêmes droits que payeroient ces mêmes objets, s'ils étoient importés sur des vaisseaux Autrichiens. Une exacte réciprocité sera observée dans les ports du Royaume Uni, par rapport aux objets qui ne sont pas des productions du sol et de l'industrie des Etats de Sa Majesté Impériale et Royale Apostolique, et qui peuvent être légalement importés dans les ports du Royaume Uni sur des vaisseaux Autrichiens.

IV. Toutes les marchandises et objets de commerce, dont l'entrée dans les ports de l'un des 2 Etats est permise, seront exactement sujets aux mêmes droits, qu'ils soient importés par les navires de l'autre Etat, ou par les bâtimens Nationaux; et il sera accordé pour toutes les marchandises et objets de commerce, dont la sortie des ports des deux Etats est permise, les mêmes primes, remboursemens de droits, et avantages, que l'exportation s'en fasse par les navires de l'un, ou par ceux de l'autre Etat.

V. Il ne sera donné, ni directement, ni indirectement, ni par l'un des 2 Gouvernemens, ni par aucune compagnie, corporation, ou agent, agissant en son nom, ou sous son autorité, aucune préférence quelconque, pour l'achat d'aucune production du sol ou de l'industrie de l'un des 2 Etats, importée dans le territoire de l'autre, à cause ou en considération de la nationalité du navire qui auroit transporté cette production; l'intention bien positive des 2 Hautes Parties Contractantes étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

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VI. Quant au commerce à faire par les vaisseaux Autrichiens avec les possessions de Sa Majesté Britannique dans les Indes Orientales, ou au pouvoir de la Compagnie des Indes en vertu de leur Charte, Sa Majesté Britannique consent à accorder aux sujets de Sa Majesté Impériale et Royale Apostolique les mêmes facilités et privilèges dont jouissent, ou pourront jouir, en conséquence de tout Traité ou Acte de Parlement quelconque, les sujets ou citoyens de la Nation la plus favorisée; soumis aux loix, règles, règlemens, et restrictions, qui sont ou peuvent devenir applicables aux vaisseaux et aux sujets de tout autre Etat jouissant des mêmes facilités et privilèges pour faire le commerce avec les dites possessions.

VII. Toutes les possessions de Sa Majesté Britannique en Europe, à l'exception des possessions Britanniques dans la Méditerranée, seront, pour tous les objets de la présente Convention, censées former partie du Royaume Uni de la Grande Bretagne et de l'Irlande.

VIII. La clause de l'Article VII de la Convention conclue à Paris le 5 Novembre 1815,* entre les Cours de la Grande Bretagne, de l'Autriche, de la Prusse, et de la Russie, relativement au commerce entre les Etats de Sa Majesté Impériale et Royale Apostolique, et les Etats Unis des Iles Ioniennes, sera maintenue.

IX. La présente Convention restera en vigueur jusqu'au 18 Mars 1836, et au delà de ce terme, jusqu'à l'expiration de 12 mois après que l'une des Hautes Parties Contractantes aura annoncé à l'autre son intention de la terminer; chacune des 2 Hautes Parties Contractantes se réservant le droit d'en faire à l'autre la déclaration à la date susmentionnée du 18 Mars 1836, ou à telle époque que ce soit après ce jour; et il est convenu entre elles, qu'à l'expiration de 12 mois après qu'une telle déclaration d'une des Hautes Parties Contractantes aura été reçue par l'autre, cette Convention, et toutes les stipulations y renfermées, cesseront d'être obligatoires pour les 2 parties.

X. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace d'un mois, ou plutôt si faire se peut.

* See Vol. 1, Page 51.

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En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé les sceaux de leurs armes.

Fait à Londres, le 21 Décembre, l'an de grace 1829.

(L. S.) ABERDEEN. (L. S.) ESTERHAZY.

(L. S.) W. F. VESEY FITZGERALD.

BRITISH ORDER IN COUNCIL, *granting to Austrian Vessels certain privileges of trading with the British Possessions Abroad. 7th April,* 1830.

At the Court at Windsor, the 7th day of April, 1830.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of His present Majesty [Cap. 114], intituled "An Act to regulate the trade of the British Possessions Abroad,"* after reciting, that "by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever, and that it is expedient that such permission should be subject to certain conditions," it is enacted, "that the privileges thereby granted to foreign ships, shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country:"

* See Vol. 3, Page 201.

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And whereas by an Act passed in the 7th and 8th years of His present Majesty's reign [Cap. 56], intituled "An Act to amend the Laws relating to the Customs,"* it is, amongst other things, enacted, that no foreign country shall be deemed to have fulfilled the conditions so prescribed as aforesaid, in and by the said Act so passed in the said 6th year of His Majesty's reign, as to be entitled to the privileges therein mentioned, unless such foreign country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular foreign countries are permitted by Law to exercise and enjoy the said privileges, it is thereby further enacted, that no foreign country shall be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such foreign country hath so fulfilled the said conditions, and is entitled to the said privileges; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act of the 6th year of His Majesty's reign, or to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding:

And whereas His Majesty, by and with the advice of His Privy Council, doth deem it expedient to grant the privileges aforesaid to the ships of the dominions of His Majesty the Emperor of Austria, His Majesty doth therefore, by the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said recited Acts of Parliament, declare and grant, that it shall and may be lawful for Austrian ships to import from the dominions of His Majesty the Emperor of Austria, into any of the British possessions abroad, goods, the produce of such dominions, and to export goods from

* See Vol. 3, Page 217.

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such British possessions abroad, to be carried to any foreign country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Sir George Murray, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

NOTIFICATION *of the Austrian Government, respecting the Privileges granted to British Vessels of trading with the Ports of Austria. Vienna, 19th August,* 1830.

(*Translation.*)

WITH reference to the notification contained in the official part of the Vienna Gazette of the 6th of April last, relative to the Convention of Commerce and Navigation, concluded between Austria and Great Britain, it is hereby conveyed to the knowledge of the public, that the British Government, upon condition that the commerce and navigation of Great Britain, and of her colonies and dependencies, shall be placed in the Austrian States on the footing of the most favoured nation, has given permission, by an Order in Council, dated the 7th of April, 1830, for Austrian ships to import Austrian produce from the countries of His Imperial and Royal Apostolic Majesty, into any British colony or dependency, as well as to export merchandize from the British colonies and dependencies, with the view of importing it into any foreign country whatsoever.

His Imperial and Royal Majesty, in virtue of the communication from the President of the Aulic Chamber, dated the 14th of this month, promulgating His Majesty's resolution of the 23rd ult., has, therefore, been pleased to order, that the commerce and navigation of Great Britain, and of its foreign possessions, shall, in His Majesty's States, be treated in the same manner as those of the most favoured nation, so long as His Majesty's subjects shall continue in the enjoy-

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ment of the benefits secured to them by the Order in Council above mentioned.

Issued by the Imperial and Royal Government of Lower Austria at Vienna, the 19th of August, 1830.

FRANCIS COUNT OF KLEBELSBERG,
President of the Government of Lower Austria.
JOSEPH FELLNER,
Councillor of the Government of Lower Austria.

BRITISH ORDER IN COUNCIL, *regulating the Duties on Austrian Vessels, and their Cargoes, in British Ports, 21st November*, 1831.

At the Court at St. James's, the 21st day of November, 1831.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 4th year of the reign of His Majesty King George the Fourth [cap. 77], intituled "An Act to authorise His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage,"* His Majesty is authorised, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorise the importation into, or exportation from, the United Kingdom, or from any other of His Majesty's Dominions, of any goods, wares, or merchandise, which may be legally imported or exported in foreign vessels, upon payment of such and the like duties only, and with the like drawbacks, bounties, and allowances, as are charged or granted upon similar goods, wares, or merchandise, when imported or exported in British Vessels; provided always, that before any such Order or Orders shall be issued, satisfactory proof shall have been laid before His

* See Vol. 3, Page 145.

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Majesty and His Privy Council, that goods, wares, and merchandise, imported into, or exported from, the foreign country in whose favour such remission of duties or such drawbacks, bounties, or allowances, shall be granted, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported into, or exported from such foreign country in British vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported in vessels of such country.

And whereas by an Act, passed in the 5th year of the reign of His said late Majesty [cap. 1], intituled "An Act to indemnify all persons concerned in advising, issuing, or acting under, a certain Order in Council, for regulating the tonnage duties on certain foreign vessels, and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in any foreign Vessels,"* His Majesty is authorised (in certain cases), by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to permit and authorise the entry into any port or ports of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's Dominions, of any foreign vessels, upon payment of such and the like duties of tonnage only as are or may be charged or granted upon, or in respect of, British vessels.

And whereas satisfactory proof has been laid before His Majesty and His Privy Council, that goods, wares, and merchandise, imported into, or exported from the Dominions of the Emperor of Austria, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances, when imported or exported in British vessels, as are levied or allowed on similar goods, wares, and merchandise, when imported or exported from the said Dominions of the Emperor of Austria, in Austrian vessels, and that British vessels are charged with no other or higher tonnage duties on their entrance into the ports of the Dominions of the Emperor of Austria than are levied on Austrian vessels: His Majesty, by virtue of the powers vested in Him by the Acts above recited, and by and with the

* See Vol. 3, Page 148.

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advice of His Privy Council, is pleased to order, and it is hereby ordered, that from and after the date hereof, Austrian vessels entering or departing from the ports of the United Kingdom of Great Britain and Ireland, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever, than are or shall be levied on British vessels entering or departing from such ports, or on similar articles when imported into or exported from such ports in British Vessels; and also that such articles when exported from the said ports in Austrian vessels shall be entitled to the same bounties, drawbacks, and allowances, that are granted on similar articles when exported in British vessels.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly. C. C. GREVILLE.

BELGIUM.

TREATY *between Great Britain, Austria, France, Prussia and Russia, and Belgium, relative to the separation of Belgium from Holland. Signed at London, 15th November,* 1831.

LES Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, prenant en considération les évènemens qui ont eu lieu dans le Royaume Uni des Pays-Bas depuis le mois de Septembre de l'année 1830, l'obligation où elles se sont trouvées d'empêcher que ces évènemens ne troublâssent la paix générale, et la nécessité qui résultait de ces mêmes évènemens d'apporter des modifications aux transactions de l'année 1815, par lesquelles avait été créé et établi le Royaume Uni des

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Pays-Bas; et Sa Majesté le Roi actuel des Belges s'associant à ces intentions des Cours ci-dessus mentionnées, ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Membre du Parlement, et Son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères :—

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Prince Paul d'Esterhazy, Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, et Son Ambassadeur Extraordinaire près Sa Majesté Britannique, &c. &c. &c.

Et le Sieur Jean Philippe Baron de Wessenberg, Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, &c. &c. &c.

Sa Majesté le Roi des Français, le Sieur Charles Maurice de Talleyrand Perigord, Prince Duc de Talleyrand, Pair de France, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa dite Majesté près Sa Majesté Britannique, &c. &c. &c.

Sa Majesté le Roi de Prusse, le Sieur Henri Guillaume Baron de Bulow, Son Chambellan, Conseiller intime de Légation, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, &c. &c. &c.

Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe, Prince de Lieven, Général d'Infanterie de Ses Armées, Son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, &c. &c. &c.

Et le Sieur Adam, Comte Matuszewic, Conseiller Privé de Sa dite Majesté, &c. &c. &c.

Et Sa Majesté le Roi des Belges, le Sieur Sylvain Van de Weyer, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique:—

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles qui suivent :—

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Art. I. Le territoire Belge se composera des provinces de *Brabant Méridional, Liège, Namur, Hainhault, Flandre Occidentale, Flandre Orientale, Anvers, et Limbourg,* telles qu'elles ont fait partie du Royaume Uni des Pays-Bas constitué en 1815, à l'exception des districts de la province de Limbourg désignés dans l'Article IV.

Le territoire Belge comprendra en outre, la partie du Grand Duché de Luxembourg indiquée dans l'Article II.

II. Dans le Grand Duché de Luxembourg, les limites du territoire Belge seront telles qu'elles vont être décrites ci-dessous :—

A partir de la frontière de France entre *Rodange,* qui restera au Grand Duché de Luxembourg, et *Athus,* qui appartiendra à la Belgique, il sera tiré, d'après la carte ci-jointe, une ligne qui, laissant à la Belgique la route *d'Arlon* à *Longwy,* la Ville *d'Arlon* avec sa Banlieue, et la route *d'Arlon à Bastogne,* passera entre *Mesancy,* qui sera sur le territoire Belge, et *Clémancy,* qui restera au Grand Duché de Luxembourg, pour aboutir à *Steinfort,* lequel endroit restera également au Grand Duché. De *Steinfort,* cette ligne sera prolongée dans la direction *d'Eischen,* de *Hecbus, Guirsch, Oberpalen, Grende, Nothomb, Parette,* et *Perlé,* jusqu'à *Martelange : Hecbus, Guirsch, Grende, Nothombe,* et *Parette,* devant appartenir à la Belgique, et *Eischen, Oberpalen, Perlé,* et *Martelange,* au Grand Duché. De *Martelange* la dite ligne descendra le cours de la *Sure,* dont le *thalweg* sevira de limite entre les 2 Etats, jusque vis-à-vis *Tintange,* d'où elle sera prolongeé aussi directement que possible vers la frontière actuelle de l'arrondissement de *Diekirch,* et passera entre *Surret, Harlange, Tarchamps,* qu'elle laissera au Grand Duché de Luxembourg, et *Honville, Livarchamp,* et *Loutremange,* qui feront partie du territoire Belge : atteignant ensuite, aux environs de *Donclos* et de *Soulez,* qui resteront au Grand Duché, la frontière actuelle de l'arrondissement de *Diekirch,* la ligne en question suivra la dite frontière jusqu'à celle du territoire Prussien. Tous les territoires, villes, places, et lieux situés à l'ouest de cette ligne, appartiendront à la Belgique, et tous les territoires, villes, places, et lieux situés à l'est de cette même ligne, continueront d'appartenir au Grand Duché de Luxembourg.

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Il est entendu qu'en traçant cette ligne, et en se conformant autant que possible à la description qui en a été faite ci-dessus, ainsi qu'aux indications de la carte jointe, pour plus de clarté, au présent Article, les Commissaires-démarcateurs dont il est fait mention dans l'Article VI., auront égard aux localités, ainsi qu'aux convenances qui pourront en résulter mutuellement.

III. Pour les cessions faites dans l'Article précédent, il sera assigné à Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, une indemnité territoriale dans la province de Limbourg.

IV. En exécution de la partie de l'Article I, relative à la province de Limbourg, et par suite des cessions indiquées dans l'Article II, il sera assigné à Sa Majesté le Roi des Pays-Bas, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunis à la Hollande, les territoires dont les limites sont indiqués, ci-dessous:—

1°. *Sur la rive droite de la Meuse:* aux anciennes enclaves Hollandaises sur la dite rive dans la province de Limbourg, seront joints les districts de cette même province sur cette même rive, qui n'appartenaient pas aux Etats Généraux en 1790; de façon que la partie de la province actuelle de Limbourg située sur la rive droite de la Meuse, et comprise entre ce fleuve à l'ouest, la frontière du territoire Prussien à l'est, la frontière actuelle de la province de Liège au midi, et la Gueldre Hollandaise au nord, appartiendra désormais toute entière à Sa Majesté le Roi de Pays-Bas, soit en sa qualité de Grand Duc de Luxembourg, soit pour être réunie à la Hollande.

2°. *Sur la rive gauche de la Meuse:* à partir du point le plus méridional de la province Hollandaise du Brabant Septentrional, il sera tiré, d'après la carte ci-jointe, une ligne qui aboutira à la Meuse au dessous de *Wessem*, entre cet endroit et *Stevenswaardt*, au point où se touchent, sur la rive gauche de la Meuse, les frontières des arrondissemens actuels de *Ruremonde* et de *Maestricht*, de manière que *Bergerot*, *Stamproy*, *Neer Itteren*, *Ittervoord*, et *Thorne*, avec leurs banlieues, ainsi que tous les autres endroits situés au nord de cette ligne, seront partie du territoire Hollandais.

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Les anciennes enclaves Hollandaises dans la province de Limbourg, sur la rive gauche de la Meuse, appartiendront à la Belgique, à l'exception de la ville de *Maestricht*, laquelle, avec un rayon de territoire de 1200 toises, à partir du glacis extérieur de la place sur la dite rive de ce fleuve, continuera d'être possédée en toute souveraineté et propriété par Sa Majesté le Roi des Pays-Bas.

V. Il sera réservé à Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, de s'entendre avec la Confédération Germanique et les agnats de la maison de Nassau, sur l'application des stipulations renfermées dans les Articles III et IV, ainsi que sur tous les arrangemens que les dits Articles pourraient rendre nécessaires, soit avec les agnats ci-dessus nommés de la maison de Nassau, soit avec la Confédération Germanique.

VI. Moyennant les arrangemens territoriaux arrêtés ci-dessus, chacune des 2 parties renonce réciproquement pour jamais à toute prétention sur les territoires, villes, places, et lieux, situés dans les limites des possessions de l'autre partie, telles qu'elles se trouvent décrites dans les Articles I, II, et IV.

Les dites limites seront tracées conformément à ces mêmes Articles, par des Commissaires-démarcateurs Belges et Hollandais, qui se réuniront le plutôt possible en la ville de Maestricht.

VII. La Belgique, dans les limites indiquées aux Articles I, II, et IV, formera un Etat indépendant et perpétuellement neutre. Elle sera tenue d'observer cette même neutralité envers tous les autres Etats.

VIII. L'écoulement des eaux des Flandres sera réglé entre la Hollande et la Belgique d'après les stipulations arrêtées à cet égard dans l'Article VI du Traité Définitif, conclu entre Sa Majesté l'Empereur d'Allemagne et les Etats Généraux, le 8 Novembre, 1785;* et conformément au dit Article, des Commissaires nommés de part et d'autre s'entendront sur l'application des dispositions qu'il consacre.

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* *Traité entre Sa Majesté Impériale et Royale Apostolique et les Etats Généraux des Provinces Unies. Fontainebleau, le 8 Novembre,* 1785.

Art. VI. Leurs Hautes Puissances feront règler, de la manière la plus con-

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IX. Les dispositions des Articles 108—117 inclusivement, de l'Acte Général du Congrés de Vienne,* relatives à la libre navigation des fleuves et rivières navigables, seront appliquées aux fleuves et rivières navigables, qui séparent ou traversent à la fois le territoire Belge et le territoire Hollandais.

En ce qui concerne spécialement la navigation de l'Escaut, il sera convenu que le pilotage et le balisage, ainsi que la conservation des passes de l'Escaut en aval d'Anvers, seront soumis à une surveillance commune; que cette surveillance commune sera exercée par des Commissaires nommés à cet effet de part et d'autre; que des droits de pilotage modérés seront fixés d'un commun accord; et que ces droits seront les mêmes pour le commerce Hollandais et pour le commerce Belge.

Il est également convenu que la navigation des eaux intermédiaires entre l'Escaut et le Rhin, pour arriver d'Anvers au Rhin, et *vice versâ*, restera réciproquement libre, et qu'elle ne sera assujettie qu'à des péages modérés, qui seront provisoirement les mêmes pour le commerce des 2 pays.

Des Commissaires se réuniront de part et d'autre à Anvers dans le délai d'un mois, tant pour arrêter le montant définitif et permanent de ces péages, qu'afin de convenir d'un réglement général pour l'exécution des dispositions du présent Article, et d'y comprendre l'exercice du droit de pêche et de commerce de pêcherie dans toute l'entendue de l'Escaut, sur le pied d'une parfaite réciprocité en faveur des sujets des 2 pays.

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venable, à la satisfaction de l'Empereur, l'écoulement des eaux du pays de Sa Majesté en Flandre, et du côté de la Meuse, afin de prévenir, autant que possible, les inondations. Leurs Hautes Puissances consentent même qu'à cette fin il soit fait usage, sur un pied raisonnable, du terrein nécessaire sous leur domination. Les écluses qui seront construites à cet effet sur le Territoire des Etats Généraux resteront sous leur souveraineté; et il n'en sera construit dans aucun endroit de leur Territoire, qui pourrait nuire à la défense de leurs frontières. Il sera nommé respectivement, dans le terme d'un mois après l'échange des Ratifications, des Commissaires, qui seront chargés de déterminer les emplacemens les plus convenables pour les dites Ecluses. Ils conviendront ensemble de celles qui devront être soumises à une régie commune.

* See Vol. 1, Page 2.

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En attendant, et jusqu'à ce que le dit réglement soit arrêté, la navigation des fleuves et rivières navigables ci-dessus mentionnés restera libre au commerce des 2 pays, qui adopteront provisoirement à cet égard les tarifs de la Convention signée le 31 Mars, 1831, à Mayence,* pour la libre navigation du Rhin, ainsi que les autres dispositions de cette Convention, en autant qu'elles pourront s'appliquer aux fleuves et rivières navigables, qui séparent et traversent à la fois le territoire Hollandais et le territoire Belge.

X. L'usage des canaux qui traversent à la fois les 2 pays, continuera d'être libre et commun à leurs habitans. Il est entendu qu'ils en jouiront réciproquement et aux mêmes conditions, et que de part et d'autre, il ne sera perçu sur la navigation des canaux que des droits modérés.

XI. Les communications commerciales par la ville de Maestricht, et par celle de Sittard, resteront entièrement libres, et ne pourront être entravées sous aucun prétexte.

L'usage des routes, qui, en traversant ces 2 villes, conduisent aux frontières de l'Allemagne, ne sera assujetti qu'au payement des droits des barrières modérés pour l'entretien de ces routes, de telle sorte que le commerce de transit n'y puisse éprouver aucun obstacle, et que moyennant les droits ci-dessus mentionnés, ces routes soient entretenues en bon état et propres à faciliter ce commerce.

XII. Dans le cas où il aurait été construit en Belgique une nouvelle route, ou creusé un nouveau canal, qui aboutirait à la Meuse vis-à-vis le canton Hollandais de Sittard, alors il serait loisible à la Belgique de demander à la Hollande, qui ne s'y refuserait pas dans cette supposition, que la dite route ou le dit canal fussent prolongés d'après le même plan, entièrement aux frais et dépens de la Belgique, par le canton de Sittard jusqu'aux frontières de l'Allemagne. Cette route, ou ce canal, qui ne pourraient servir que de communication commerciale, seraient construits, au choix de la Hollande, soit par des ingénieurs et ouvriers que la Belgique obtiendrait l'autorisation

* Convention entre les Etats Riverains du Rhin:—Bade, Bavière, France, Hesse Ducal, Nassau, Pays Bas, Prusse. (State Papers. Vol. 18.0, 1831, Page 1076.)

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d'employer à cet effet dans le canton de Sittard, soit par des ingénieurs et ouvriers que la Hollande fournirait, et qui exécuteraient, aux frais de la Belgique, les travaux convenus; le tout sans charge aucune pour la Hollande, et sans préjudice de ses droits de souveraineté exclusifs sur le territoire que traverserait la route ou le canal en question.

Les 2 parties fixeraient d'un commun accord le montant et le mode de perception des droits et péages qui seraient prélevés sur cette même route ou canal.

XIII. § 1. A partir du 1er Janvier, 1832, la Belgique, du chef du partage des dettes publiques du Royaume Uni des Pays-Bas, restera chargée d'une somme de 8,400,000 florins des Pays-Bas de rentes annuelles, dont les capitaux seront transférés du débet du grand livre à Amsterdam, ou du débet du trésor général du Royaume Uni des Pays-Bas, sur le débet du grand livre de la Belgique.

§ 2. Les capitaux transférés et les rentes inscrites sur le débet du grand livre de la Belgique par suite du paragraphe précédent, jusqu'à la concurrence de la somme totale de 8,400,000 florins des Pays-Bas de rentes annuelles, seront considérés comme faisant partie de la dette nationale Belge, et la Belgique s'engage à n'admettre, ni pour le présent, ni pour l'avenir, aucune distinction entre cette portion de sa dette publique provenant de sa réunion avec la Hollande, et toute autre dette nationale Belge déjà créée ou à créer.

§ 3. L'acquittement de la somme de rentes annuelles ci-dessus mentionnée de 8,400,000 florins des Pays-Bas, aura lieu régulièrement de semestre en semestre, soit à Bruxelles soit à Anvers, en argent comptant, sans déduction aucune de quelque nature que ce puisse être, ni pour le présent ni pour l'avenir.

§ 4. Moyennant la création de la dite somme de rentes annuelles de 8,400,000 florins, la Belgique se trouvera déchargée envers la Hollande, de toute obligation du chef du partage des dettes publiques du Royaume Uni des Pays-Bas.

§ 5. Des Commissaires nommés de part et d'autre se réuniront dans le délai de 15 jours en la ville d'Utrecht, afin de procéder à la liquidation du fonds du syndicat d'amortisse-

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ment et de la banque de Bruxelles, chargés du service du trésor général du Royaume Uni des Pays-Bas. Il ne pourra résulter de cette liquidation aucune charge nouvelle pour la Belgique, la somme de 8,400,000 florins de rentes annuelles comprenant le total de ses passifs. Mais s'il découlait un actif de la dite liquidation, la Belgique et la Hollande le partageront dans la proportion des impôts acquittés par chacun des 2 pays pendant leur réunion, d'après les budgets consentis par les Etats Généraux du Royaume Uni des Pays-Bas.

§ 6. Dans la liquidation du syndicat d'amortissement, seront comprises les créances sur les domaines, dites *Domein los renten.* Elles ne sont citées dans le présent Article que pour mémoire.

§ 7. Les Commissaires Hollandais et Belges mentionnés au § 5 du présent Article, et qui doivent se réunir en la ville d'Utrecht, procèderont, outre la liquidation dont ils sont chargés, au transfert des capitaux et rentes qui, du chef du partage des dettes publiques du Royaume Uni des Pays-Bas, doivent retomber à la charge de la Belgique, jusqu'à la concurrence de 8,400,000 florins de rentes annuelles.

Ils procèderont aussi à l'extradition des archives, cartes, plans, et documens quelconques appartenant à la Belgique, ou concernant son administration.

XIV. La Hollande ayant fait exclusivement, depuis le 1er Novembre, 1830, toutes les avances nécessaires au service de la totalité des dettes publiques du Royaume des Pas-Bas, et devant les faire encore pour le sémestre échéant au 1er Janvier, 1832, il est convenu que les dites avances, calculées depuis le 1er Novembre, 1830, jusqu'au 1er Janvier, 1832, pour 14 mois, au prorata de la somme de 8,400,000 florins des Pays-Bas de rentes annuelles, dont la Belgique reste chargée, seront remboursées par tiers au trésor Hollandais par le trésor Belge. Le premier tiers de ce remboursement sera acquitté par le trésor Belge au trésor Hollandais le 1er Janvier, 1832, le second le 1er Avril, et le troisième le 1er Juillet, de la même année; sur ces 2 derniers tiers il sera bonifié à la Hollande un intérêt calculé à raison de 5 pour cent par an, jusqu'à parfait acquittement aux susdites échéances.

XV. Le port d'Anvers, conformément aux stipulations de

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l'Article 15 du Traité de Paris de 30 Mai, 1814,* continuera d'être uniquement un port de commerce.

XVI. Les ouvrages d'utilité publique ou particulière, tels que canaux, routes, ou autres de semblable nature, construits en tout ou en partie aux frais du Royaume Uni des Pays-Bas, appartiendront, avec les avantages et les charges qui y sont attachés, au pays où ils sont situés.

Il reste entendu que les capitaux empruntés pour la construction de ces ouvrages, et qui y sont spécialement affectés, seront compris dans les dites charges, pour autant qu'ils ne sont pas encore remboursés, et sans que les remboursemens déjà effectués puissent donner lieu à liquidation.

XVII. Les séquestres qui auraient été mis en Belgique, pendant les troubles, pour cause politique, sur des biens at domaines patrimoniaux quelconques, seront levés sans nul retard, et la jouissance des biens et domaines susdits sera immédiatement rendue aux légitimes propriétaires.

XVIII. Dans les 2 pays dont la séparation a lieu en conséquence des présens Articles, les habitans et propriétaires, s'ils veulent transférer leur domicile d'un pays à l'autre, auront la liberté de disposer pendant 2 ans de leurs propriétés meubles ou immeubles, de quelque nature qu'elles soient, de les vendre, et d'emporter le produit de ces ventes, soit en numéraire, soit en autres valeurs, sans empêchement ou acquittement de droits autres que ceux qui sont aujourd'hui en vigueur dans les 2 pays pour les mutations et transferts.

Il est entendu que renonciation est faite pour le présent et pour l'avenir à la perception de tout droit d'aubaine et de détraction sur les personnes et sur les biens des Hollandais en Belgique, et des Belges en Hollande.

XIX. La qualité de sujet mixte, quant à la propriété sera reconnue et maintenue.

XX. Les dispositions des Articles 11 jusqu'à 21 inclusivement du Traité conclu entre l'Autriche et la Russie le 2 Mai, 1815,† qui fait partie intégrante de l'Acte Général du Congrès

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* See Vol. 1, Page 252.

† *Extrait du Traité entre l'Autriche et la Russie.* *Vienne,* $\frac{21 \text{ Avril,}}{3 \text{ Mai,}}$ 1815.

ART. XI. Tout individu qui possède des propriétés, sous plus d'une domina-

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de Vienne, dispositions relatives aux propriétaires mixtes, à l'élection de domicile qu'ils sont tenus de faire, aux droits

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tion, est tenu, dans le courant d'une année, à dater du jour où le présent Traité sera ratifié, de déclarer, par écrit, par devant le Magistrat de la Ville la plus prochaine, ou bien le Capitaine du Cercle le plus voisin, ou bien l'Autorité Civil la plus rapprochée dans le pays qu'il a choisi, l'élection qu'il aura faite de son domicile fixe. Cette déclaration que le susdit Magistrat, ou autre Autorité, devra transmettre à l'Autorité Supérieure de la Province, le rend, pour sa personne et sa famille, exclusivement sujet du Souverain dans les Etats duquel il a fixé son domicile.

XII. Quant aux mineurs et autres personnes qui se trouvent sous la tutelle ou curatelle, les tuteurs et curateurs seront tenus de faire, au terme prescrit, la déclaration nécessaire.

XIII. Si un individu quelconque, propriétaire-mixte, avoit négligé, au bout du terme prescrit d'une année, de faire la déclaration de son domicile fixe, il sera considéré comme étant Sujet de la Puissance dans les Etats de laquelle il avoit son dernier domicile; son silence dans ce cas devant être envisagé comme une déclaration tacite.

XIV. Tout propriétaire-mixte qui aura une fois déclaré son domicile, n'en conservera pas moins, pendant l'espace de 8 ans, à dater du jour des Ratifications du présent Traité, la faculté de passer sous une autre domination, en faisant une nouvelle déclaration de domicile, et en produisant la concession de la Puissance sous le Gouvernement de laquelle il veut se fixer.

XV. Le propriétaire-mixte qui a fait sa déclaration de domicile, ou qui est censé l'avoir faite conformément aux stipulations de l'Article XIII, n'est pas tenu à se défaire, à quelque époque que ce soit, des possessions qu'il pourroit avoir dans les Etats d'un Souverain dont il n'est pas sujet. Il jouira, à l'égard de ces propriétés, de tous les droits qui sont attachés à la possession. Il pourra en dépenser les revenus dans le Pays où il aura élu son domicile, sans subir aucune détraction, au moment de l'exportation. Il pourra vendre ces mêmes possessions, et en transporter le montant, sans être soumis à aucune retenue quelconque.

XVI. Les prérogatives énoncées dans l'Article précédent de non-détraction, ne s'étendent toutefois qu'aux biens qu'un tel propriétaire possèdera à l'époque de la ratification du présent Traité.

XVII. Ces mêmes prérogatives s'appliquent, cependant, à toute acquisition faite dans l'une des 2 dominations, à titre d'hérédité, de mariage, ou de donation d'un bien qui, à l'époque de la ratification du présent Traité, appartenoit, en dernier lieu, à un propriétaire-mixte.

XVIII. Dans le cas qu'il fût dévolu à un individu qui ne possède, aujourd'hui, que dans l'un des 2 Gouvernemens, une fortune quelconque, à titre d'héritage, de legs, de donation, de mariage, dans l'autre Gouvernement, il sera assimilé au propriétaire-mixte, et sera tenu de faire, dans le terme prescrit, la déclaration de son domicile fixe. Ce terme d'un an datera du jour où il aura apporté la preuve légale de son acquisition.

XIX. Il sera libre au propriétaire-mixte, ou à son fondé de pouvoirs, de se rendre, en tout tems, de l'une de ses possessions dans l'autre, et pour cet effet il est de la volonté des 2 Cours, que le Gouverneur de la province la plus voisine

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qu'ils exerceront comme sujets de l'un ou de l'autre Etat, et aux rapports de voisinage dans les propriétés coupées par les frontières, seront appliquées aux propriétaires ainsi qu'aux propriétés qui, en Hollande, dans le Grand Duché de Luxembourg, ou en Belgique, se trouveront dans les cas prévus par les susdites dispositions des Actes du Congrès de Vienne. Les droits d'aubaine et de détraction étant abolis dès à présent entre la Hollande, le Grand Duché de Luxembourg, et la Belgique, il est entendu que, parmi les dispositions ci-dessus mentionnées, celles qui se rapporteraient aux droits d'aubaine et de détraction seront censées nulles et sans effet dans les 3 pays.

XXI. Personne dans les pays qui changent de domination, ne pourra être recherché ni inquiété en aucune manière, pour cause quelconque de participation directe ou indirecte aux évènemens politiques.

XXII. Les pensions et traitemens d'attente, de non-activité, et de réforme, seront acquittés à l'avenir de part et d'autre, à tous les titulaires, tant civils que militaires, qui y

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délivre les passeports nécessaires, à la requisition des parties. Ces passeports seront suffisans pour passer d'un Gouvernement dans l'autre, et seront réciproquement reconnus.

XX. Les propriétaires, dont les possessions sont coupées par la frontière, seront traités, relativement à ces possessions, d'après les principes les plus libéraux. Ces propriétaires-mixtes, leurs domestiques, et les habitans, auront le droit de passer et repasser avec leurs Instrumens aratoires, leurs bestiaux, leurs outils, &c. d'une partie de la possession, ainsi coupée par la frontière, dans l'autre, sans égard à la différence de souveraineté; de transporter, de même, d'un endroit à l'autre, leurs moissons, toutes les productions du sol, leurs bestiaux, et tous les produits de leur fabrication, sans avoir besoin de passeport, sans empêchement, sans redevance, et sans payer de droit quelconque.

Cette faveur est restreinte toutefois aux productions naturelles ou industrielles dans le territoire ainsi coupé par la ligne de démarcation. De même, elle ne s'étend qu'aux terres appartenantes au même propriétaire dans l'espace déterminé d'un mille (de 15 au dégré), de part et d'autre, et qui auroient été coupées par la ligne de frontière.

XXI. Les sujets de l'une et de l'autre des 2 Puissances, nommément les conducteurs de troupeaux et pâtres, continueront à jouir des droits, immunités, et privilèges, dont ils jouissoient par le passé. Il ne sera également mis aucun obstacle à la pratique journalière de la frontière entre les limitrophes. (en Allemand, *Graänzverkehr.*)

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ont droit conformément aux loix en vigueur avant le 1er Novembre, 1830.

Il est convenu que les pensions et traitemens susdits des titulaires nés sur les territoires qui constituent aujourd'hui la Belgique, resteront à la charge du trésor Belge, et les pensions et traitemens des titulaires nés sur les territoires qui constituent aujourd'hui la Hollande, à celle du trésor Hollandais.

XXIII. Toutes les réclamations des sujets Belges sur des établissemens particuliers, tels que fonds de veuves, et fonds connus sous la dénomination de fonds des *leges*, et de la caisse des retraites civiles et militaires, seront examinées par la Commission mixte de liquidation, dont il est question dans l'Article XIII, et résolues d'après la teneur des réglemens qui régissent ces fonds ou caisses.

Les cautionnemens fournis, ainsi que les versemens faits par les comptables Belges, les dépôts judiciaires, et les consignations, seront également restitués aux titulaires sur la présentation de leurs titres.

Si du chef des liquidations *dites Françaises*, des sujets Belges avaient encore à faire valoir des droits d'inscription, ces réclamations seront également examinées et liquidées par la dite Commission.

XXIV. Aussitôt après l'échange des ratifications du Traité à intervenir entre les 2 parties, les ordres nécessaires seront envoyés aux commandans des troupes respectives, pour l'évacuation des territoires, villes, places, et lieux qui changent de domination. Les autorités civiles y recevront aussi, en même tems, les ordres nécessaires pour la remise de ces territoires, villes, places, et lieux, aux Commissaires qui seront désignés, à cet effet, de part et d'autre.

Cette évacuation et cette remise s'effectueront de manière à pouvoir être terminées dans l'espace de 15 jours, ou plutôt si faire se peut.

XXV. Les Cours de la Grande Bretagne, d'Autriche, de France, de Prusse, et de Russie, garantissent à Sa Majesté le Roi des Belges l'exécution de tous les Articles qui précèdent.

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XXVI. A la suite des stipulations du présent Traité, il y aura paix et amitié entre leurs Majestés le Roi du Royaume Uni de la Grand Bretagne et d'Irlande, l'Empereur d'Autriche, le Roi des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Belges, de l'autre part, leurs Héritiers et Successeurs, leurs états et sujets respectifs, à perpétuité.

XXVII. Le présent Traité sera ratifié, et les Ratifications en seront échangées à Londres dans le terme de 2 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 15 de Novembre, l'an de grace, 1831.

(L.S.) PALMERSTON. (L.S.) SYLVAIN VAN DE WEYER.
(L.S.) ESTERHAZY.
(L.S.) WESSENBERG.
(L.S.) TALLEYRAND.
(L.S.) BULOW.
(L.S.) LIEVEN.
(L.S.) MATUSZEWIC.

(*Translation.*)

The Courts of Great Britain, Austria, France, Prussia, and Russia, taking into consideration the events which have occurred in the United Kingdom of the Netherlands since the month of September of the year 1830, the obligation which they are under to prevent these events from disturbing the general peace, and the necessity which arises from these events of making certain modifications in the Transactions of the year 1815, by which the United Kingdom of the Netherlands was created and established; and His Majesty the present King of the Belgians participating in these intentions of the above-mentioned Courts, they have named for their Plenipotentiaries, viz.:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John

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Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and His Principal Secretary of State for Foreign Affairs:—

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Prince Paul Esterhazy, Chamberlain, and Privy Councillor of His Imperial and Royal Apostolic Majesty, and His Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty, &c. &c. &c.—And the Sieur John Philip Baron de Wessenberg, Chamberlain, Privy Councillor of His Imperial and Royal Apostolic Majesty, &c. &c. &c.:—

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, Peer of France, His said Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c. &c. &c.:—

His Majesty the King of Prussia, the Sieur Henry William Baron de Bülow, His Chamberlain, Privy Councillor of Legation, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c. &c. &c.:—

His Majesty the Emperor of all the Russias, the Sieur Christopher Prince of Lieven, General of Infantry in His Armies, His Aide-de-Camp General, Ambassador Extraordinary and Minister Plenipotentiary to His Britannic Majesty, &c. &c. &c.—And the Sieur Adam, Count Matuszewic, Privy Councillor of His said Majesty, &c. &c. &c.:—

And His Majesty the King of the Belgians, the Sieur Sylvain Van de Weyer, His Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty:—

Who, after having exchanged their Full-powers, found in good and due form, have agreed upon and signed the following Articles:—

Art. I. The Belgian territory shall be composed of the provinces of *South Brabant, Liege, Namur, Hainault, West Flanders, East Flanders, Antwerp, and Limbourg;* such as they formed part of the United Kingdom of the Netherlands constituted in 1815, with the exception of those districts of

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the province of Limbourg which are designated in Article IV.

The Belgian territory shall moreover, comprise that part of the Grand Duchy of Luxembourg which is specified in Article II.

II. In the Grand Duchy of Luxembourg, the limits of the Belgian territory shall be such as will be hereinafter described, viz.:

Commencing from the frontier of France between *Rodange*, which shall remain to the Grand Duchy of Luxembourg, and *Athus*, which shall belong to Belgium, there shall be drawn, according to the annexed map, a line which, leaving to Belgium the road from *Arlon* to *Longwy*, the town of *Arlon* with its district and the road from *Arlon* to *Bastogne*, shall pass between *Mesancy*, which shall be on the Belgian territory, and *Clémancy*, which shall remain to the Grand Duchy of Luxembourg, terminating at *Steinfort*, which place shall also remain to the Grand Duchy. From *Steinfort* this line shall be continued in the direction of *Eischen*, *Hecbus*, *Guirsch*, *Oberpalen*, *Grende*, *Nothomb*, *Parette*, and *Perlé*, as far as *Martelange*; *Hecbus*, *Guirsch*, *Grende*, *Nothomb*, and *Parette*, being to belong to Belgium, and *Eischen*, *Oberpalen*, *Perlé*, and *Martelange*, to the Grand Duchy. From *Martelange* the said line shall follow the course of the *Sure*, the water way (*thalweg*) of which river shall serve as the limit between the two States, as far as opposite to *Tintange*, from whence it shall be continued, as directly as possible, towards the present frontier of the *Arrondissement* of *Diekirch*, and shall pass between *Surret*, *Harlange* and *Tarchamps*, which places shall be left to the Grand Duchy of Luxembourg, and *Honville*, *Livarchamp* and *Loutremange*, which places shall form part of the Belgian territory. Then having in the vicinity of *Donclos* and *Soulez*, which shall remain to the Grand Duchy, reached the present boundary of the *Arrondissement* of *Dickirch*, the line in question shall follow the said boundary to the frontier of the Prussian territory. All the territories, towns, fortresses, and places situated to the west of this line, shall belong to Belgium; and all the terri-

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tories, towns, fortresses, and places situated to the east of the said line, shall continue to belong to the Grand Duchy of Luxembourg.

It is understood, that in marking out this line, and in conforming as closely as possible to the description of it given above, as well as to the delineation of it on the map, which, for the sake of greater clearness, is annexed to the present Article, the Commissioners of demarcation, mentioned in Article VI, shall pay due attention to the localities, as well as to the mutual necessity for accommodation which may result therefrom.

III. In return for the cessions made in the preceding Article, there shall be assigned to His Majesty the King of the Netherlands, Grand Duke of Luxembourg, a territorial indemnity in the province of Limbourg.

IV. In execution of that part of Article I, which relates to the province of Limbourg, and in consequence of the cessions specified in Article II, there shall be assigned to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxembourg, or for the purpose of being united to Holland, those territories, the limits of which are hereinafter described:

1°. *On the right bank of the Meuse:* to the old Dutch *enclaves* upon the said bank in the province of Limbourg, shall be united those districts of the said province upon the same bank, which did not belong to the States General in 1790; in such wise that the whole of that part of the present province of Limbourg, situated upon the right bank of the Meuse, and comprised between that river on the west, the frontier of the Prussian territory on the east, the present frontier of the province of Liege on the south, and Dutch Guelderland on the north, shall henceforth belong to His Majesty the King of the Netherlands, either to be held by him in his character of Grand Duke of Luxembourg, or in order to be united to Holland.

2°. *On the left bank of the Meuse:* commencing from the southernmost point of the Dutch province of North Brabant, there shall be drawn, according to the annexed map, a line which shall terminate on the Meuse below *Wessem*, between

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that place and *Stevenswaardt*, at the point where the frontiers of the present *Arrondissement* of *Ruremond* and *Maestricht* meet on the left bank of the Meuse; in such manner that *Bergerot*, *Stamproy*, *Neer Itteren*, *Ittervoord*, and *Thorne*, with their districts, as well as all the other places situated to the north of this line, shall form part of the Dutch territory.

The old Dutch *enclaves* in the province of Limbourg, upon the left bank of the Meuse, shall belong to Belgium, with the exception of the town of Maestricht, which, together with a radius of territory, extending 1200 *toises* from the outer glacis of the fortress on the said bank of this river, shall continue to be possessed in full sovereignty and property by His Majesty the King of the Netherlands.

V. It shall be reserved to His Majesty the King of the Netherlands, Grand Duke of Luxembourg, to come to an agreement with the Germanic Confederation, and with the Agnates of the House of Nassau, as to the application of the stipulations contained in Articles III and IV, as well as upon all the arrangements which the said Articles may render necessary, either with the above-mentioned Agnates of the House of Nassau, or with the Germanic Confederation.

VI. In consideration of the territorial arrangements above stated, each of the 2 parties renounces reciprocally, and for ever, all pretension to the territories, towns, fortresses, and places, situated within the limits of the possessions of the other party, such as those limits are described in Articles I., II., and IV.

The said limits shall be marked out in conformity with those Articles, by Belgium and Dutch Commissioners of demarcation, who shall meet as soon as possible in the town of Maestricht.

VII. Belgium, within the limits specified in Articles I, II, and IV, shall form an independent and perpetually neutral State. It shall be bound to observe such neutrality towards all other States.

VIII. The drainage of the waters of the 2 Flanders shall be regulated between Holland and Belgium, according to the stipulations on this subject, contained in Article VI of the Definitive Treaty, concluded between His Majesty the Emperor of

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Germany and the States General, on the 8th of November, 1785;* and in conformity with the said Article, Commissioners, to be named on either side, shall make arrangements for the application of the provisions contained in it.

IX. The provisions of Articles 108 to 117 inclusive, of the General Act of the Congress of Vienna,† relative to the free navigation of navigable rivers, shall be applied to those navigable rivers which separate the Belgian and the Dutch territories, or which traverse them both.

So far as regards specially the navigation of the Scheldt, it shall be agreed that the pilotage and the buoying of its channel, as well as the conservation of the channels of the Scheldt below Antwerp, shall be subject to a joint superintendence; that this joint superintendence shall be exercised by Commissioners, to be appointed on both sides for this purpose; that moderate pilotage dues shall be fixed by mutual agreement; and that such dues shall be the same for the Dutch as for the Belgian commerce.

It is also agreed that the navigation of the intermediate channels between the Scheldt and the Rhine, in order to proceed from Antwerp to the Rhine, and *vice versâ*, shall continue reciprocally free, and that it shall be subject only to moderate tolls, which shall provisionally be the same for the commerce of the 2 countries.

Commissioners on both sides shall meet at Antwerp in the space of one month, as well to determine the definitive and permanent amount of these tolls, as to agree upon a general regulation for the execution of the provisions of the present Article, and to include therein a provision for the exercise of the right of fishing and of trading in fish, throughout the whole extent of the Scheldt, on a footing of perfect reciprocity in favour of the subjects of the 2 countries.

In the mean time, and until the said regulations shall be prepared, the navigation of the navigable rivers above mentioned shall remain free to the commerce of the 2 countries, which shall adopt provisionally, in this respect, the tariffs of the Convention signed at Mayence on the 31st March, 1831,‡

* See Page 17. † See Vol. 1, Page 3. ‡ See Page 19.

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for the free navigation of the Rhine, as well as the other provisions of that Convention, so far as they may be applicable to those navigable rivers which divide the Dutch and Belgian territories, or traverse both.

X. The use of the canals which traverse both countries shall continue to be free and common to the inhabitants of both. It is understood that they shall enjoy the use of the same reciprocally, and on equal conditions, and that on either side moderate duties only shall be levied upon the navigation of these canals.

XI. The commercial communications through the town of Maestricht, and through Sittardt, shall remain entirely free, and shall not be impeded under any pretext whatsoever.

The use of the roads which, passing through these towns, lead to the frontiers of Germany, shall be subject only to the payment of moderate turnpike tolls, for the repair of the said roads, so that the transit commerce may not experience any obstacle thereby, and that by means of the tolls abovementioned these roads may be kept in good repair, and fit to afford facilities to that commerce.

XII. In the event of a new road having been constructed, or a new canal cut, in Belgium, terminating at the Meuse, opposite the Dutch canton of Sittardt, in that case, Belgium shall be entitled to demand of Holland, who, on the other hand, shall not in such case refuse her consent, that the said road, or the said canal, shall be continued, according to the same plan, and entirely at the cost and charge of Belgium, through the canton of Sittardt, to the frontiers of Germany. This road or canal, which shall be used only as a commercial communication, shall be constructed, at the option of Holland, either by engineers and workmen whom Belgium shall obtain permission to employ for that purpose in the canton of Sittardt, or by engineers and workmen to be furnished by Holland, and who shall execute the works agreed upon at the expense of Belgium; the whole without any charge whatsoever to Holland, and without prejudice to her exclusive rights of sovereignty over the territory which may be traversed by the road or canal in question.

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The 2 parties shall fix, by mutual agreement, the amount and the mode of collection of the duties and tolls which should be levied upon the said road or canal.

XIII. § 1. From and after the 1st of January, 1832, Belgium, with reference to the division of the public debt of the United Kingdom of the Netherlands, shall remain charged with the sum of 8,400,000 Netherland florins of annual interest, the capital of which shall be transferred from the debit of the great book at Amsterdam, or from the debit of the general treasury of the United Kingdom of the Netherlands, to the debit of the great book of Belgium.

§ 2. The capitals transferred, and the annuities inscribed upon the debit of the great book of Belgium, in consequence of the preceding paragraph, to the amount of the total sum of 8,400,000 Netherland florins of annual interest, shall be considered as forming part of the Belgian national debt; and Belgium engages not to admit, either at present or in future, any distinction between this portion of her public debt arising from her union with Holland, and any other Belgic national debt already created, or which may be created hereafter.

§ 3. The payment of the above-mentioned sum of 8,400,000 Netherland florins of annual interest, shall take place regularly every 6 months, either at Brussels or at Antwerp, in ready money, without deduction of any kind whatsoever, either at present or in future.

§ 4. In consideration of the creation of the said sum of 8,400,000 florins of annual interest, Belgium shall be released from all obligation towards Holland, on account of the division of the public debt of the United Kingdom of the Netherlands.

§ 5. Commissioners to be named on both sides, shall meet within the space of 15 days in the town of Utrecht, in order to proceed to a settlement of the accounts of the fund of the *syndicat d'amortissement*, and of the bank of Brussels, charged with the service of the general treasury of the United Kingdom of the Netherlands. No additional charge shall result to Belgium from this settlement; the sum of 8,400,000 florins of annuities comprehending the whole of the charge which she is to take upon herself. But if it should appear from such settlement, that there is a balance to be received, Belgium and Holland

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shall share the same in the proportion of the taxes paid by each of the 2 countries during their union, according to the budgets voted by the States General of the United Kingdom of the Netherlands.

§ 6. In the settlement of the administration of the sinking fund, shall be comprised the credits secured on the public lands, called *domein los renten.* These are alluded to in the present Article only for the purpose of record.

§ 7. The Dutch and Belgian Commissioners mentioned in § 5 of the present Article, and who are to meet in the town of Utrecht, shall, in addition to the settlement with which they are charged, proceed to the transfer of the capitals and annual interest which, upon the division of the public debt of the United Kingdom of the Netherlands, are to fall to the charge of Belgium, up to the amount of 8,400,000 florins of annual interest.

They shall also proceed to deliver up the archives, maps, plans, and other documents whatsoever, which belong to Belgium, or which relate to her administration.

XIV. Holland having, since the 1st of November, 1830, exclusively made all the necessary advances to meet the charge of the whole of the public debt of the Kingdom of the Netherlands, and having still to make those advances, for the half year ending the 1st of January, 1832, it is agreed that the said advances, calculated from the 1st of November, 1830, to the 1st of January, 1832, for 14 months, at the rate of 8,400,000 Netherland florins per annum, with which Belgium remains charged, shall be reimbursed by thirds to the Dutch treasury, by the treasury of Belgium. The first third of this reimbursement shall be paid by the Belgian to the Dutch treasury on the 1st of January, 1832, the 2nd on the 1st of April, and the 3rd on the 1st of July, of the same year. On the 2 last thirds, interest at the rate of 5 per cent. per annum shall be paid to Holland, until they are completely discharged at the aforesaid periods.

XV. The port of Antwerp, in conformity with the stipulations of the 15th Article of the Treaty of Paris, of the 30th of May, 1814,* shall continue to be solely a port of commerce.

* See Vol. 1, Page 253.

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XVI. Works of public or private utility, such as canals, roads, or others of a similar nature, constructed wholly or in part at the expense of the United Kingdom of the Netherlands, shall belong, together with the advantages and charges thereunto attached, to the country in which they are situated.

It is understood that the capitals borrowed for the construction of these works, and specifically charged thereupon, shall be comprised in the aforesaid charges, in so far as they may not yet have been repaid, and without giving rise to any claim on account of re-payments already made.

XVII. The sequestrations which may have been imposed in Belgium, during the troubles, for political causes, on any property or hereditary estates whatsoever, shall be taken off without delay, and the enjoyment of the property and estates abovementioned shall be immediately restored to the lawful owners thereof.

XVIII. In the 2 countries of which the separation takes place in consequence of the present Articles, inhabitants and proprietors, if they wish to transfer their residence from one country to the other, shall, during 2 years, be at liberty to dispose of their property, moveable or immoveable, of whatever nature the same may be, to sell it, and to carry away the produce of the sale, either in money or in any other shape, without hindrance, and without the payment of any duties other than those which are now in force in the 2 countries upon changes and transfers.

It is understood that the collection of the *Droits d'aubaine et de détraction* upon the persons and property of Dutch in Belgium, and of Belgians in Holland, is abandoned, both now and for the future.

XIX. The character of a subject of the 2 governments, with regard to property, shall be acknowledged and maintained.

XX. The stipulations of Articles XI to XXI, inclusive, of the Treaty concluded between Austria and Russia, on the 3rd of May, 1815,* which forms an integral part of the General Act of the Congress of Vienna, stipulations relative to persons who possess property in both countries, to the election of residence which they are required to make, to the rights which they shall

* See Page 22.

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exercise as subjects of either State, and to the relations of neighbourhood in properties cut by the frontiers, shall be applied to such proprietors, as well as to such properties, in Holland, in the Grand Duchy of Luxembourg, or in Belgium, as shall be found to come within the cases provided for by the aforesaid stipulations of the Acts of the Congress of Vienna. The *Droits d'aubaine et de détraction*, being henceforth abolished, as between Holland, the Grand Duchy of Luxembourg, and Belgium, it is understood that such of the above-mentioned stipulations as may relate to those duties, shall be considered null and void in the 3 countries.

XXI. No person in the territories which change domination, shall be molested or disturbed in any manner whatever, on account of any part which he may have taken, directly or indirectly, in political events.

XXII. The pensions and allowances of expectants, of persons unemployed or retired, shall in future be paid, on either side, to all those individuals entitled thereto, both civil and military, conformably to the laws in force previous to the 1st of November, 1830.

It is agreed that the above-mentioned pensions and allowances to persons born in the territories which now constitute Belgium, shall remain at the charge of the Belgian treasury; and the pensions and allowances of persons born in the territories which now constitute Holland, shall be at the charge of the Dutch treasury.

XXIII. All claims of Belgian subjects upon any private establishments, such as the widows' fund, and the fund known under the denomination of the *fonds des leges*, and of the chest of civil and military retired allowances, shall be examined by the Mixed Commission of Liquidation mentioned in Article XIII, and shall be determined according to the tenour of the regulations by which these funds or chests are governed.

These securities furnished, as well as the payments made, by Belgian accountants, the judicial deposits and consignments, shall equally be restored to the parties entitled thereto, on the presentation of their proofs.

If, under the head of what are called the *French* liquida-

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tions, any Belgian subjects should still be able to bring forward claims to be inscribed, such claims shall also be examined and settled by the said Commission.

XXIV. Immediately after the exchange of the ratifications of the Treaty to be concluded between the two parties, the necessary orders shall be transmitted to the Commanders of the respective troops, for the evacuation of the territories, towns, fortresses, and places which change domination. The civil authorities thereof shall also, at the same time, receive the necessary orders for delivering over the said territories, towns, fortresses, and places, to the Commissioners who shall be appointed by both parties for this purpose.

This evacuation and delivery shall be effected so as to be completed in the space of 15 days, or sooner if possible.

XXV. The Courts of Great Britain, Austria, France, Prussia, and Russia, guarantee to His Majesty the King of the Belgians the execution of all the preceding Articles.

XXVI. In consequence of the stipulations of the present Treaty, there shall be peace and friendship between their Majesties the King of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Belgians, on the other part, their heirs and successors, their respective states and subjects, for ever.

XXVII. The present Treaty shall be ratified, and the ratifications shall be exchanged at London, in the space of 2 months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the 15th day of November, in the year of our Lord, 1831.

(L.S.) PALMERSTON. (L.S.) SYLVAIN VAN DE WEYER.
(L.S.) ESTERHAZY.
(L.S.) WESSENBERG.
(L.S.) TALLEYRAND.
(L.S.) BULOW.
(L.S.) LIEVEN.
(L.S.) MATUSZEWIC.

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BRAZIL.

TREATY *of Amity and Commerce between His Majesty and the Emperor of Brazil. Signed at Rio de Janeiro, the 17th August,* 1827.

In the Name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, being mutually animated with the desire to promote and extend the commercial intercourse which has long subsisted between their respective countries and subjects, have deemed it expedient, under the new circumstances which have arisen from the separation of the Empire of Brazil from the Crown of Portugal, through the mediation of His Britannic Majesty, to regulate that commercial intercourse by a new Treaty.

With this view, His Britannic Majesty has named, as His Plenipotentiary, The Right Honourable Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil:—

And His Imperial Majesty, as His Plenipotentiaries, The Most Illustrious and Most Excellent Marquis of Queluz, Member of His Council of State, Senator of the Empire, Grand Cross of the Imperial Order of the Cross, Commander of the Order of Christ, Minister and Secretary of State for Foreign Affairs;—The Viscount of St. Leopoldo, Member of His Council of State, Grandee and Senator of the Empire, Officer of the Imperial Order of the Cross, Knight of the Order of Christ, Minister and Secretary of State for the Affairs of the Empire;—and the Marquis of Maceyo, Member of His Council, Gentleman of His Imperial Chamber, Officer of the Imperial Order of the Cross, Commander of the Order of Christ, Knight of the Orders of the Tower and Sword, and

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of St. John of Jerusalem, Lieutenant-Colonel in the Staff of the Army, Minister and Secretary of State for Marine Affairs:—

Who, after having exchanged their respective Full-powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

Art. I. There shall be constant peace and perpetual friendship between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, their heirs and successors, and between their subjects, states, and territories, without exception of person or place.

II. His Britannic Majesty and His Imperial Majesty agree, that each of the High Contracting Parties shall have the right of appointing and naming Consuls-General, Consuls, and Vice-Consuls, in all the ports of the dominions of the other, where they are or may be necessary for the promotion of trade, and of the commercial interests of their respective subjects.

Consuls, of whatever class they may be, shall not enter upon the exercise of their functions, without being duly named by their respective Sovereigns, and approved by the Sovereign in whose dominions they may be employed. There shall be, reciprocally, for Consuls of all classes, within the Dominions of either of the High Contracting Parties, a perfect equality. Consuls shall enjoy the privileges which belong to their office, as usually recognized and admitted. In all causes, both civil and criminal, however, they shall be amenable to the same laws of the country in which they reside, as their fellow-subjects, and they shall alike enjoy the full and entire protection of the laws, so long as they obey them.

III. Consuls and Vice-Consuls of both nations shall exercise, each in his respective office, the authority of arbitrators in the differences which may arise between the subjects, or the masters and crews of the ships, of their respective nations, without the interference of the local authorities; unless when the public tranquillity may require such interference, or unless the parties should call for it, by bringing their actions in the courts of the country in which such differences arise.

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In like manner, they shall exercise the right of administering to the property of subjects of their nation dying intestate, for the benefit of the legitimate heirs to such property, and of the creditors upon the estate, so far as the laws of the respective countries shall admit.

IV. The subjects of each of the High Contracting Parties shall enjoy, in all the territories of the other, the most perfect liberty of conscience in all matters of religion, conformably to the system of toleration established and practised in their respective states.

V. The subjects of each of the High Contracting Parties may freely dispose of their properties by sale, exchange, gift, testament, or in any other manner whatsoever, without any obstacle or impediment being thereunto opposed. Their houses, properties, and effects, shall be protected and respected, and shall not be taken from them, against their will, by any authority whatsoever. They shall be exempt from all forced military service of every kind, whether by land or by sea, from all forced loans, and from military impositions and requisitions; nor shall they be obliged to pay any ordinary contributions, whatsoever may be their denomination, greater than those which are or may be paid by the subjects of the Sovereign in whose territories they reside.

Neither shall they be liable to arbitrary visits or searches; nor shall any examination or investigation of their books and papers be made, under any pretext whatsoever.

It is understood withal, that, in cases of treason, contraband, or other crimes specified in the laws of each country, searches, visits, examinations, or investigations cannot be made, nor shall they take place, unless in the presence of the competent magistrate.

And, generally, it is agreed, that the subjects of the High Contracting Parties, respectively, shall enjoy in all the territories of the other, with respect to their persons, any rights, privileges, favours, or exemptions, which are, or which may be, at any time hereafter, granted to the subjects of the most favoured nation.

VI. The constitution of the Empire of Brazil having abolished all special jurisdictions, it is agreed that the office

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of Judge Conservator for the British Nation shall subsist only until some satisfactory substitute for that jurisdiction shall be established, capable of providing, in an equal degree, for the protection of the persons and property of His Majesty's subjects. It being always understood that the subjects of His Britannic Majesty shall be placed in Brazil on the same footing as Brazilian subjects, in their causes, whether civil or criminal; that they shall not be liable to imprisonment without formal commitment, (*culpa formada,*) and a warrant signed by the legal authority, except in cases *flagrantis delicti;* and that their persons shall be free from personal restraint, in all cases where the law admits of bail.

VII. If there should arise any misunderstanding, breach of friendship, or rupture between the two Crowns, (which God forbid!) the rupture shall not be deemed to exist until after the recall or departure of their respective diplomatic agents. The subjects of each of the High Contracting Parties, resident within the territories of the other, shall be allowed to remain for the settlement of their affairs, or to trade, without any kind of interruption, so long as they continue to behave themselves peaceably, and commit no offence against the laws. In case, however, that their conduct should give rise to suspicion, they shall be ordered to leave the country, being allowed the power of retiring with their property and effects, and sufficient time to do so, not exceeding 6 months.

VIII. It is agreed and covenanted, that neither of the High Contracting Parties shall knowingly and wilfully receive into and entertain in their service, persons, subjects of the other Power, deserting from the military service thereof, whether by sea or land; but that, on the contrary, they shall each, respectively, discharge any such person from their service, upon being required. But it is agreed and declared, that neither of the High Contracting Parties shall grant to any other State any favour, on the subject of persons deserting from the service of that State, which shall not be considered as granted also to the other High Contracting Party, in the same manner as if the said favour had been expressly stipulated by the present Treaty. And it is further agreed, that in cases of apprentices or sailors deserting from vessels belonging to the subjects

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of either of the High Contracting Parties, while within the ports of the other party, the Magistrates shall be bound to give every assistance in their power for the apprehension of such deserters, on due application to that effect being made by the Consul-General or Consul, or by his Deputy or Representative; and that no public body, civil or religious, shall protect or harbour such deserters.

IX. The compliments of salutes to the ports and flags of either of the 2 nations, shall be conformable to the regulations hitherto observed among maritime States.

X. There shall be mutual liberty of commerce and navigation between the respective subjects of the High Contracting Parties, in the ships of either country, and in all and singular the ports, cities, and territories belonging to the said High Contracting Parties; except such ports as may be prohibited to every foreign nation; it being withal understood, that whenever any such prohibited port is opened to the commerce of any other nation, the said port shall be forthwith opened to the subjects of the High Contracting Parties, on the like conditions. The subjects of the 2 High Contracting Parties may enter, with their respective ships, into all the ports, bays, roads, and havens, of the territories belonging to each of the High Contracting Parties, therein to discharge the whole or part of their cargoes, to lade, or to re-export merchandize. They may reside, hire houses and warehouses, travel, trade, open shops, transport goods, metals, and money, and manage their own concerns, without employing brokers for that purpose, by themselves or by their agents and clerks, as they may think proper.

It is nevertheless agreed to except the coasting trade from port to port, consisting in goods of the country, or foreign goods already cleared for consumption, which commerce cannot be carried on except in vessels of the country; it being, however, open alike to the subjects of both the Contracting Parties, to lade their effects, merchandize, metals, and money, on board the said vessels, each paying the same duties.

XI. The ships and vessels of the subjects of each of the High Contracting Parties shall not pay, in the ports and

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anchorages of the other, under the heads of lights, tonnage, anchorage, or any other denomination whatsoever, other or higher duties than those which are, or may hereafter be paid by national ships.

XII. In order to obviate all doubt respecting the nationality of British and Brazilian ships, the High Contracting Parties agree, that vessels owned, registered, and navigated, according to the laws of Great Britain, shall be considered as British; and that vessels built in the territories of Brazil, and owned by Brazilian subjects, and of which the master and three-fourths of the crew may be subjects of Brazil; and also all the vessels which shall have been captured from an enemy, by the ships of war of His Majesty the Emperor of Brazil, or by subjects of His said Majesty, furnished with letters of marque, and regularly condemned in the Prize Court of Brazil, as lawful prize, or which shall have been condemned in any competent Court for the breach of the laws made for the prevention of the slave-trade, and which shall be so owned and manned as aforesaid, shall be considered as Brazilian.

XIII. The subjects of either Sovereign within the dominions of the other, shall have the liberty of trading with other nations, in all and every kind of goods and merchandize.

XIV. Are exempted from the foregoing Article, such goods and merchandize of which the Crown of Brazil has reserved to itself the exclusive monopoly.

Should, however, any of those articles become hereafter articles of free commerce, the subjects of His Britannic Majesty shall be permitted to traffic in them, as freely as the subjects of His Majesty the Emperor of Brazil. And the duties of importation, or of exportation, upon such goods and merchandize, shall, in all cases, be the same, whether they be consigned to, or exported by, or be the property of, British or Brazilian subjects.

XV. In order to regulate what is in future to be deemed contraband of war, it is agreed, that, under the said denomination, shall be comprised all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, pistols, mortars, petards, bombs, grenadoes, car-

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casses, saucisses, carriages for cannon, musket-rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and, generally, all other implements of war; as also timber for ship-building, tar or resin, copper in sheets, sails, hemp and cordage, and, generally, whatsoever may serve directly to the equipment of vessels of war, unwrought iron and fir planks excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

XVI. Packets shall continue to be employed, for the purpose of facilitating the public service of the 2 courts, and the commercial intercourse of their respective subjects.

They shall be considered as King's ships, it being understood that they are to be commanded by officers of the Royal Navy.

This Article shall continue in force, until a special Convention shall be concluded between the Powers, for regulating specially the packet service.

XVII. In order more effectually to protect the commerce and navigation of their respective subjects, the 2 High Contracting Parties agree not to receive pirates nor sea-rovers into any of the ports, bays or havens of their dominions, and to inflict the full rigour of the law upon persons proved to be pirates, and upon all individuals residing within their territories, who may be convicted of holding correspondence or being accomplices with them. All vessels and cargoes belonging to the subjects of each of the Contracting Parties, which pirates may take or may bring into the ports of the other, shall be given up to their owners, or to their attorneys duly authorized, previously proving the identity of the property. And the restitution shall take place, even when the article claimed may have been sold, provided it be shown that the purchaser knew, or could have known, that the said article had been obtained by piracy.

XVIII. Whenever it happens that any ships of war, or merchantmen, belonging to either State, are wrecked in the ports, or on the coasts of their respective territories, the authorities and officers of the customs of the place shall lend every possible assistance towards saving the persons and

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effects which are wrecked, and shall also provide for the security and care of the articles saved, or of their proceeds, in order that they may be restored to their respective Governments, if the vessel wrecked be a ship of war; or if she be a merchant vessel, to the owner, or his attorney duly authorised, whenever the delivery may be claimed, or so soon as the salvage and expenses incurred in the custody of goods claimed shall be paid. And no higher charge of salvage shall be allowed, in either country, upon the ships of the other than upon national ships.

Goods saved from shipwreck shall not be liable to pay duties, unless cleared for consumption.

XIX. All goods, wares, and merchandizes whatsoever, the produce or manufacture of the territories of His Britannic Majesty, whether from his ports in Europe, or from such of his colonies as are open to foreign commerce, may be freely imported for consumption into all and singular the ports of the Emperor of Brazil, to whomsoever consigned, on paying, generally and solely, duties not exceeding 15 per cent., according to the value set upon them by a *pauta* of valuations in the custom-house, which *pauta* shall be promulgated in the ports of Brazil, where there are, or may be, custom-houses.

It is likewise agreed that, in the formation of future *pautas*, the current market price of the goods shall be taken as the principal basis; and that it shall be permitted to the Consul of His Britannic Majesty, whenever it may be shown that any article is overvalued in the existing *pauta*, to make a representation, to be taken into consideration with the least possible delay; the clearance, however, of the said goods not being, on this account, suspended.

It is further agreed, that whenever any British goods, imported into the custom-houses of the Emperor of Brazil, shall have no fixed value in the *pauta*, and it shall be wished to clear them for consumption, the importer of such articles shall sign a declaration of their value, in order that they may be cleared; but in case the officers of the customs, charged with the superintendence of the duties, shall consider the valuation to be inadequate to the real value of the goods they shall be at liberty to take the goods at that valuation, on paying to the importer 10 per cent. above the said valuation, within the term

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of 15 days, computed from the day of the detention, and on returning the duty paid, after the manner observed in the custom-houses of Great Britain.

XX. The Emperor of Brazil engages that no articles whatever, the growth, production, or manufacture of any foreign country, shall be admitted into any part of the dominions of Brazil, upon the payment of duties lower than those stipulated in the foregoing Article, unless a like diminution of duties be made upon similar articles, the growth, production, and manufacture of Great Britain; excepting only any goods, wares, or merchandize, the produce or manufacture of Portugal, which may be brought direct from Portugal to Brazil, in ships belonging to the one or the other of those countries; His Britannic Majesty specially consenting to this exception, in favour of Portugal, in consideration of the share which His Majesty has taken as mediator, in the negociation which happily terminated in the Treaty of reconciliation and independence of 29th August, 1825;* and of the intimate relations of amity, which it is His Majesty's anxious desire to see permanently subsisting between Portugal and Brazil.

XXI. All goods, wares, and merchandize, the produce or manufacture of Brazil, imported direct for consumption into the territories and possessions of His Britannic Majesty, in Europe, or into any British possession or colony in Asia, Africa, or America, which may be open to foreign trade, shall pay no other or higher duties than are payable upon the entry of similar articles, imported in like manner from any other foreign country.

XXII. There being certain articles, the production of Brazil, which are subject to higher duties, when admitted for consumption into the United Kingdom, than are paid upon similar articles of British colonial produce, His Britannic Majesty agrees that such articles shall be allowed to be warehoused, without payment of the home consumption duty, for re-exportation according to law; and shall not be subject to any other or higher duties, upon such warehousing and re-exportation, than are, or may hereafter be imposed on similar articles of British colonial produce, when so warehoused and re-exported.

* See State Papers, Vol. 1824, 1825, Page 674.

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By the same rule, articles, the production of the British colonies, which correspond to articles of Brazilian produce, subject to the higher duties above-mentioned, shall be admitted into the ports of Brazil, for re-exportation only, with the same advantages granted to like articles in the custom-houses of Great Britain.

XXIII. All goods, wares, and merchandize, imported from the British dominions into any of the ports of His Imperial Majesty, shall be accompanied with the original cockets, signed by the proper officers of the customs at the port of shipment; the cockets of each ship being numbered progressively, and attached, with the official seal of the British custom-house, to the manifest which is to be sworn to before the Brazilian Consul, and the whole to be produced at the custom-house of the port of entry.

The origin of goods imported into Brazil from British possessions, where there may be no custom-house, shall be authenticated by the formalities observed, when imported from such possessions into Great Britain.

XXIV. His Britannic Majesty engages, in his own name, and in that of his successors, to permit the subjects of His Imperial Majesty to trade in his ports and seas of Asia, to the extent which is, or may hereafter be, allowed to the most favoured Nation.

XXV. In all cases where bounties or drawbacks are granted upon goods exported from any of the ports of the 2 High Contracting Parties, the bounty and drawback shall be, in every respect, the same, whether the exportation take place in British or in Brazilian vessels.

XXVI. His Imperial Majesty engages, in his own name, and in that of his successors, that the commerce of British subjects within his dominions shall not be restrained, nor in any way affected, by the operation of any monopoly, or exclusive privilege of sale or purchase whatever, nor by favours granted to any commercial company; but that the subjects of His Britannic Majesty shall have free and unrestricted permission to buy and sell from and to whomsoever, and in whatsoever form they please, without being obliged to give any preference to such commercial companies, or to individuals who possess,

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or may possess, exclusive privileges. And His Britannic Majesty engages, on his part, reciprocally and faithfully to act upon the same principle towards the subjects of His Imperial Majesty.

This rule is not intended to comprehend those articles in Brazil, of which the exclusive purchase and sale is at present reserved to the Crown, so long as that reservation shall continue in force.

XXVII. His Imperial Majesty is pleased to concede to the subjects of His Britannic Majesty the privilege of being "*Assignantes*" in the custom-houses of Brazil, on the same terms and securities as Brazilian subjects. On the other hand, it is agreed and stipulated, that Brazilian merchants shall enjoy, in the British custom-houses, the same favour, as far as the laws permit, as is granted to the subjects of His Britannic Majesty.

XXVIII. The High Contracting Parties agree, that the stipulations contained in the present Treaty shall continue in force for the term of 15 years, to be reckoned from the date of the exchange of the ratifications of the Treaty:* and further, until one or other of the High Contracting Parties shall give notice of its termination. In which case, this Treaty shall terminate at the end of 2 years from the date of such notice.

XXIX. The present Treaty shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged within the space of 4 months, or sooner if possible.

In witness whereof, we the undersigned, Plenipotentiaries of His Britannic Majesty, and of His Imperial Majesty, in virtue of our respective Full-powers, have signed the present Treaty with our hands, and have caused the seal of our arms to be affixed thereunto.

Done in the City of Rio de Janeiro, the 17th day of August, in the year of our Lord 1827.

(L.S.) R. GORDON. (L.S.) MARQUEZ DE QUELUZ.
(L.S.) VISCONDE DE S. LEOPOLDO.
(L.S.) MARQUEZ DE MACEYO.

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* The Ratifications were exchanged in London, 10th November, 1827.

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Em Nome da Santissima e Indivisivel Trindade.

Sua Magestade o Imperador do Brazil, e Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, mutuamente animados do desejo de promover e extender as relaçoens commerciaes, que tem de longo tempo subsistido entre os respectivos paizes e subditos, julgárão conveniente, vistas as novas circunstancias que nascerão da separação do imperio do Brazil, e sua independencia do reino de Portugal pela mediação de Sua Magestade Britannica, regular as ditas relaçoens commerciaes por hum novo Tratado especial.

Para este fim nomeárão por seus Plenipotenciarios, a saber: Sua Magestade o Imperador do Brazil, aos Illustrissimos e Excellentissimos, Marquez de Queluz, do seu Conselho de Estado, Senador do Imperio, Grão Cruz da Ordem Imperial do Cruzeiro, Commendador da de Christo, Ministro e Secretario de Estado dos Negocios Estrangeiros; Visconde de Saõ Leopoldo, do seu Conselho de Estado, Grande, e Senador do Imperio, Official da Ordem Imperial do Cruzeiro, Cavalleiro da de Christo, Ministro e Secretario de Estado dos Negocios do Imperio; e Marquez de Maceyó, do seu Conselho, Gentilhomem da Imperial Camara, Official da Ordem Imperial do Cruzeiro, Commendador da de Christo, Cavalleiro da Torre e Espada, e de São João de Jerusalem, Tenente Coronel do Estado Maior do Exercito, Ministro e Secretario de Estado dos Negocios da Marinha.

E Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, ao Muito Honrado Roberto Gordon, do seu Conselho Privado, e seu Enviado Extraordinario e Ministro Plenipotenciario junto á Côrte do Imperio do Brazil.

Os quaes, depois de terem trocado os seus respectivos plenos poderes, achados em bôa e devida forma, concordárão e concluirão os artigos seguintes:

Art. I. Haverá constante paz e perpetua amizade entre Sua Magestade o Imperador do Brazil, e Sua Magestade o Rei do Reino Unido da Gram Bretanha e Irlanda, seus herdeiros e successores, e entre os seus subditos, estados, e territorios, sem excepção de pessôa ou lugar.

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II. Sua Magestade Imperial, e Sua Magestade Britannica, convem que cada huma das Altas Partes Contractantes terá o direito de designar e nomear Consules-Geraes, Consules, e Vice-Consules, em todos os portos dos dominios da outra, onde elles são ou forem precisos para o adiantamento do commercio e interesses commerciaes dos seus respectivos subditos.

Os Consules, de qualquer classe que elles sejão, naõ entrarão no exercicio das suas funcçoens, sem serem devidamente nomeados por seus respectivos Soberanos, e approvados pelo soberano, em cujos dominios, forem empregados.

Haverá reciprocamente para com os Consules de todas as classes, dentro dos dominios de qualquer das Altas Partes Contractantes, huma perfeita igualdade. Os Consules gozaráõ dos privilegios que pertencem ao seu lugar, como são usualmente reconhecidos e admittidos.

Em todas as causas, assim civeis como criminaes, elles serão sugeitos ás mesmas leis do paiz, em que residem, como os seus compatriotas; e gozarão tambem da plena e intéira protecção das leis, em quanto á ellas obedecerem.

III. Os Consules e Vice-Consules de ambas as nações exercitaráõ cada hum no seu respectivo lugar, a authoridade de arbitros nas duvidas que nascerem entre os subditos, mestres, e tripulaçoens dos navios das suas respectivas nações, sem a intervenção das authoridades territoriaes, senão quando a tranquillidade publica exigir esta intervenção ou as partes a requererem, intentando as suas causas perante os tribunaes do paiz, em que estas duvidas nascerem.

Da mesma sorte exercitarão o direito de administrarem a propriedade dos subditos da sua nação, que fallecerem ab intestato, á beneficio dos legitimos herdeiros da dita propriedade, e dos credores á herança, tanto quanto o admittirem as leis dos paizes respectivos.

IV. Os subditos de cada huma das Altas Partes Contractantes gozaráõ em todos os territorios da outra, da mais perfeita liberdade de consciencia em materias de religião, conforme ao systema de tolerancia estabelecido e praticado nos seus respectivos Estados.

V. Os subditos de qualquer das Altas Partes Contractantes

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poderão dispôr livremente das suas propriedades, por venda, troca, doação, testamento, ou por outra qualquer maneira, sem que se lhes opponha obstaculo, ou impedimento algum. Suas casas propriedades, e effeitos serão protegidos e respeitados, e não lhes serão tomados contra a sua vontade por authoridade alguma. Serão isentos de todo serviço militar forçado, de qualquer genero que seja, terrestre ou maritimo, e de todos os emprestimos forçados, ou de impostos, e requisições militares; nem serão obrigados á pagar contribuições algumas ordinarias de qualquer denominação que seja, maiores do que aquellas que pagão, ou houverem de pagar, os subditos do soberano, em cujos territorios residerem.

Igualmente não serão sugeitos á visitas ou buscas arbitrarias, nem se poderá fazer exame ou investigação nos seus livros e papeis debaixo de qualquer pretexto que seja.

Fica comtudo entendido, que, em casos de traição, contrabando, ou outros crimes, de que as leis do respectivo paiz fazem menção, as buscas, visitas, exames ou investigações, só se poderáõ fazer, e terão lugar, sendo presente o Magistrado competente.

E geralmente fica assentado, que os subditos das Altas Partes Contractantes gozaráõ respectivamente em todos os Territorios da outra, quanto ás suas pessôas, dos mesmos direitos, privilegios, favores, e isenções, que são, ou forem em qualquer tempo futuro, concedidas aos subditos da nação mais favorecida.

VI. Tendo a constituicão do Imperio abolido todas as jurisdiçoens particulares, convem-se em que o lugar de Juiz Conservador da nação Inglesa subsisterá só até que se estabeleça algum substituto satisfactorio em lugar d'aquella jurisdição, que possa assegurar igualmente protecção ás pessôas e á propriedade dos subditos de Sua Magestade Britannica.

Fica comtudo entendido, que os subditos de Sua Magestade Britannica gozaráõ no Brasil dos mesmos direitos e vantagens, de que gozão os Subditos Brasileiros nas suas causas, tanto civeis, como criminaes; que elles naõ poderáõ ser presos sem culpa formada, e sem ordem assignada por authoridade legitima, excepto em casos de flagrante delicto, e que as suas pes-

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sóas serão livres de prisão em todos os casos, em que a lei admitte fianças.

VII. Se houver alguma desintelligencia, quebra de amisade ou rompimento entre as duas Coroãs (o que Deos não permitta) este rompimento nunca se reputará existir senão depois do chamamento ou partida dos seus respectivos agentes diplomaticos. Será permittido aos subditos de cada huma das Altas Partes Contractantes, residentes dentro dos territorios da outra, ficar para arranjo de seus negocios, ou para commerciar no interior sem interrupção alguma, em quanto continuarem a comportar-se pacificamente, e não commetterem offensa contra as leis. No caso porem que o seu comportamento dê causa de suspeita, serão mandados sahir do paiz, concedendo-se-lhes com tudo a faculdade de se retirarem com a sua propriedade e seus effeitos, e tempo sufficiente para esse fim, que naõ exceda 6 mezes.

VIII. Fica mais ajustado e concordado, que nenhuma das Altas Partes Contractantes sciente e voluntariamente receberá e conservará no seu serviço pessóas subditas da outra Potencia, que desertarem do seu serviço militar maritimo ou terrestre; mas antes pelo contrario ellas demittirão respectivamente do seu serviço as ditas pessóas, assim que for requerido.

Fica mais ajustado e declarado, que nenhuma das Altas Partes Contractantes poderá conceder á qualquer outro Estado favor algum, a respeito das pessóas que desertarem do serviço d'aquelle Estado, que não seja considerado, como concedido á outra Alta Parte Contractante, da mesma maneira, como se o dito favor fosse expressamente estipulado pelo presente Tratado.

E fica mais resolvido que, quando os praticantes ou marinheiros desertarem dos navios pertencentes aos subditos de huma das Altas Partes Contractantes, durante a sua estada nos portos da outra; os Magistrados serão obrigados a dar todo o auxilio possivel para a apprehensão dos mesmos desertores, assim que a devida requisição para este effeito for feita pelo Consul-Geral, ou Consul, ou pelo seu Deputado ou Representante; e outrosim nenhuma corporação publica,

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civil ou religiosa, protegerá ou recolherá os mesmos desertores.

IX. Os comprimentos de salvas aos portos e bandeiras de ambas as naçoens serão conformes aos regulamentos, que até aqui se tem observado entre Estados maritimos.

X. Haverá reciproca liberdade de commercio e navigação entre os subditos respectivos das Altas Partes Contractantes em navios de ambas as nações, e em todos e quaesquer portos, didades, e territorios pertencentes ás mesmas Altas Partes Contractantes, excepto n'aquelles que são positivamente vedados á toda a nação estrangeira. Fica com tudo entendido que, huma vez que quaesquer destes portos vedados forem abertos ao commercio de qualquer outra nação, ficará desde logo o dito porto franqueado aos subditos das Altas Partes Contractantes debaixo das mesmas condicçoens.

Os subditos das Altas Partes Contractantes poderão entrar com os seus respectivos navios em todos os portos, bahias, enseadas, e surgidouros, dos territorios pertencentes a cada huma das Altas Partes Contractantes, nelles descarregar toda ou parte de sua carga, carregar ou re-exportar mercadorias. Poderão residir, e alugar cazas, e armazens, viajar, commerciar, abrir lojas, transportar generos, metaes, e moeda, e manejar os seus interesses sem empregar correctores para esse fim, podendo faze-lo por si, ou por seus agentes e caixeiros, como melhor entenderem.

Conveio-se porem em exceptuar o commercio costeiro de porto a porto de generos do paiz ou estrangeiros já despachados para consummo, cujo commercio não se poderá fazer senão em navios do paiz; ficando com tudo livre aos subditos de ambas as Altas Partes Contractantes carregar seus effeitos, mercadorias, metaes, e moeda, nas ditas embarcações, pagando cada hum os mesmos direitos.

XI. Os navios e embarcações dos subditos de cada huma das Altas Partes Contractantes não pagarão nos portos e ancoradouros da outra, á titulo de farol, tonelada, ou por qualquer modo designado, outros ou maiores direitos do que aquelles que são ou vierem a ser pagos pelos navios nacionaes.

XII. Em ordem a obviar quelquer duvida relativamente á nacionalidade de navios Brasileiros e Britannicos, as Altas Partes

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Contractantes convem em que sejão considerados navios Britannicos aquelles que forem possuidos, registrados, e navigados segundo as leis da Gram Bretanha; e em serem consideradas Brasileiras as embarcações construidas nos territorios do Brazil, e possuidas por subditos Brasileiros, e cujo Mestre e tres-quartas partes de tripulação forem subditos do Brasil: e tambem serão consideradas Brasileiras todas as embarcações, que tiverem sido tomadas ao inimigo pelos navios de guerra de Sua Magestade o Imperador do Brazil, ou por seus subditos munidos de Cartas de Marca, as quaes embarcações tenhão sido em regra condemnadas no Tribunal de Presas do Brazil, como boas presas, assim como as que tiverem sido condemnados em qualquer Tribunal competente por infracção das leis feitas para impedir o trafico de escravos, e que forem possuidas por subditos Brasileiros, e cuja tripulação for como acima se estabeleceo.

XIII. Os subditos de cada hum dos Soberanos dentro dos dominios do outro teraõ liberdade de commerciar com outras nações em toda e qualquer qualidade de generos e mercadorias.

XIV. Saõ isentos do Artigo precedente todos os generos e mercadorias de que a Coróa do Brazil se reservou o monopolio exclusivo.

Porem sa algum desses Artigos vier a ser artigo de commercio livre, será permittido aos subditos de Sua Magestade Britannica fazer trafico delles tão livremente como os subditos de Sua Magestade o Imperador do Brazil. E os direitos sobre a importação ou exportação destes generos e mercadorias, serão em todos os casos os mesmos, quer elles sejão consignados a subditos Brasileiros, e Britannicos, ou por elles exportados, quer sejão propriedade de alguns delles.

XV. A fim de determinar o que para o futuro se reputará contrabando de guerra, conveio-se em que, debaixo da dita denominação, se comprehenderão, todas as armas e instrumentos que servem para os fins da guerra por terra ou por mar, como peças, espingardas, pistolas, morteiros, petardos, bombas, granadas, carcassas, salsichas, carretas de peças, coronhas de espingardas, bandoleiras, polvora, mechas, salitre, ballas, piques, espadas, capacetes, couraças, talabartes, lanças, dardos, arreios de cavallos, coldres, cintos,

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e geralmente todos os intrumentos de guerra, assim como madeira para constuir navios, alcatrão, ou resina, copre em folha, velas, lonas, e cordualha, e geralmente tudo quanto serve directamente para o armamento de navios de guerra, excepto ferro bruto, e taboas de pinho. E todos os acima mencionados artigos são por este, declarados sugeitos á confisco, todas as vezes que se tentar levallos ao inimigo.

XVI. Continua-se ha a empregar paquetes para o fim de facilitar o serviço publico de ambas as Cortes, e as relações commerciaes dos seus respectivos subditos.

Elles serão considerados, como navios do Rei, ficando entendido que serão commandados por Officiaes da Marinha Real.

Este Artigo continuará a ter vigor até se concluir huma Convenção particular entre as Potencias para o regulamento especial do estabelecimento dos paquetes.

XVII. A fim de mais effectivamente protegerem o commercio e navegação de seus subditos respectivos, as duas Altas Partes Contractantes convem em não receber Piratas, nem rubadores do mar em algum dos portos, bahias, ou surgidouros dos seus dominios; e em impôr o pleno rigor das leis sobre as pessoas, que se provar serem piratas, e sobre todos os individuos residentes dentro dos seus territorios, que forem convencidos de terem correspondencia, ou serem complices com elles. E todos os navios e cargas pertencentes aos subditos de cada huma das Altas Partes Contractantes, que os piratas tomarem ou trouxerem para os portos da outra, serão entregues aos seus donos, ou aos seus procuradores devidamente authorisados, provando-se a identidade da propriedade; e a restituição será feita ainda quando o artigo reclamado tiver sido vendido, com tanto que o comprador subesse ou pudesse ter sabido que o dito artigo tinha sido obtido por pirataria.

XVIII. Quando succeder que alguns navios de guerra ou mercantes, pertencentes a qualquer dos 2 Estados naufragarem nos portos, ou sobre as costas dos seus respectivos territorios, as Authoridades e os Officiaes das Alfandegas do lugar, prestarão todo o soccorro possivel para salvarem as pessôas e effeitos que naufragarem; assim como para proverem á segurança e cuidado dos artigos salvados, ou do seu producto, a fim de que sejão restituidos aos seus Governos

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respectivos, se o navio naufragado for embarcação de guerra, ou se for mercante, ao dono, ou ao seu procurador devidamente authorisado, quando se reclamar a entrega, ou logo que forem pagas as despezas feitas com a salvação e com a guarda dos generos reclamados. E nenhum maior pagamento da salvação sera permittido em hum dos 2 paizes, sobre os navios do outro, do que aquelle que fazem os navios nacionaes. Os generos salvados do naufragio não seráo sujeitos a pagar direitos excepto sendo despachados para consumo.

XIX. Todos os generos, mercadorias, e artigos quaesquer que sejaõ de producção ou manufactura dos territorios de Sua Magestade Britannica, assim dos seus portos da Europa, como das suas colonias, que se achaõ abertos ao commercio estrangeiro, podem ser livremente importados para consumo em todos e cada hum dos portos do Imperio do Brazil, sendo consignados á quem quer que for, pagando geral e unicamente direitos, que naõ excedaõ a 15 por cento, conforme o valor que lhes he dado na pauta das avaliações das Alfandegas, sendo esta pauta promulgada em todos os portos do Imperio, onde ou houver alfandegas.

Conveio-se tambem em que na formaçaõ das futuras pautas, se tome por base principal o preço corrente dos generos no mercado; e que seja permittido ao Consul de Sua Majestade Britannica, toda vez que se mostrar que se acha excessivamente avaliado qualquer artigo comprehendido na pauta existente, o frazer representações, para se tomarem em considerasão o mais breve que for possivel, não ficando com isto suspenso o despacho dos mesmos generos. E igualmente se ajoustou que, quando algum dos generos Britannicos, importados nas alfandegas do Imperio do Brazil, não tiver na pauta valor determinado, e se quizer despachar para consumo, o importador de taes artigos assignará huma declaração do seu valor, para por ella serem despachados; mas no caso que os Officiaes d'Alfandega, encarregados da fiscalisação dos direitos entendão que a tal avaliação não he igual ao valor dos generos; terão elles a liberdade de tomar os generos assim avaliados, pagando ao importador 10 por cento sobre a dita avaliação, dentro do prazo de 15 dias, contados da primeira detenção, e restituindo os direitos pagos, seguindo-se para

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este effeito a pratica observada nas alfandegas da Gram Bretanha.

XX. Sua Magestade o Imperador do Brazil se obriga a não permittir que qualquer artigo de origem, producção ou manufactura de qualquer paiz estrangeiro seja admittido em parte alguma dos seus dominios, pagando direitos menores do que os estabelecidos no Artigo precedente, sem que huma tal diminuição, de direitos seja concedida aos generos da mesma natureza de origem, producção, ou manufactura dos territorios Britannicos; exceptuando-se só os generos, artigos ou mercadorias quaesquer de producção ou manufactura de Portugal, que vierem em direitura de Portugal ao Brazil em navios pertencentes á huma ou outra dessas nações; consentindo Sua Magestade Britannica especialmente nesta excepção em favor de Portugal, em consideração da parte que tomou como mediator na negociação, que felizmente terminou com o Tratado de Reconciliação e Independencia de 29 de Agosto de 1825,* e das intimas relações de amisade que Sua Magestade Britannica tanto dezeja ver subsistir com permanencia entre o Brazil e Portugal.

XXI. Todos os generos, artigos, e mercadorias da producção, industria, ou manufactura do Brazil, importados directamente para consumo nos territorios e dominios de Sua Magestade Britannica, tanto na Europa, como em qualquer de suas colonias n'Azia, America, e Africa, que estejão abertos ao commercio estrangeiro, não pagarão outros ou maiores direitos, do que aquelles que são pagos na entrada de artigos semelhantes importados de igual maneira de qualquer outro paiz estrangeiro.

XXII. Havendo certos artigos da producção do Brazil, os quaes são sujeitos á maiores direitos, quando são admittidos para consumo no Reino Unido, do que se pagão por semelhantes artigos da producção das Colonias Britannicas, Sua Magestade Britannica, convem em que esses artigos possão ser guardados em armazens sem pagarem os direitos de consumo, para serem re-exportados segundo a lei; e não serão sugeitos á outros quaesquer ou maiores direitos sobre a dita arrecadação e re-exportação, do que aquelles que são, ou vierem a ser, impostos sobre semelhantes artigos da pro-

* See State Papers, Vol. 1824, 1825, Page 674.

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ducção das Colonias Britannicas assim arrecadados e re-exportados.

Pela mesma regra os artigos da producção das Colonias Britannicas, que corresponderem aos artigos da producção do Brazil, sugeitos aos maiores direitos acima mencionados, serão admittidos nos portos do Brazil, para re-exportação somente, com as mesmas vantagens concedidas á semelhantes artigos nas alfandegas da Gram Bretanha.

XXIII. Todos as generos, artigos, e mercadorias importados dos dominios Britannicos para qualquer dos portos de Sua Magestade Imperial, serão acompanhados dos cockets originaes, assignados pelos competentes Officiaes d'Alfandega no porto do embarque, sendo os cockets de cada navio numerados progressivamente, e unidos com o sello d'officio d'Alfandega Britannica ao manifesto, que deve ser jurado perante o Consul do Brazil, para tudo ser apresentado n'Alfandega do porto da entrado. A origem dos generos importados no Brazil, dos dominios Britannicos em que não houver Alfandega, será authenticada com as formalidades observadas, quando são importados de taes dominios na Gram Bretanha.

XXIV. Sua Magestade Britannica obriga-se, em seu nome e no de seus successores, á permittir aos subditos de Sua Magestade Imperial o commerciar nos seus portos e mares d'Asia, na extensão que he ou puder ser concedida á nação mais favorecida.

XXV. Em todos os casos, em que se concederem gratificações (bounties) ou restituição de direitos (drawbacks) aos generos exportados de qualquer dos portos das 2 Altas Partes Contractantes, as gratificações e restituição dos direitos serão em tudo iguaes, ou a re-exportação seja feita em embarcações Brazileiras, ou em Inglezas.

XXVI. Sua Magestade Imperial se obriga no seu nome e no dos seus successores, á que o commercio dos subditos Britannicos dentro dos seus dominios não será restringido nem de qualquer modo affectado pela operação de algum monopolio ou privelegio exclusivo de venda ou compra qualquer, nem por favores concedidos á alguma companhia commercial; mas antes que os subditos de Suo Magestade Britannica terão permissão livre, e sem restricção, de comprar e vender de e á quem quer que for, e em qualquer forma e maneira que qui-

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zerem, sem serem obrigados á dar preferencia alguma ás ditas companhias commerciaes, ou á individuos que possuem ou podem vir á possuir privilegios exclusivos. E Sua Magestade Britannica se obriga da sua parte, á observar reciproca e fielmente o mesmo principio para com os subditos de Sua Magestade Imperial. Não se comprehendem nesta regra os artigos no Brazil, cuja exclusiva compra e venda estão presentemente reservadas á Coróa, em quanto esta reserva continuar a ter vigor.

XXVII. Sua Magestade Imperial ha por bem conceder aos subditos de Sua Magestade Britannica o privilegio de serem assignantes nas alfandegas do Brazil, com as mesmas condições e seguranças dos subditos Brazileiros. E por outra parte, fica concordado e estipulado, que os negociantes Brasileiros gozarão nas alfandegas Britannicas do mesmo favor, tanto quanto as leis o permitterem, e se concede aos subditos de Sua Magestade Britannica.

XXVIII. As Altas Partes Contractantes convem em que as estipulações conteudas no presente Tratado, continuem em vigor pelo espaço de 15 annos, que principiarão á decorrer desde a data da troca das ratificações deste Tratado,* e por mais tempo até que huma ou outra das Altas Partes Contractantes dê parte da sua terminação. No qual caso este Tratado se acabará no fim de 2 annos depois da data da dita parte.

XXIX. O presente Tratado será ratificado pelas Altas Partes Contractantes, e as ratificações serão trocadas dentro do espaço de 4 mezes, ou mais cedo se for possivel.

Em testemunho do que, nos os abaixo assignados Plenipotenciarios de Sua Magestade o Imperador do Brazil, e de Sua Magestade Britannica, em virtude dos nossos plenos poderes, temos assignado o presente Tratado com os nossos punhos, e lhe fizemos pôr o sello das nossas armas.

Feito na Cidade do Rio de Janeiro, nos 17 dias do mez de Agosto, do anno do nascimento de nosso Senhor Jesus Christo de 1827.

(L.S.) R. Gordon. (L.S.) Marq. de Queluz.
(L.S.) Visconde de Sao Leopoldo.
(L.S.) Marq. de Maceyo.

* The Ratifications were exchanged in London, 10th November, 1827.

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AGREEMENT *between Great Britain and Brazil, relative to the settlement of British Claims. Signed at Rio de Janeiro, 5th May,* 1829.*

Memorandum entered into between Lord Ponsonby and the Brazilian Government, relative to the Capture of British Ships in 1826 *and* 1827.

THE Commission to be composed of 4 Members, to be named by the respective Governments or Ministers.

The Commissioners to meet for the dispatch of business at least 3 days in every week.

Three Commissioners being met, or even if only one of those named by each of the Governments should meet, on the days appointed for the dispatch of business, they may proceed to the settlement of such claims as may be before them, and their decision will be as valid as if the whole of the Commissioners had been present.

Any claim being adjusted by a majority of the Commissioners, the same to be final.

In case a majority of the Commissioners should not agree upon the adjustment of any item or items of the claims, the same shall be referred to the Secretary of State for Foreign Affairs of His Imperial Majesty, and the Minister of His Britannic Majesty at this Court, for the final decision.

In proceeding to the adjustment of the claims, those for the vessels and cargoes condemned by the Decree of 21st May, 1828,† shall have precedence.

Eight months to be allowed from the installation of the

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* Presented to Parliament, 27th June, 1832.

† *Imperial Decree, 21st May,* 1828.

(*Translation.*)

Having heard my Council of State, in order to decide upon the revision, by most special grace, of the sentences of prizes pronounced by the Supreme Council of Admiralty, in pursuance of a resolution of the general legislative assembly of the Empire, which was sanctioned by me on the 18th of September of last year; I am pleased to ordain, that the sentences pronounced by the said tribunal, in the processes of the ships named; *Ruth, Leonidas, Pioneer, Anna, Wilhelmina* and *Maria, Andere, Jenny, Fortuna, Carolina, William* and *Henry, Utopia,* and

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Commission to produce claims, after which period no claim to be received, unless a majority of the Commissioners shall agree to extend the time for 4 months longer. But in cases not yet finally adjudged, the term of 8 months to be reckoned from the date of the final sentence.

The Commissioners to decide upon every matter and thing relating to the premises upon the basis agreed upon; and in case any part of the indemnities is adjudged in Spanish dollars, they are to reduce the same to Brazilian currency, at a fair and reasonable rate of exchange.

The following shall be the basis for adjusting the claims for indemnities:

1st. The Brazilian Government to pay the full value of the vessels and cargoes condemned, also of those vessels restored, but found to be unseaworthy; and on that account sold in the state they then were, deducting the net proceeds of the sale.

2nd. Those vessels which have been restored and fitted out for sea, to be paid the full amount of such outfit, with every charge thereon.

3rd. All sums of money paid for port charges and anchorage.

Dickins, being revoked, in that part of them which denies indemnification for unjust capture and detention of the said vessels and their cargoes, shall, in all other respects, still subsist and be carried into effect; nevertheless with a declaration that, with regard to that part of the cargo of the ship *Leonidas*, which is enemy's property, it shall be valued, in order that, its value being ascertained, the property may be delivered up to the captors, subject to the payment of freight for the whole, and to its restoration to the owners whenever neutral Powers shall obtain a similar restitution with regard to Brazil:—That the sentences of the said tribunal, which declare the ships named *La Belle Gabrielle*, *Sarah-George*, *Atlantic*, *Stay*, and *Junon*, with their cargoes, to be good prizes, be revoked; that the said vessels and cargoes be delivered up to their owners with a right to indemnification, to be liquidated in the manner specified with regard to the first;—and finally, that the sentences pronounced by the said tribunal in the processes of the ships named, *Henry* and *Isabella*, *George*, *Coquito*, *San Salvador*, *Courier*, *Jules*, *John*, and *Matilda*, shall subsist and be fully carried into effect.

Let the Supreme Council of the Admiralty so understand it, and issue the necessary orders for its fulfilment.

Palace of Rio de Janeiro, 21*st May*, 1828.

MARQUEZ DE ARACATY. THE EMPEROR.

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4th. The amount of freight and passage-money payable at the port of discharge, but which, in consequence of the detention, has not been paid.

5th. Losses arising to the vessels from non-fulfilment of charter-parties.

6th. Demurrage from the date of the detention of the respective vessels until the date of the execution of the respective sentences; the rate of such demurrage to be regulated according to the rates generally paid on English vessels.

7th. All law charges, or commissions in lieu of the same, in defending the vessels and cargoes, adjusting general averages, &c., and also the same commissions for recovering the indemnities, and the agent's commission for remitting the same to the parties.

8th. The wages and maintenance of the masters and crews remaining in Brazil, for the defence and protection of the vessels and cargoes, from the date of their capture till the date of the execution of the sentences, or sale of the vessels, with the passage of the masters to England.

9th. The indemnities for the cargoes, generally, shall be regulated by the invoices, bills of lading, manifests, and other documents, which may be presented to the Commissioners, duly attested by the parties or their agents.

10th. The indemnities for the cargoes condemned, to be regulated according to the invoice cost, and all charges, with 10 per cent. on such amount, for loss of market, &c.

11th. Such part of the cargoes restored as has been embezzled, lost, damaged, perished, or deficient, to be paid for upon the same principles as expressed in the last Article.

12th. Those parts of the cargoes restored, and which have been sold at Rio de Janeiro, to be valued at the invoice amount, and charges, with 10 per cent. as above, from which to be deducted the net proceeds of the sales; the difference to be admitted as the loss to be indemnified.

13th. Those parts of the cargoes restored and which have been exported, to be indemnified according to the invoice value, by such per centage on the same as to the Commissioners may appear to be fair and reasonable, under all the circumstances of each respective invoice; taking into consideration the state

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of the market of Rio de Janeiro, the description of merchandise, and the place to which it has been shipped, together with the amount of general average paid, and all charges on shipment.

14th. The owners of the respective cargoes to be indemnified for all extra charges of warehouse rent and duties paid, arising from the detention.

15th. Such cargoes as were shipped for discharge at port or ports on the west coast of South America; the value of the same, at such port of discharge, to be taken as far as practicable as the basis for estimating the indemnities.

16th. Such cargoes as were carried into Monte Video, and offers there made to the captors to give ample security for their value, but which offers were refused; the value to be estimated at the current market price in Monte Video, as the basis for indemnities.

17th. The amount of indemnities being adjusted in Brazilian money, the same shall bear interest, as respects the vessels, at the rate of 6 per cent. per annum, from 6 months after the date of the capture till payment is made.

18th. Interest on the value of the cargoes restored by the Decree of the 21st of May, 1828, or by sentence of the Tribunals, to be paid at the rate of 5 per cent. per annum, from the date of the capture till the execution of the final sentences.

19th. In adjusting the indemnities, the Commissioners shall reduce the accounts from sterling money into Brazilian currency, at the rate of 32 pence per milrea.

20th. The sums which are to be liquidated shall be realized in equal payments made at this Court; the first being paid at 12, the second at 24, and the third at 36 months; reckoned from the date of the day on which the liquidation of each prize is settled.

For this object, policies shall be issued by the public treasury, in which the name or names of the parties interested shall be inserted, in favour of whom they shall be drawn, and these shall be placed at the disposal of His Britannic Majesty's Legation at this Court, in order that they may be delivered to those to whom they really appertain.

Rio de Janeiro, 5th May, 1829.

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LAW *of the Regency, prohibiting the importation of Slaves into Brazil. Rio de Janeiro, 7th November,* 1831. (*Translation.*)

THE Regency, in the name of the Emperor Dom Pedro II, makes known to all the subjects of the Empire, that the general assembly has decreed, and that they have sanctioned, the following Law:—

Art. I. All slaves entering the territory or the ports of Brazil, coming from abroad, are free, with the exception of:

1st. Those who are enrolled in the service of vessels belonging to a country where slavery is allowed, so long as they are employed in the service of those vessels.

2ndly. Those who may have escaped from the territory or vessel of a foreign country, in which case they shall be delivered up to their masters, who claim them, and be re-exported from Brazil.

With respect to cases of the first exception, a list shall be made of the number of the slaves on board, at the time of visiting or entering the port, together with the necessary declaration to identify them, and an investigation shall take place, at the time of leaving, to see that the vessel conveys away the same slaves that she brought in.

The slaves that may be found, after the departure of the vessel, shall be taken into custody, and detained till they be re-exported.

II. The importers of slaves into Brazil shall incur the corporal punishment awarded by Article CLXXIX of the criminal code, to those who may reduce free persons to slavery, together with a fine of 200,000 reis for each imported slave, besides the payment of the expenses of re-exporting them to some part of Africa; which re-exportation the Government shall carry into execution as promptly as possible, after having contracted with the African Authorities for an asylum for them.

Those who shall infringe the said Article, shall be answerable for themselves as well as for all the others concerned.

III. The following shall be considered as importers:

1st. The commander, master, or mate.

2ndly. Whoever shall wittingly give or receive value, or be otherwise concerned, in a vessel destined for the slave trade.

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3rdly. All persons who may be interested in the adventure, and all who shall wittingly have advanced funds, or have in any way favoured it, or assisted in disembarking such slaves, or have admitted them upon their premises.

4thly. Those who may have wittingly purchased as slaves the negroes declared free by Article I. Such persons, however, are liable only secondarily, to the expense of re-exporting them, being nevertheless subject to the other penalties.

IV. If a vessel be captured by the national forces without the ports of Brazil, in the act of trading in slaves, it shall be proceeded against according to Articles II. and III., as if the capture had been made within the Empire.

V. Whoever shall give information of, and furnish the means of apprehending, any number of persons imported as slaves, or shall without a previous denouncing, or a judicial mandate, have apprehended any of the same, or shall have given notice of the disembarkation of free persons as slaves to a Justice of the Peace, or other local authority, in such manner as shall lead to their apprehension, shall receive from the public treasury the sum of 30,000 reis for each captured person.

VI. The commander, officers, and seamen, belonging to the vessel, which shall make the capture mentioned in Article IV., shall be entitled to the proceeds of the fine, which shall be distributed amongst them according to the naval regulation respecting prizes.

VII. No freed man, not being a Brazilian, shall be allowed to land slaves in the ports of Brazil, under any circumstances. Those who may be disembarked shall be immediately re-exported.

VIII. The commander, master, and mate, who shall bring the persons mentioned in the preceding Article, shall incur the fine of 100,000 reis for each person, and defray the expenses of their re-exportation.

The Informer shall receive from the public treasury the sum of 30,000 reis per head.

IX. The proceeds of the fines imposed by virtue of this law, after deducting the rewards granted in Articles V. and VIII., and the other expenses incurred by the public treasury, shall be applied to the Foundling Hospitals of the respective

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province, and if no such establishments exist, to hospitals for the relief of the sick.

All the authorities, therefore, to whom the knowledge and execution of the above law belong, are enjoined to fulfil, and cause to be fulfilled, the same, and strictly to observe all its enactments. The Secretary of State for the Affairs of Justice shall cause it to be printed, published, and circulated.

Palace of Rio de Janeiro, 7th November, 1831, 10th of independence and of the Empire.

FRANCISCO DE LIMA E SILVA.
JOSE DA COSTA CARVALHO.
JOAO BRAULIO MONIZ.

DECREE *of the Regency, for carrying into effect the Law prohibiting the importation of Slaves into Brazil. Rio de Janeiro, 12th April,* 1832. (*Translation.*)

THE Regency, in the name of the Emperor, Dom Pedro II., in conformity with Article CII., paragraph 12, of the Constitution,* and in order to regulate the execution of the law of the 7th November last, decrees that:

Art. I. Every vessel shall be visited by the police immediately on her arrival, and immediately preceding her departure; the visiting officer shall write on her passport the word "Visited," with the day and year, and his signature; without which formality no vessel shall be despatched.

II. In the ports where there is no visiting police, a Justice of the Peace, or his delegate, accompanied by the secretary, shall visit the vessel in the custom-house boat, or, should there be no such boat, in any other boat: where there are more than one Justice of the Peace, the Governor of the Province shall appoint the one to be charged with this duty.

III. The visiting officer shall inform himself, from the ship's papers (which he must demand) from what port the vessel comes, for what purpose, her cargo and destination, who is the

* Constitution for the Empire of Brazil.—11th December, 1825. Art. CII. L'Empereur est le Chef du Pouvoir Exécutif, et il l'exerce par ses Ministres d'Etat. Ses principales attributions sont: § 12. De publier les Décrets, Instructions, et Réglemens, pour la bonne exécution des lois.

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owner or master of the vessel, and the number of days of her voyage. He shall also inquire into the capacity of the vessel, her water-casks, and any other matter from which it may be conjectured that she has brought African blacks; all which circumstances must be mentioned in the minute of visit, signed by the Justice or his delegate, and the clerk, and by 2 witnesses if present.

IV. If during the visit any blacks be found, the visiting officer shall proceed in conformity with Article I. of the above-mentioned law; declaring in the minute of visit the names, birth-places, description of person, and any particular characteristic of each, by which they may be recognized at the visit preceding their departure.

V. In case of there being found or taken any blacks, coming under the provisions of the law, whether slaves or free, they shall immediately be placed in deposit, and the importers be obliged to produce the sum that may be judged necessary to provide for their re-exportation, and, should they refuse, an embargo shall be laid upon their property. They shall also be considered as taken *in flagrante delicto*, and shall be proceeded against by a Justice of the Peace or Intendant-General of Police, and delivered over to the competent Criminal Judge, or, where there shall be more than one, to the *Ouvidor da Comarca*, who, when the process is finished, shall inform the Government of the province, in order that proper steps may be taken for their immediate re-exportation.

VI. If the Intendant-General of Police, or Justice of the Peace, who shall make the visit, shall find any indication of the vessel having brought blacks, he shall make the necessary inquiries to inform himself of the fact, and shall proceed according to the above law.

VII. During the visit, the visiting officer shall endeavour to ascertain the number and condition of the black crew, or of the passengers of that colour, and if he shall discover that any or all of them are not civilized, or that they exceed the number necessary for the management of the vessel, the freed men shall not be allowed to disembark, and the slaves shall be placed in deposit, and be further proceeded with according to law.

VIII. The consignees and owners of vessels shall not be

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allowed to plead the death of any black, except by the inspection of the dead body by the officer who may have taken down the description of his person, and by the production of the minute of visit taken on the vessel's arrival.

IX. If the Intendant-General of Police, or Justice of the Peace, or Criminal Judge, should receive information of any person buying or selling any new black, he shall order such black into his presence, and ascertain whether he understands the Brazilian language; and whether he was in Brazil previously to the cessation of the slave trade; and shall inform himself, by means of an interpretor, when the said black arrived from Africa; in what vessel; where he disembarked; through what places he passed; and in the possession of how many persons he had been, &c. Should it appear that he arrived after the cessation of the slave trade, the officer shall cause him to be placed in deposit, and shall proceed according to law; and in all cases the parties interested shall be heard summarily, avoiding all unnecessary delays.

X. Should any black, at any time, represent to a Justice of the Peace, or Criminal Judge, that he came to Brazil after the cessation of the slave trade, the Judge shall inquire into every circumstance that may elicit the truth, and shall officially proceed by every means to substantiate the same, requiring of the master to explain all the doubts that may arise upon the subject. Should there appear to be a strong presumption that the black ought to be free, the Judge shall place him in deposit, and shall proceed according to the other provisions of the law.

XI. The authorities charged with the execution of the present Decree, shall inform the provincial governments of everything that may happen with regard to it, and the latter shall communicate the same to the general government.

Diogo Antonio Feijo, Minister and Secretary of State for the Affairs of Justice, will take cognizance hereof, and cause it to be executed.

Palace of Rio de Janeiro, 12th April, 1832.

FRANCISCO DE LIMA E SILVA.
JOZE DA COSTA CARVALHO.
DIOGO ANTONIO FEIJO. JOAO BRAULIO MONIZ.

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BUENOS AYRES.

LAW *of the Government of Buenos Ayres, declaring the Slave Trade to be Piracy.* 15*th November*, 1824.

(*Translation.*)

THE Honourable Junta of Representatives of the Province of Buenos Ayres, in the exercise of the ordinary and extraordinary authority with which it is invested, has sanctioned and decreed as follows; which shall have the force and effect of law:

Art. I. The traffic in negroes on the coast of Africa is declared piracy.

II. The citizens of Buenos Ayres who, after the publication of this law, shall engage in the traffic in negroes shall be punished as pirates.

Which, by order of the same honorable body, is communicated to your Excellency for the consequent effects.

God preserve your Excellency many years.

Hall of Sessions, Buenos Ayres, 15th November, 1824.

MANUEL PINTO, President.

JOSE SEVERO MALAVIA, Secretary.

H. E. the Governor and Captain-General of the Province.

CONVENTION *between Great Britain and Buenos Ayres, for the Settlement of British Claims. Signed at Buenos Ayres,* 19*th July*, 1830.

(*Translation.*)

Convention between the Government of Buenos Ayres and the Chargé d'Affaires of His Britannic Majesty, for the settlement of certain Claims of the subjects of His Britannic Majesty, against the said Government of Buenos Ayres, according to the annexed Memorandum presented by the said Chargé d'Affaires.

WHEREAS certain of His Britannic Majesty's subjects have demands pending against the Government of Buenos Ayres,

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for indemnification for illegal acts and violences, committed by privateers commissioned by them during the late war with the Emperor of Brazil, and whereas for the liquidation of those claims, a Mixed Commission was appointed by the Government of Buenos Ayres, in the month of October last, which commission, after having proceeded to the examination of some cases presented to them, have experienced considerable difficulty in arriving at a determination thereupon; and the Government of Buenos Ayres desiring to give a proof of their disposition to bring these long standing claims to as speedy a settlement as possible, and having consulted with His Britannic Majesty's Chargé d'Affaires thereupon, who has been charged by his Government to promote the adjustment of these cases, they have agreed with the said Chargé d'Affaires upon the following mode of providing for the final settlement of the remaining cases, viz :—

Art. I. The liquidation of the remaining cases of His Britannic Majesty's subjects against the Government of Buenos Ayres, arising out of the acts of their privateers in the late war, shall be removed to London.

II. For the purpose of giving effect to this Article, a new commission shall be named, to consist of 2 individuals, one to be appointed by the Government of Buenos Ayres, the other to be named by His Britannic Majesty's Government on behalf of the claimants.

III. The said commission shall meet in London in 6 months from this date.

IV. Due notice of the appointment and meeting of the commission shall be given in the London Gazette, and a limited period shall at the same time be fixed for the reception of claims, after the expiration of which no other shall be entertained.

V. With respect to the form in which the said claims shall be proved and substantiated by the parties interested, the commissioners shall guide themselves by the general rules and practice according to the Law of Nations.

VI. So soon as the amount of any claim shall have been determined by the commission, a certificate thereof shall be delivered to the claimant, signed by the commissioners.

VII. The amount specified in such certificate shall bear

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interest at the rate of 5 per cent. per annum, in favour of the claimants, from the date thereof, till finally paid off by the Government of Buenos Ayres.

VIII. The Government of Buenos Ayres engages to authorize the house of Messrs. Baring, in London, to provide for the payment of the amounts of the certificates aforesaid, within the following periods, or sooner, from the date of each certificate, viz.

$\frac{1}{3}$ in 6 months.
$\frac{1}{3}$ in 12 months.
$\frac{1}{3}$ in 18 months,

so that each claim shall be paid off, at farthest, in 18 months from the date of the amount being declared by the commission.

IX. The Government of Buenos Ayres further engages, so far as depends upon them, to assist in furthering the production of such documents as may be required from them, in support of the claims submitted to the commission.

In virtue of which, and for the corresponding ends, 2 copies of this Convention have been signed and exchanged in Buenos Ayres this 19th day of July, 1830.

WOODBINE PARISH,
Chargé d'Affaires of His Britannic Majesty.
MANUEL J. GARCIA,
Minister of Finance, charged with the Department of Government for Foreign Affairs.

Memorandum annexed to the preceding Convention.

Memorandum of the British Claims against the Government of Buenos Ayres.

The innocent part of the cargo of the *Huskisson*, (approximate value) -	£9068	0	0
Case of the *Concord* - - - - -	1064	4	8
Anne - - - - - -	1912	18	10
Albuera - - - - -	2632	12	0
Helvellyn - - - - -	2227	1	3
George and James - - -	3821	18	8
Mr. Carvalho's claim, 1351 milreis - about	304	0	0
Total approximate amount in sterling, -	£21,030	15	5

WOODBINE PARISH.
MANUEL J. GARCIA.

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CONVENIO *celebrado entre el Gobierno de Buenos Ayres y el Encargado de Negocios de Su Magestad Británica, para el arreglo de ciertos reclamos de los subditos de Su Magestad Británica, contra el mencionado Gobierno de Buenos Ayres, segun el Memorandum presentado por el dicho Encargado de Negocios, que va anexo.—Firmado en Buenos Ayres,* 19 *de Julio de* 1830.

Por cuanto varios subditos de Su Magestad Británica tienen reclamaciones pendientes contra el Gobierno de Buenos Ayres por indemnizaciones por actos ilegales, y violencias cometidas por los corsarios, comicionados por el durante la ultima guerra del Emperador del Brazil, y habiendose nombrado una Comicion Mixta por el Gobierno de Buenos Ayres en Octubre ultimo, para la liquidacion de estas reclamaciones, cuya Comicion despues de haber procedido al examen de algunos casos presentados á ella, ha experimentado considerables dificultades, para arribar á una determinacion sobre ellos; y deseando el Gobierno de Buenos Ayres dar una prueba de su disposicion, afin de que estas reclamaciones, tanto tiempo pendientes sean arregladas lo mas pronto posible, y habiendo consultado al encargado de Negocios de Su Magestad Británica, quien ha sido encargado por su Gobierno, de promover el ajuste de estos casos, ha acordado con dicho Encargado de Negocios, sobre el siguiente modo de proveer, al ajuste final de los restantes casos á saber:—

Art I. La liquidacion de las restantes reclamaciones de los subditos de Su Magestad Británica contra el Gobierno de Buenos Ayres, por actos cometidos por los corsarios en la ultima guerra, será removida á Londres.

II. Con el objeto de dar efecto á este Articulo, se nombrará una nueva Comicion, compuesta de 2 individuos, uno nombrado por el Gobierno de Buenos Ayres, y el otro por el de Su Magestad Británica, en favor de los reclamantes.

III. Dicha Comicion se reunirá en Londres á los 6 meses de esta fecha.

IV. Se dará la debida noticia del nombramiento y reunion de la Comicion, en la Gazeta de Londres, y se fijará un pe-

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riodo limitado para la recepcion de las demandas, despues de cuya espiracion no serán admitidas ningunas.

V. Con respecto á la forma en que dichas reclamaciones han de ser provadas y justificadas por las partes interesadas, se guiaran los Comicionados, por las reglas generales y practica de las leyes de las naciones.

VI. Tan pronto como sea determinado por la Comicion el monto de una reclamacion, se entregará un certificado (bond) del mismo, al reclamante, firmado por los Comicionados.

VII. El monto especificado en tal certificado, llevará el interes de 5 por ciento al año, en favor del reclamante, desde su fecha, hasta que sea finalmente pagado por el Gobierno de Buenos Ayres.

VIII. Se compromete á autorizar á la casa de los Senores Baring en Londres, á proveer al pago de los montos de dichos certificados, dentro de los siguientes plazos, ó antes, desde la fecha de cada certificado; á saber:

$\frac{1}{3}$ en 6 meses.

$\frac{1}{3}$ en 12 meses.

$\frac{1}{3}$ en 18 meses.

de modo que cada reclamacion será pagada cuando mas en 18 meses desde la fecha en que el monto haya sido declarado por la Comicion.

IX. El Gobierno de Buenos Ayres se compromete ademas, en cuanto dependa de él, á promoveer la produccion de los documentos que se le exigan en sosten de las reclamaciones sometidas á la Comicion.

En virtud de los cuales, y para los efectos convenientes, se firmaron, y cangearon 2 copias de un tenor en Buenos Ayres, 19 de Julio, de 1830.

WOODBINE PARISH,
Encargado de Negocios de Su Magestad Británica.

MANUEL J. GARCIA,
Ministro de Hacienda encargado del Departamento de Gobierno por las Relaciones Exteriores.

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Memorandum annexed to the preceding Convention.

Memorandum de los Reclamos Británicos contra el Gobierno de Buenos Ayres.

La parte inocente del cargo del *Huskisson* (valor aproximado) -	£9068	0	0
Caso del Buque *Concord* - - - - -	1064	4	8
Anne - - - - -	1912	18	10
Albuera - - - - -	2632	12	0
Helvellyn - - - - -	2227	1	3
George y James - -	3821	18	8
Reclamo de Mr. Carvalho, 1351 milreis, cerca de	304	0	0
Total del monto aproximado en libras esterlinas - - - - - - -	£21,030	15	5

WOODBINE PARISH.
MANUEL J. GARCIA.

DECREE *of the Government of Buenos Ayres, for the prevention of Slave Trade. 26th November,* 1833.
(*Translation.*)

Buenos Ayres, 26th November, 1833,
24th Year of Liberty, and 19th of Independence.

WHEN the Government, by its Decree of the 15th of October, 1831, which annulled that of the 3rd September, 1824, granted permission to import such slaves as might be imported in the class of *servants*, it was very far from anticipating that this measure, which was adopted for the purpose of improving the condition of slaves, who are, without doubt, benefitted by being placed under the protection of our laws, would have afforded a pretext for infringing them, and oppressing humanity. These considerations, and the knowledge that the Government possesses, that, under the appearance and denomination of *servants*, black slaves are introduced from the coast of Africa, and from other points where they are an article of contraband,

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make it a duty to prevent the commission of such acts; and it therefore resolves and decrees the following:—

Art. I. The enactments prohibiting the traffic in slaves are declared to be in full vigour, more especially those contained in the law of the 15th of November, 1824.*

II. At the time of visiting all vessels coming from foreign ports, the captain of the port shall require a list, upon oath, of the slaves on board, with a specification of their masters.

III. The list required by the preceding Article shall be immediately communicated to the office of police, where the proprietors shall present themselves with their slaves, and give an account of them.

IV. If the excessive number of newly imported slaves introduced by any individual, shall induce a suspicion that they may have been imported contrary to law, the chief of police shall direct that a brief statement of the fact be drawn up, and shall inform the Government of the same, for its resolution thereon; making the proprietor, meanwhile, responsible for the existence of the negroes, and prohibiting their transfer to any other proprietor.

V. The slaves which shall be introduced, in whatever manner, contrary to the provisions of the present Decree, shall be declared forfeited, and shall be awarded "*en patronato*" to the Informer, on the conditions established as a general regulation.

The captain of the port shall take care that, in the act of visiting vessels on their arrival, their captains and passengers shall be advised of the contents of the present Decree, in order that they may not allege ignorance of the same.

Let this be communicated and published, and inserted in the Official Register.

VIAMONT.

MANUEL J. GARCIA.

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* See Page 69.

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CHINA.

ACT *of the British Parliament, "to regulate the Trade to China and India."*

[3 & 4 Will. 4, Cap. 93.] [28th August, 1833.]

WHEREAS the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East Indies, will cease from and after the 22d day of April, 1834: and whereas it is expedient that the trade with China, and the trade in tea, should be open to all His Majesty's subjects, and that the restrictions imposed on the trade of His Majesty's subjects with places beyond the Cape of Good Hope to the Streights of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said company, should be removed: 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 from and after the said 22d day of April, 1834, an Act passed in the 4th year of the reign of His late Majesty King George the 4th, intituled "An Act to consolidate and amend the several laws now in force with respect to trade from and to places within the limits of the charter of the East India Company, and to make further provisions with respect to such trade, and to amend an Act of the present Session of Parliament for the registering of vessels, so far as it relates to vessels registered in India," shall be repealed, except such parts thereof as relate to Asiatic sailors, Lascars, being natives of the territories under the Government of the East India Company, but so as not to revive any Acts or parts of Acts by the said Act repealed; and except also as to

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such voyages and adventures as shall have been actually commenced under the authority of the said Act; and except as to any suits and proceedings which may have been commenced, and shall be depending on the said 22nd day of April, 1834; and from and after the said 22nd day of April, 1834, the enactments hereinafter contained shall come into operation.

II. And be it further enacted, that so much of an Act passed in the 6th year of the reign of His late Majesty, King George the 4th, intituled "an Act for the general regulation of the Customs," as prohibits the importation of tea, unless from the place of its growth, and by the East India Company, and into the port of London; and also so much of the said Act as prohibits the importation into the United Kingdom of goods from China, unless by the East India Company, and into the port of London; and also so much of the said Act as requires that the manifests of ships departing from places in China shall be authenticated by the Chief Supercargo of the East India Company; and also that so much of another Act passed in the said 6th year of the reign of His said late Majesty King George the 4th, intituled "an Act to regulate the trade of the British possessions abroad," as prohibits the importation of tea into any of the British possessions in America, and into the island of Mauritius, except from the United Kingdom, or from some other British possessions in America, and unless by the East India Company, or with their licence, shall be, from and after the 22nd day of April, 1834, repealed; and thenceforth (notwithstanding any provision, enactment, matter, or thing made for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, in any charter of the said Company, in the said Act, or any other Act of Parliament contained,) it shall be lawful for any of His Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Streights of Magellan.

III. Provided always, and be it enacted, that the person having the command of any ship or vessel arriving at any place in the possession of or under the Government of the said Company, shall make out, sign, and deliver to the principal officer of the Customs, or other person thereunto lawfully authorised, a

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true and perfect list, specifying the names, capacities, and description of all persons who shall have been on board such ship or vessel at the time of its arrival; and if any person having the command of such ship or vessel shall not make out, sign, and deliver such list, he shall forfeit £100, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half part to the said Company; and if the said Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

IV. And be it enacted, that the penalty or forfeiture aforesaid shall be recoverable by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, and in India or elsewhere, or in any Courts in India to which jurisdiction may hereafter be given by the Governor-General of India in Council in that behalf, to be commenced in the county, presidency, colony, or settlement where the offender may happen to be; or by conviction in a summary way before 2 Justices of the Peace in the United Kingdom, or in India, of the county or presidency where such offender may happen to be; and upon such conviction the penalty or forfeiture aforesaid shall and may be levied by distress and sale of the goods and chattels of the offender; and for want of such sufficient distress every such offender may be committed to the common gaol or house of correction for the space of 3 calendar months.

V. And whereas it is expedient for the objects of trade and amicable intercourse with the dominions of the Emperor of China, that provision be made for the establishment of a British authority in the said dominions; be it therefore enacted, that it shall and may be lawful for His Majesty, by any commission or commissions or warrant or warrants under His Royal Sign Manual, to appoint not exceeding 3 of His Majesty's subjects to be Superintendents of the trade of His Majesty's subjects, to and from the said dominions, for the purpose of protecting and promoting such trade, and by any such commission or warrant as aforesaid to settle such gradation and subordination among the said Superintendents (1 of whom shall be styled the Chief

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Superintendent), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such Superintendents and officers, as His Majesty shall from time to time deem expedient.

VI. And be it enacted, that it shall and may be lawful for His Majesty, by any such Order or Orders, commission or commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of His Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions; and to impose penalties, forfeiture, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and to create a Court of Justice with criminal and admiralty jurisdiction for the trial of offences committed by His Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China; and to appoint 1 of the Superintendents hereinbefore mentioned to be the officer to hold such court, and other officers for executing the process thereof; and to grant such salaries to such officers as to His Majesty in Council shall appear reasonable.

VII. And be it enacted, that no Superintendent or Commissioner appointed under the authority of this Act shall accept for or in discharge of his duties any gift, donation, gratuity or reward, other than the salary which may be granted to him as aforesaid, or be engaged in any trade or traffic for his own benefit or for the benefit of any other person or persons.

VIII. And be it enacted, that it shall be lawful for His Majesty, by and with the advice of His Privy Council, by any Order or Orders to be issued from time to time, to impose, and to empower such persons as His Majesty in Council shall think fit, to collect and levy from or on account of any ship or vessel belonging to any of the subjects of His Majesty entering any port or place where the said Superintendents or any of them

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shall be stationed, such duty on tonnage and goods as shall from time to time be specified in such order or orders, not exceeding in respect of tonnage the sum of 5*s.* for every ton, and not exceeding in respect of goods the sum of 10*s.* for every £100 of the value of the same; the fund arising from the collection of which duties shall be appropriated, in such manner as His Majesty in Council shall direct, towards defraying the expenses of the establishments by this Act authorized within the said dominions: provided always, that every Order in Council issued by authority of this Act shall be published in the *London Gazette;* and that every such Order in Council, and the amount of expense incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

IX. And be it enacted, that if any suit or action shall be brought against any person or persons for any thing done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within 6 months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction, and then within 6 months after the plaintiff or plaintiffs, and defendant or defendants, shall have been within the jurisdiction of any such Court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tending amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any Justice of the Peace for acts done in the execution of his office, by an Act passed in the 24th year of the reign of King *George* the Second (cap. 44) intituled, "an Act for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants;" and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the

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matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

ACT *of the British Parliament, "to regulate the Trade of the British Possessions Abroad."*

[3 & 4 Will. 4, Cap. 59.] [28th August, 1833.]

LXXXII. And be it further enacted, that it shall be lawful for the East India Company, during the continuance of their exclusive privileges of trade, to trade in and export from any place within the limits of their Charter, any goods for the purpose of being carried to some of His Majesty's possessions in America, and so to carry and to import the same into any of such possessions, and also to carry return cargoes from such possessions to any place within the limits of their Charter, or to the United Kingdom; and that it shall be lawful for any of His Majesty's subjects, with the license in writing granted by or under the authority of the said Company, to lade in and export from any of the dominions of the Emperor of China any goods, and to lade in and export from any place within the limits of the said Company's Charter any tea, for the purpose of being carried to some of His Majesty's possessions in

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America, and also so to carry and to import the same into any of such possessions.

BRITISH ORDER IN COUNCIL, *relative to the regulation of the Trade and Commerce of British Subjects at Canton in China.—9th December*, 1833.

At the Court at Brighton, the 9th day of December, 1833.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament made and passed in the 3rd and 4th year of His Majesty's reign,* intituled "An Act to regulate the trade to China and India," it is, amongst other things, enacted, that it shall and may be lawful for His Majesty, by any such Order or Orders, as to His Majesty in Council shall appear expedient and salutary, to give to the superintendents in the said Act mentioned, or any of them, powers and authorities over and in respect of the trade and commerce of His Majesty's subjects within any part of the dominions of the Emperor of China; and to make and issue directions and regulations touching the said trade and commerce, and for the direction of His Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified:

And whereas the officers of the Chinese Government resident in or near Canton, in the empire of China, have signified to the supra cargoes of the East India Company at Canton, the desire of that Government that effectual provision should be made, by law, for the good order of all His Majesty's subjects resorting to Canton, and for the maintenance of peace and due subordination amongst them; and it is expedient that effect should be given to such reasonable demands of the said Chinese

* See Page 76.

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Government; now, therefore, in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, that all the powers and authorities which, on the 21st day of April, 1834, shall by law be vested in the supra cargoes of the united company of merchants trading to the East Indies, over and in respect of the trade and commerce of His Majesty's subjects at the port of Canton, shall be, and the same are hereby vested in the superintendents for the time being appointed under and by virtue of the said Act of Parliament; and that all regulations which, on the said 21st day of April, 1834, shall be in force touching the said trade and commerce, save so far as the same are repealed or abrogated by the said Act of Parliament, or by any commission and instructions, or Orders in Council, issued or made by His Majesty in pursuance thereof, or are inconsistent therewith, shall continue in full force and virtue, and that all such penalties, forfeitures, or imprisonments as might, on the said 21st day of April, 1834, be incurred or enforced for the breach of such then existing regulations, shall thencefore be, in like manner, incurred and enforced for the breach of the said regulations, so far as the same are hereby revived and continued in force as aforesaid; and that all such penalties, forfeitures, or imprisonments, when so incurred, shall be enforced in manner following, that is to say, either by such ways and means by which the same might, on the said 21st of April, 1834, have been lawfully enforced, or by the sentence and adjudication of the Court of Justice established at Canton aforesaid, under and in pursuance of the said Act of Parliament.

Provided also, and it is further declared, that the regulations herein contained are and shall be considered as provisional only, and as intended to continue in force only until His Majesty shall be pleased to make such further or other Order in the premises, in pursuance of the said Act of Parliament, as to His Majesty, with the advice of his Privy Council, may hereafter seem salutary or expedient, in reference to such further information and experience as may hereafter be derived from the future course of the said trade.

And it is hereby further ordered, that the said superintend-

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ents shall compile and publish, for the information of all whom it may concern, the several regulations hereby established and confirmed as aforesaid; and that such publication, when so made with the authority of the said superintendents, shall, for all purposes, be deemed and taken to be legal and conclusive evidence of the existence and of the terms of any such regulation:

And it is further ordered, that the said superintendents shall, on the arrival of any British ship or vessel at the port of Canton aforesaid, cause to be delivered to the master, commander, or other principal officer of such ship or vessel, a copy of such regulation; and that every such master, commander, or other officer, together with every other person arriving in, or being on board any such ship, shall be bound, and is hereby required to conform himself to such regulations:

And the Right Honourable Viscount Palmerston, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, *appointing a Court of Justice at Canton, for the trial of Offences committed by British Subjects in China.—9th December*, 1833.

At the Court at Brighton, the 9th day of December, 1833.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made and passed in the third and fourth year of His Majesty's reign, intituled "An Act to regulate the trade to China and India,"* it is, amongst other things, enacted, that it shall and may be lawful for His Majesty, by any such Order or Orders as to His Majesty in Council shall appear expedient and salutary, to create a Court of Justice, with criminal and admiralty jurisdiction,

* See Page 76.

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for the trial of offences committed by His Majesty's subjects within the dominions of the Emperor of China, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China, and to appoint one of the superintendents in the said Act mentioned to be the officer to hold such court, and other officers for executing the process thereof; now, therefore, in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, that there shall be a Court of Justice, with criminal and admiralty jurisdiction, for the purposes aforesaid, which Court shall be holden at Canton, in the said dominions, or on board any British ship or vessel in the port or harbour of Canton, and that the said Court shall be holden by the Chief Superintendent for the time being, appointed, or to be appointed, by His Majesty under and in pursuance of the said Act of Parliament:

And it is further ordered, that the practice and proceedings of the said Court upon the trial of all issues of fact or law to be joined upon any indictments or informations to be therein brought or prosecuted shall be comformable to and correspond with the practice and proceedings of the Courts of oyer and terminer and gaol delivery in England upon the trial of such issues in such Courts, so far as it may be practicable to maintain such conformity and correspondence, regard being had to the difference of local circumstances; and especially it is hereby ordered, that every such trial of any such issue of fact, or of mixed fact and law, shall be by the said Chief Superintendent for the time being, and a jury of 12 men, and that upon every such trial the examination of witnesses for and against the party or parties charged shall take place, *vivâ voce*, in open Court; and that the sentence or judgment of the said Court upon every such trial, founded upon the verdict of such jury, shall be pronounced in open Court by such Chief Superintendent as the presiding judge thereof:

And whereas it will be necessary to frame and prescribe rules of practice and proceeding to be observed upon all such prosecutions, in order to ascertain how far the same can be

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brought into conformity with the practice and proceeding of His Majesty's Courts of oyer and terminer and gaol delivery in England, and how far it may be necessary to deviate from such practice and proceeding by reason of the differences of local circumstances, it is, therefore, further ordered, that such Chief Superintendent for the time being shall be, and he is hereby authorized from time to time, but subject to the provisions aforesaid, to promulgate all such rules of practice and proceeding as it may be necessary to adopt and follow, upon, or previously to, the commitment of any person to take his trial in the said Court, and respecting the taking of bail for the appearance of any such person at such trial, and respecting the form and manner of preferring and finding indictments, and of exhibiting criminal informations against any persons charged with any crimes or offences before the said Court; and respecting the manner of summoning and convening jurors for the trial of such indictments, or informations; and respecting qualifications of such jurors, and the mode of summoning and compelling the attendance of witnesses; and respecting the process of the said Court, and the mode of carrying the same into execution; and respecting the times and places of holding such Courts, and the duties of the respective ministerial officers attending the same, whom he is hereby authorized to appoint provisionally, subject to His Majesty's approbation; and also respecting every other matter and thing connected with the administration of justice therein which it may be found necessary to regulate:

And it is further ordered, that all rules so to be promulgated as aforesaid shall be binding and take effect from the respective days of the dates thereof, but that the same shall, by such Chief Superintendent, be transmitted to one of His Majesty's Principal Secretaries of State, for His Majesty's approbation or disallowance, and that any such rule shall cease to be binding, or to have any force or effect, from and after the time of which His Majesty's disallowance thereof shall be made known to such Chief Superintendent for the time being:

And it is further ordered, that a record shall be duly made and preserved of all the proceedings, judgments and sentences

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of the said Court, which record shall be retained in the custody of an officer of the said Court to be by the Chief Superintendent specially charged with the performance of that duty:

And the Right Honourable Viscount Palmerston, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

ACT *of the British Parliament, relative to the Conveyance of Letters, &c., to and from Great Britain and Foreign Countries.*

[5 & 6 Will. 4, cap. 25.] [21st August, 1835.]

XII. And be it further enacted, that, from and after the passing of this Act, every letter or packet which shall be brought into Great Britain or Ireland by ships or vessels other than packet boats, from any port or place in China, shall be liable to and chargeable with the same rates of sea postage (over and above any inland rates) as would be payable under or by virtue of the said Act, passed in the 55th year of the reign of King George the 3rd, [cap. 153] if such letters or packets were brought into Great Britain by ships or vessels other than packet boats from any other foreign kingdom; and so much of the said last-mentioned Act as enacts that nothing therein contained shall extend to any letters or packets from China, shall be and the same is hereby repealed.

See also §§ VIII. and XXI. of this Act. "GREAT BRITAIN."

DENMARK.

TREATY *between His Majesty, and the King of the French, and the King of Denmark; containing the Accession of His Danish Majesty to 2 Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Copenhagen, 26th July,* 1834.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French.

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having concluded on the 30th of November, 1831, and the 22nd March, 1833, 2 Conventions intended to insure the complete suppression of the Slave Trade;

The High Contracting Parties, conformably to the 9th Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, having addressed an invitation to that effect to His Majesty the King of Denmark; and His said Majesty, animated with the same sentiments which induced him to suppress that trade in the Danish Colonies, at a period when this measure had not yet been taken by any other Power, and earnest to concur with his 2 august Allies in the same humane object, having without hesitation assented to the proposal;

The 3 High Powers, with the view of accomplishing this generous design, and of giving due authenticity, and all accustomed solemnity to the Accession of His Danish Majesty, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to conclude to this effect a formal Treaty, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Watkin Williams Wynn, Knight Grand Cross of the Royal Hanoverian Order of the Guelphs, one of His Britannic Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark:

His Majesty the King of the French, M. Napoleon Lannes, Duc de Montebello, Peer of France, Knight of the Royal Order of the Legion of Honour, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Denmark:

His Majesty the King of Denmark, M. Hans de Krabbe-Carisius, his Minister of State, and Chief of his Department for Foreign Affairs, Knight Grand Cross of his Order of Dannebrog with the Silver Cross, and Knight of the Second Clas- of the Order of St. Anne in Russia with diamonds:

Who, after having reciprocally exchanged their Full-powers, found to be in good and due form, have agreed upon the following Articles:—

Art. I. His Majesty the King of Denmark accedes to the

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Conventions concluded and signed on the 30th of November, 1831, and on the 22nd March, 1833, 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 Annex; excepting the reservations and modifications expressed in the 2nd, 3rd, and 4th Articles hereinafter given, which Articles shall be considered additional to the said Conventions and to their Annex, and excepting the differences which necessarily result from the situation of His Danish Majesty, as a party acceding to these Treaties after their conclusion.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, accept the said Accession; all the Articles of these 2 Conventions, and all the conditions of their Annex, shall, in consequence, be held to have been agreed upon, concluded and signed 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 Denmark.

Their said Majesties engage and promise reciprocally to each other to fulfil faithfully all the clauses, conditions, and obligations thereof, excepting the reservations and modifications herein stipulated for; and in order to prevent any uncertainty, it has been agreed that the said Conventions, and the Annex containing the Instructions to cruizers, shall be inserted here word for word, as follows:—

[Here follow the Conventions between Great Britain and France, of 30th November, 1831, and 22nd March, 1833, and the Annex containing the Instructions to cruizers.]

[See France, Pages 109, 115.]

II. It is agreed, with reference to Article III of the Convention of the 30th November, 1831, hereinabove transcribed, that His Majesty the King of Denmark shall fix, according to his convenience, the number of Danish cruizers which shall be employed in the service mentioned in the said Article, and the stations on which they shall cruize.

III. The Government of His Majesty the King of Denmark shall make known to the Governments of Great Britain and France, conformably to Article IV of the Convention of

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30th November, 1831, the Danish ships of war which are to be employed in the suppression of the trade, in order to obtain for their commanders the necessary warrants.

The warrants which are to be delivered by Denmark, shall be issued as soon as notification of the number of British and French cruizers intended to be employed shall be made to the Danish Government.

IV. It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of 22nd March, 1833, that all Danish vessels which, in pursuance of the Conventions herein-above transcribed, may 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 the French, employed on the American station, shall be carried and delivered to the Danish authorities at Santa Cruz.

That all Danish vessels detained by British or French cruizers on the African station, shall be delivered to the Danish Authorities at the fort of Christiansburgh on the Gold Coast of Guinea.

And that every vessel under the Danish flag which shall be detained by the British or French cruizers employed on the Madagascar station, shall be delivered to the authorities at one or other of the Danish possessions herein-above mentioned, or to the Danish authorities at Tranquebar in the East Indies, if circumstances shall render this last-mentioned destination desirable.

V. The present Treaty shall be ratified, and the ratifications shall be exchanged at Copenhagen in the space of 3 months, or sooner if possible.

In faith of which, the above-named Plenipotentiaries have signed the present Treaty in 3 originals, and have affixed thereto the seal of their arms.

Done at Copenhagen, this 26th day of July, 1834.

(L. S.) H. W. Williams Wynn.

(L. S.) Nap. Lannes, Duc de Montebello.

(L. S.) Hans Krabbe-Carisius.

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Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833, 2 Conventions, destinées à assurer la répression complète de la traite des noirs;

Les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui établit que les autre puissances maritimes seront invitées à y accéder, ayant adressé une invitation à cet effet à Sa Majesté le Roi de Danemarck; et Sa dite Majesté, animée des mêmes sentimens qui lui ont inspiré l'abolition de ce trafic dans les colonies Danoises, à une époque où cette mesure n'avait encore été prise par aucune autre Puissance, et empressée de concourir avec ses 2 augustes alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition;

Les 3 Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Sa Majesté Danoise, ainsi qu'à son acceptation par Sa Majesté Britannique et Sa Majesté le Roi des Français, l'authenticité convenable, et la solennité d'usage, ont résolu de conclure à cet effet un Traité formel, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Sir Henry Watkin Williams Wynn, Chevalier Grand' Croix de l'Ordre Hanovrien des Guelphes, Membre du Trés Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire á la Cour de Danemarck:

Sa Majesté le Roi des Français, le Sieur Napoléon Lannes, Duc de Montebello, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Danemarck:

Sa Majesté le Roi de Danemarck, le Sieur Hans de Crabbe-Carisius, son Ministre intime d'Etat, et Chef de son Département des Affaires Etrangères, Grand' Croix de son Ordre de Danebrog avec la Croix d'Argent, et Chevalier de l'Ordre de Sainte Anne de Russie de la seconde classe en diamans:

Lesquels, après avoir réciproquement échangé leurs Pleins-

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pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

Art. I. Sa Majesté le Roi de Danemarck accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la traite des noirs, ainsi qu'à leur Annexe, sauf les réserves et modifications exprimées dans les Articles II, III, et IV ci-après, qui seront considérés comme additionnels aux dites Conventions at à leur Annexe, et sauf la différence qui résulte nécessairement de la situation de Sa Majesté Danoise, comme partie accédante à ces Traités après leur conclusion.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, et Sa Majesté le Roi des Français, acceptent la dite accession; en conséquence, tous les Articles de ces 2 Conventions, et toutes les dispositions de leur Annexe, seront censés avoir été convenus, conclus, et signés directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Danemarck.

Leurs dites Majestés s'engagent et se promettent réciproquement d'en exécuter fidèlement toutes les clauses, conditions, et obligations, sauf les réserves et modifications ci-après stipulées; et afin de prévenir toute incertitude il a été arrêté que les dites Conventions, avec l'Annexe contenant les Instructions pour les croiseurs, seront insérées ici mot-à-mot, ainsi qu'il suit:

[Here follow the Conventions between Great Britain and France, of 30th November, 1831, and 22nd March, 1833, and the Annex containing the Instructions to cruizers.]

[See France, Pages 109, 115.]

II. Il a eté convenu, relativement à l'Article III de la Convention du 30 Novembre, 1831, ci-cessus transcrite, que Sa Majesté le Roi de Danemarck fixera selon ses convenances, le nombre des croiseurs Danois qui seront employés au service mentionné dans le dit Article, et les stations où ils devront croiser.

III. Le Gouvernement de Sa Majesté le Roi de Danemarck fera connaître aux Gouvernemens de la Grande Bretagne

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et de la France, conformément à l'Article IV de la Convention du 30 Novembre, 1831, les bâtimens de guerre Danois qui devront être employés à la répression de la traite, afin d'obtenir pour leurs commandans les mandats nécessaires.

Les mandats que le Danemarck devra délivrer seront expédiés aussitôt que notification du nombre des croiseurs Britanniques et Français destinés à être employés sera faite au Gouvernement Danois.

IV. Il est convenu, en ce qui se rapporte à l'Article V des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Danois qui, par suite des Conventions ci-dessus transcrites, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, ou de Sa Majesté le Roi des Français, employés dans la station d'Amérique, seront conduits et remis aux autorités Danoises à Ste. Croix.

Que tous les navires Danois arrêtés par les croiseurs Britanniques ou Français de la station d'Afrique, seront remis aux autorités Danoises au Fort de Christiansbourg sur la Côte d'Or de Guinée.

Et que tout bâtiment sous pavillon Danois, qui serait arrêté par les croiseurs Britanniques ou Français employés dans la station de Madagascar, sera remis aux autorités de l'une ou de l'autre des possessions Danoises ci-dessus mentionnées, ou aux Autorités Danoises à Tranquebar aux Indes Orientales, si les circonstances rendent cette dernière destination désirable.

V. Le présent Traité sera ratifié, et les ratifications seront échangées à Copenhague dans le délai de 3 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires sus-dénommés ont signé le présent Traité en 3 originaux, et y ont apposé le sceau de leurs armes.

Fait à Copenhague, le 26 Juillet, de l'an de grâce 1834.

(L.S.) H. W. Williams Wynn.
(L.S.) Nap. Lannes, Duc de Montebello.
(L.S.) Hans Krabbe-Carisius.

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BRITISH ORDER IN COUNCIL, *granting to Danish Vessels the privileges of Trading with the British Colonies.* 1*st April*, 1835.

At the Court at St. James's, the 1*st day of April*, 1835.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 3rd and 4th year of His Majesty's reign, [cap. 59.] intituled "An Act to regulate the trade of British Possessions abroad," after reciting that, by the law of navigation, foreign ships are permitted to import into any of the British Possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever; and that it is expedient that such permission should be subject to certain conditions, it is, amongst other things, enacted, that the privileges, by the law of navigation granted to foreign ship, shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by His Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country; and it is thereby provided, that no foreign country shall be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall, by some Order or Orders to be by him made by the advice of His Privy Council, have declared that such foreign country hath so fulfilled the said conditions, and is entitled to the said privileges.

And whereas it hath been made to appear to the satisfaction of His Majesty in Council, that the conditions aforesaid have been fulfilled by the Government of Denmark.

Now, therefore, in pursuance and exercise of the powers in

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His Majesty in Council by the said recited Act of Parliament in that behalf vested, His Majesty, by and with the advice of His Privy Council, doth declare, and it is hereby declared accordingly, that the Danish Government hath fulfilled the beforementioned conditions, and that Danish ships may import into any of the British possessions abroad, from the country to which they belong, goods the produce of that country, and may export goods from such possessions, to be carried to any foreign country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable the Earl of Aberdeen, one of His Majesty's Principal Secretaries of State, having the Department of the Colonies, are to give the necessary directions herein accordingly as to them may respectively appertain. WM. L. BATHURST.

ACT *of the British Parliament, "for carrying into effect the Treaty with the King of the French and the King of Denmark, for suppressing the Slave Trade."*

[5 & 6 Will. 4, Cap. 61.] [9th September, 1835.]

WHEREAS a Treaty was, on the 26th day of July in the year of our Lord, 1834, 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 Denmark, and signed at Copenhagen, whereby it was agreed as follows:—

[See Treaty. Page 87.]

And whereas the said Treaty was 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 Denmark respectively, and such ratifications were exchanged on the 19th day of October, in the year of our Lord, 1834;

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Treaty;

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

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for any officer commanding any ship of war of His Majesty or of the King of Denmark, who shall have such rank as by the IInd Article of the said Convention of the 30th November, 1831, is agreed, and who shall be duly instructed and authorized and furnished according to the several provisions of the said 2 Conventions, and within the waters described, and according to the provisions and exceptions contained in the Ist Article of the said Convention of the 30th November, 1831, to exercise the right of visiting and searching any merchant vessel of either of the said 2 Nations of Great Britain and Denmark, 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 2 Conventions, except as in the said IIIrd 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 carrying in and delivering over any such vessel, together with its master, sailors, passengers, slaves and cargo, to the authorities appointed by the respective Governments of Great Britain, France, and Denmark, for the purposes of the said Treaty of the 26th of July, 1834, 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 Denmark; and all such commanders of His Majesty's ships are hereby authorized and required, in the exercise of such rights 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 2 Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the 26th of July, 1834.

II. And be it further enacted, that where any such officer of His Majesty the King of Denmark 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, all and every proceedings instituted in the tribunals hereinafter men-

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tioned 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 detained by the cruizers of His Majesty the King of Denmark 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 at 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 Denmark, and delivered up to the jurisdiction of His Majesty, either at Jamaica, the Cape of Good Hope or Demerara, shall be proceeded against and adjudicated in the Vice-Admiralty Courts 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.

III. And be it further enacted and declared, that if any of the particulars specified in the 6th Article of the said Convention of the 22nd of March, 1833, 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 5th year of the reign of His Majesty King George the 4th, [cap. 113.], intituled "An Act to amend and consolidate the Laws relating to the abolition of the slave trade."*

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 Denmark, duly authorized, and shall be confiscated according to the laws of this country, and the provisions of the said 2 Conventions (as the same are altered and modified by the said Treaty) and of the said Act of Parliament, passed in the 5th year of the

* See Vol. 3, Page 152.

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reign of His Majesty King George the 4th, 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 Denmark, according to the provisions of the 5th Article of the said Convention of the 22nd day of March, 1833; 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 5th 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 provision of the said 5th Article, and that the same, after deducting all necessary expenses, shall be distributed to and amongst the officers and crew of the capturing ship, in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

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 26th of July, 1834, a bounty of £5 of lawful money of Great Britain, for every man, woman and child slave seized and found on board a British or Danish 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 proportions 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.

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

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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.

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 Danish ship or vessel, in pursuance of the provisions of the said Treaty and of this Act, but who 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 3 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.

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 of any share of the proceeds of any Danish 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 that 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.

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 hereby 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.

X. And be it further enacted, that where any illegal visit

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and detention, or any visit and detention without sufficient cause of suspicion, or any abuse or vexation, shall have taken place, and have been made by any officer of His Majesty the King of Great Britain and Ireland, as is mentioned in the 8th and 9th Articles of the said Convention of the 22nd of March, 1833, it shall be lawful for the Commissioners of His Majesty's Treasury, by warrant signed by any 3 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 2 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 by order of the said Commissioners of His Majesty's Treasury.

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 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 3 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 expenses as the seizor may have incurred in respect of such seizure, or any proportionate part thereof.

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 anything done in pursuance of the said Treaty or of this Act, in as far as it relates thereto, 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 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 nonsuited or discontinue his action after the defendant or defendants shall have appeared, or if judgment

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shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

FRANCE.

ORDINANCE *of the King of France, prohibiting the conveyance of Prisoners as Slaves, in the Levant Seas, and on the Coasts of Egypt and Barbary, on board French Vessels.* 18*th January*, 1823.

Louis par la Grace de Dieu, Roi de France et de Navarre:

Nous avons été informés que des capitaines, naviguant dans les mers du Levant et sur les côtes de l'Egypte et de la Barbarie, sont véhémentement soupçonnés d'avoir affrêté leurs navires pour transporter au lieu où ils doivent être vendus, des individus des 2 sexes tombés, par le sort de la guerre, au pouvoir des belligérans, et traités par eux comme esclaves.

Par de tels actes, ces capitaines participent au plus odieux abus des droits de la guerre; ils manquent à tous les devoirs que la religion et l'humanité imposent; ils compromettent à-la-fois l'honneur du nom et du pavillon Français, les intérêts de l'Etat, et ceux des propriétaires et chargeurs de navires dont le commandement leur est confié.

En conséquence, et sur le rapport de notre Ministre-Secrétaire-d'Etat, au département de la Marine et des Colonies,

Nous avons ordonné et ordonnons ce qui suit:

Art. I. Il est défendu à tout armateur et capitaine Français, d'employer et d'affrêter les navires qui leur appartiennent ou qu'ils commandent, à transporter des esclaves, quelles que soient l'origine desdits esclaves et la nation au pouvoir de laquelle ils sont tombés, et pour quelque lieu qu'ils soient destinés.

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II. Les officiers commandant nos bâtimens arrêteront tout navire Français à bord duquel des passagers, traités comme esclaves, se trouveraient; ils les feront conduire et débarquer le plus promptement qu'il sera possible, au premier port où la sûreté et la liberté de ces individus seront parfaitement garanties.

Lesdits commandans adresseront à notre Ministre Secrétaire d'Etat de la Marine et des Colonies un rapport, signé des principaux officiers de l'Etat-Major, sur les circonstances de l'arrestation du navire et du débarquement des passagers; ils joindront à ce rapport l'interrogatoire qu'ils auront fait subir au capitaine, aux officiers, à l'équipage et aux passagers.

III. Si un de nos Consuls, ou un Agent Consulaire de France, est en résidence dans le port où lesdits passagers auront été débarqués, il sera procédé, par lui, à l'interrogatoire prescrit ci-dessus, en présence d'un ou 2 officiers du bâtiment qui aura arrêté le navire, et de 2 ou 3 Français immatriculés au consulat.

IV. Le capitaine du navire qui aura été arrêté comme étant en contravention à la présente Ordonnance, recevera l'ordre de retourner dans un port de France, aussitôt après le débarquement des esclaves passagers.

Le signalement du capitaine et celui du navire seront adressés par le Consul qui aura eu le premier connaissance de la contravention, à notre Ministre Secrétaire-d'Etat de la Marine et des Colonies, et à tous nos Consuls en Levant et en Barbarie.

La cause de l'expulsion du navire et du capitaine sera notée, soit par l'officier commandant le bâtiment qui aura arrêté le navire, soit par le Consul de France, sur la commission du capitaine, sur le rôle d'équipage, l'acte de francisation et le congé de mer.

V. Tout capitaine qui aura contrevenu à la présente Ordonnance, sera interdit pour toujours, de la faculté de commander aucun navire Français, pour quelque destination que ce soit. Toutes poursuites sont, en outre, réservées aux propriétaires et chargeurs du navire, en raison des pertes et dommages que l'infraction commise par le capitaine aura pu leur causer.

VI. Si le capitaine délinquant est en même tems armateur et

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propriétaire du navire, l'acte de francisation et le congé de mer lui seront retirés, dès qu'il sera arrivé dans un port de France; et ni l'administration de la marine, ni celle des douanes ne pourront lui délivrer ultérieurement pour un armament quelconque, aucune des expéditions qui constituent la nationalité d'un navire Français, sans préjudice des poursuites qui pourraient être dirigées contre lui.

Les agens de ces 2 administrations constateront, par un procés-verbal, le retrait desdites pièces, et il en sera fait mention sur les registres de l'inscription maritime.

VII. Nos Ministres Secrétaires-d'Etat des Affaires Etrangères, de la Marine et des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution de la presente Ordonnance.

Donné à Paris en notre Château des Tuileries, le 18e jour de Janvier, de l'an de grâce 1823, et de notre règne le 28e.

Par le Roi, LOUIS.

Le Ministre Secrétaire-d'Etat au Département de la Marine et des Colonies.

MARQUIS DE CLERMONT-TONNERRE.

BRITISH *Order in Council, granting to French Vessels certain Privileges of Trading with the Island of Mauritius.* 16*th December*, 1826.

At the Court at St. James's, the 16*th December*, 1826.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council, bearing date the 1st day of June, 1826,* His present Majesty was pleased, in pursuance and exercise of the powers and authority in him vested, by an Act passed in the 6th year of the reign of His present Majesty, [cap. 114] intituled "an Act to regulate the trade of the British Possessions abroad," to declare and grant that it was

* See Vol. 8, Page 138.

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and should be lawful for French ships to import into any of the British possessions in the West Indies and America, from the Dominions of His Most Christian Majesty, such goods the produce of those Dominions, as are mentioned and enumerated in the table subjoined to the said Order, and to export goods from such British possessions, to be carried to any foreign country whatever: And whereas His Majesty, by and with the advice of His Privy Council, has deemed it expedient that the said Order in Council should be extended to the island of Mauritius, His Majesty, by and with the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said Act, doth hereby declare and grant, that it shall be lawful for French ships to import into the said island of Mauritius from the Dominions of His Most Christian Majesty, such goods being the produce of those Dominions, as are mentioned and enumerated in the table subjoined to the said Order in Council of the 1st day of June, 1826.

And for the prevention of any doubts respecting the true meaning and effect of the said Order in Council of the 1st day of June, 1826, and of this present Order, His Majesty is further pleased to order and declare, that neither the said Order in Council of the 1st day of June, 1826, nor this present Order, shall extend or be construed to extend to authorize the importation in French ships, into any of the British possessions in the West Indies and America or into the island of Mauritius, from the Dominions of His Most Christian Majesty, of any *Wine* being the produce of those Dominions.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Earl Bathurst, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

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LAW *of France, relative to the Repression of the Slave Trade. Paris, 4th March,* 1831.

A Paris, au Palais-Royal, le 4 *Mars,* 1831.

LOUIS-PHILIPPE, Roi des Français, à tous présens et à venir, salut.

Les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

Art. I. Quiconque aura armé ou fait armer un navire dans le but de se livrer au trafic connu sous le nom de Traite des Noirs, sera puni d'un emprisonnement de 2 ans au moins, à 5 ans au plus, si le navire est saisi dans le port d'armement avant le départ.

Les bailleurs de fonds et assureurs qui auront sciemment participé à l'armement, le capitaine et le subrécargue du navire, seront punis de la même peine.

La poursuite ne pourra avoir lieu que lorsque la preuve du but de l'armement paraîtra résulter, soit des dispositions faites à bord, soit de la nature du chargement.

II. Si le navire est saisi en mer avant qu'aucun fait de traite ait eu lieu, les armateurs seront punis de 10 ans de travaux forcés au moins, à 20 ans au plus.

Les bailleurs de fonds et assureurs qui auront sciemment participé à l'armement seront punis de la reclusion.

Le capitaine et le subrécargue seront punis de 5 ans de travaux forcés au moins, à 10 ans au plus.

Les officiers seront punis de la reclusion.

Les hommes de l'équipage seront punis d'un emprisonnement d'un an au moins, à 5 ans au plus.

III. Si un fait de traite a eu lieu, le capitaine et le subrécargue seront punis de 10 ans de travaux forcés au moins, à 20 ans au plus.

Les officiers seront punis de 5 ans de travaux forcés au moins, à 10 ans au plus.

Les hommes de l'équipage seront punis de la reclusion, ainsi que tous les autres individus qui auront sciemment participé ou aidé au fait de traite, sans préjudice des peines portées contre les armateurs, bailleurs de fonds et assureurs, par l'Article précédent.

IV. Les peines prononcées par les précédens Articles contre

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le capitaine et le subrécargue seront applicables aux individus qui, quoique non inscrits comme tels sur les rôles d'équipage, en auront rempli les fonctions.

L'aggravation des peines prononcées par l'Article CXCVIII du Code Pénal* sera encourue par les fonctionnaires publics qui, chargés d'empêcher et de reprimer la traite, l'auraient favorisée ou y auraient pris part.

V. Dans tous les cas prévus par les Articles ci-dessus, le navire et la cargaison seront saisis et vendus.

Si le navire et la cargaison n'ont pas été saisis, les armateurs, bailleurs de fonds et assureurs, seront solidairement condamnés à une amende égale à leur valeur.

Dans tous les cas, les coupables pourront en outre être condamnés solidairement à une amende, qui ne sera pas moindre de la valeur du navire et de la cargaison, et qui n'excèdera pas le double de cette valeur.

VI. Ne seront passibles d'aucune peine les hommes de l'équipage autres que les capitaines, officiers, et subrécargues, qui, avant toute poursuite connue d'eux, et au plus tard dans les 15 jours après leur débarquement, soit dans les ports de France ou des colonies, soit dans ceux des pays étrangers, auront déclaré aux agens du Gouvernement, ou à leur défaut, devant l'autorité du lieu, les faits relatifs à la traite auxquels ils auraient participé.

VII. Les crimes et délits commis à bord d'un navire contre les noirs embarqués seront punis des peines portées par le Code Pénal.

VIII. Quiconque fabriquera, vendra ou achètera des fers

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* *Code Pénal.* Article 198. Hors les cas où la loi règle spécialement les peines encourues pour crimes ou délits commis par les fonctionnaires ou officiers publics, ceux d'entre eux qui auront participé à d'autres crimes ou délits qu'ils étaient chargés de surveiller ou de réprimer, seront punis comme il suit: —s'il s'agit d'un délit de police correctionnelle, ils subiront toujours le *maximum* de la peine attachée à l'espèce de délit; et s'il s'agit de crimes emportant peine afflictive, ils seront condamnés, savoir: à la reclusion, si le crime emporte contre tout autre coupable la peine du bannissement ou du carcan; aux travaux forcés à temps, si le crime emporte contre tout autre coupable la peine de la reclusion; et aux travaux forcés à perpétuité, lorsque le crime emportera contre tout autre coupable la peine de la déportation ou celle des travaux forcés à temps. Au-delà des cas qui viennent d'être exprimés, la peine commune sera appliquée sans aggravation.

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spécialement employés à la traite des noirs, sera puni d'un emprisonnement d'un an au moins, à 2 ans au plus.

Quiconque posséderait, au moment de la promulgation de la présente loi, des fers de cette espèce, sera tenu d'en faire la déclaration dans le délai de 15 jours, et de les dénaturer dans le délai de 3 mois, sous peine de 6 mois d'emprisonnement.

IX. Quiconque aura sciemment recélé, vendu ou acheté un ou plusieurs noirs introduits par la traite dans une colonie depuis la promulgation de la présente loi, sera puni d'un emprisonnement de 6 mois au moins, à 5 ans au plus.

Les délits prévus et punis par le présent Article seront prescrits ; et aucune poursuite ne pourra être exercée, lorsqu'il se sera écoulé une année depuis l'introduction dans la colonie du noir recélé, vendu ou acheté.

X. Les noirs reconnus noirs de traite, dans les cas prévus par les Articles V et IX ci-dessus, seront déclarés libres par le même jugement.

Acte authentique de leur libération sera dressé, et transcrit sur un registre spécial déposé au greffe du tribunal. Il leur en sera remis expédition en forme et sans frais.

XI. Les noirs ainsi libérés pourront toutefois être soumis envers le Gouvernement à un engagement dont la durée n'excédera pas 7 ans, à partir de l'introduction dans la colonie, ou de l'époque où ils seront devenus adultes. Ils seront employés, pendant le cours de cet engagement, dans les ateliers publics.

XII. Les dispositions de l'Article précédent seront applicables aux noirs de traite provenant des saisies antérieures et actuellement en la possession du Gouvernement. La durée de l'engagement auquel ces noirs seraient soumis, sera comptée à dater de la promulgation de la présente loi.

XIII. Lorsque le fait incriminé aura été commis dans un port du territoire continental du Royaume, et lorsque le navire aura été saisi ou conduit dans ce port, le jugement du crime ou délit sera attribué à la Cour d'Assises du Département.

XIV. Lorsque le fait incriminé aura été commis dans une colonie Française, et lorsque le navire aura été saisi ou conduit dans un de ses ports, le jugement du crime ou délit sera attribué à la Cour d'Assises de la colonie.

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Les 4 assesseurs seront tirés au sort par le Gouverneur, en séance publique, parmi les 12 fonctionnaires de l'ordre administratif les plus élevés en grade.

A cet effet, la liste de ces fonctionnaires sera dressée par le Gouverneur, et publiée au commencement de chaque année.

Au Sénégal, le jugement de crimes et délits commis en matière de traite des noirs continuera d'être attribué au Conseil d'Appel.

XV. Lorsqu'il pourra être nécessaire de réclamer le renvoi du jugement du crime ou du délit à une cour autre que celle de la colonie, le Procureur Général, soit d'office, soit sur la réquisition du Gouverneur, se pourvoira à cet effet devant la Cour de Cassation. La poursuite sera suspendue jusqu'à la notification de l'arrêt de cette cour.

XVI. Les fonds provenant de la vente des navires et cargaisons seront affectés, ainsi que le produit des amendes, à l'amélioration du sort des noirs libérés, sauf les droits attribués aux capteurs, conformément aux lois et règlemens sur les prises maritimes.

XVII. Les arrêts et jugemens de condamnation seront insérés dans le *Moniteur*, et dans le bulletin officiel de la colonie, par extraits, contenant les noms des individus condamnés, ceux des navires et des ports d'expédition. Cette insertion sera ordonnée par les cours et tribunaux, indépendamment des publications prescrites par l'Article XXXVI du Code Pénal.*

XVIII. La loi du 25 Avril, 1827,† est abrogée.

La présente loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme loi de l'Etat.

Donnons en mandement à nos cours et tribunaux, préfets, corps administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et

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* *Code Pénal.* Article 36. Tous arrêts qui porteront la peine de mort, des travaux forcés à perpétuité ou à temps, la déportation, la reclusion, la peine du carcan, le bannissement, et la dégradation civique, seront imprimés par extrait. Ils seront affichés dans la ville centrale du département, dans celle où l'arrêt aura été rendu, dans la commune du lieu où le délit aura été commis, dans celle où se fera l'exécution, et dans celle du domicile du condamné.

† See Vol. 3, Page 141.

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pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, au Palais Royal, le 4e jour du mois de Mars, 1831.

Par le Roi: LOUIS-PHILIPPE.

Le Pair de France, Ministre Secrétaire d'Etat au Département de la Marine et des Colonies, Cte. D'ARCHIOT.

CONVENTION *between His Majesty and the King of the French, for the more effectual suppression of the Traffic in Slaves. Signed at Paris, 30th November,* 1831.

LES Cours de la Grande Bretagne et de France, désirant rendre plus efficaces les moyens de répression jusqu'à présent opposés au traffic criminel, connu sous le nom de Traite des Noirs, ont jugé convenable de négocier et conclure une Convention pour atteindre un but si salutaire, et elles ont à cet effet nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Vicomte Granville, Pair du Parliament, Membre du Conseil Privé, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France:

Et Sa Majesté Le Roi des Français, le Lieutenant-Général Comte Horace Sebastiani, Grand-Croix de l'Ordre de la Légion d'Honneur, Membre de la Chambre des Députés des Départemens, et Ministre et Secrétaire d'Etat au Département des Affaires Etrangères:—

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne forme, ont signé les Articles suivans:—

Art. I. Le droit de visite réciproque pourra être exercé à bord des navires de l'une et de l'autre nation, mais seulement dans les parages ci-après indiqués, savoir:

1°. Le long de la côte occidentale d'Afrique, depuis le Cap Verde, jusqu'à la distance de 10 dégrés au sud de l'équateur;—

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c'est-à-dire, du 10e dégré de latitude méridionale, au 15e dégré de latitude septentrionale, et jusqu'au 30e dégré de longitude occidentale, à partir du méridien de Paris.

2°. Tout autour de l'île de Madagascar, dans une zône d'environ 20 lieues de largeur.

3°. A la même distance des côtes de l'île de Cuba.

4°. A la même distance des côtes de l'île de Porto Rico.

5°. A la même distance des côtes du Brésil.

Toutefois il est entendu qu'un bâtiment suspect, aperçu et poursuivi par les croiseurs en dedans du dit cercle de 20 lieues, pourra être visité par eux, en dehors même de ces limites, si, ne l'ayant jamais perdu de vue, ceux-ci ne parviennent à l'atteindre qu'à une plus grande distance de la côte.

II. Le droit de visiter les navires de commerce de l'une et l'autre nation, dans les parages ci-dessus indiqués, ne pourra être exercé que par des bâtimens de guerre, dont les commandans auront le grade de capitaine ou, au moins, celui de lieutenant de vaisseau.

III. Le nombre des bâtimens à investir de ce droit sera fixé, chaque année, par une Convention spéciale; il pourra n'être pas le même pour l'une et l'autre nation, mais dans aucun cas, le nombre des croiseurs de l'une ne devra être de plus du double de celui des croiseurs de l'autre.

IV. Les noms des bâtimens, et ceux de leurs commandans, seront communiqués par chacun des Gouvernemens Contractans à l'autre, et il sera donné réciproquement avis de toutes les mutations qui pourront survenir parmi les croiseurs.

V. Des Instructions seront rédigées et arrêtées en commun par les 2 Gouvernemens pour les croiseurs de l'une et de l'autre nation, qui devront se prêter une mutuelle assistance dans toutes les circonstances où il pourra être utile qu'ils agissent de concert.

Les bâtimens de guerre réciproquement autorisés à exercer la visite, seront munis d'une autorisation spéciale de chacun des 2 Gouvernemens.

VI. Toutes les fois qu'un des croiseurs aura poursuivi et atteindra, comme suspect, un navire de commerce, le commandant, avant de procéder à la visite, devra montrer au capi-

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taine les ordres spéciaux, qui lui confèrent le droit exceptionnel de le visiter; et lorsqu'il aura reconnu que les expéditions seront régulières, et les opérations licites, il fera constater, sur le journal du bord, que la visite n'a eu lieu qu'en vertu des dits ordres. Ces formalités étant remplies, le navire sera libre de continuer sa route.

VII. Les navires capturés pour s'être livrés à la traite, ou comme soupçonnés d'être armés pour cet infâme trafic, seront, ainsi que leurs équipages, remis, sans délai, à la juridiction de la nation à laquelle ils appartiendront.

Il est d'ailleurs bien entendu, qu'ils seront jugés d'après les loix en vigueur dans leurs pays respectifs.

VIII. Dans aucun cas, le droit de visite réciproque ne pourra s'exercer à bord des bâtimens de guerre de l'une et l'autre nation.

Les 2 Gouvernemens conviendront d'un signal spécial, dont les seuls croiseurs, investis de ce droit, devront être pourvus, et dont il ne sera donné connaissance à aucun autre bâtiment étranger à la croisière.

IX. Les Hautes Parties Contractantes au présent Traité sont d'accord pour inviter les autres Puissances Maritimes à y accéder dans le plus bref délai possible.

X. La présente Convention sera ratifiée, et les ratifications en seront échangées dans le délai d'un mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Paris, le 30 Novembre, 1831.

(L. S.) GRANVILLE. (L. S.) HORACE SEBASTIANI.

Translation.

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 negotiate 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:

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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, having signed the following Articles:—

Art. I. The mutual right of search may be exercised on board the vessels of each of the 2 nations, but only within the waters hereinafter described, namely:

1°. Along the western coast of Africa, from Cape Verd, to the distance of 10 degrees to the south of the equator;—that is to say, from the 10th degree of south latitude, to the 15th degree of north latitude, and as far as the 30th degree of west longitude, reckoning from the meridian of Paris.

2°. All round the island of Madagascar, to the extent of 20 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 20 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.

II. The right of searching merchant vessels of either of the 2 nations in the waters hereinbefore mentioned, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or, at least, that of lieutenant, in the navy.

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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.

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.

V. Instructions shall be drawn up and agreed upon in common by the 2 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 2 Governments.

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.

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.

VIII. In no case shall the right of mutual search be exercised upon the ships of war of either nation.

The 2 Governments shall agree upon a particular signal with which those cruizers only shall be furnished, which are

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invested with this right, and which signal shall not be made known to any other ship not employed upon this service.

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.

X. The present Convention shall be ratified, and the ratifications of it shall be exchanged within 1 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 30th of November, 1831.

(L. S.) GRANVILLE. (L. S.) HORACE SEBASTIANI.

ORDINANCE *of the King of the French, reducing the Tonnage Duty upon French and British Vessels arriving from the Ports of Great Britain and its European Possessions. Paris, 16th June,* 1832.

Au Palais des Tuileries, le 16 *Juin,* 1832.

LOUIS PHILIPPE, Roi des Français, à tous présens et à venir, SALUT.

Sur ce qu'il nous a été représenté que le droit de tonnage, que l'Ordonnance du 8 Février, 1826,* a mis exceptionnellement, et jusqu'à ce qu'il en soit autrement ordonné, sur les navires Français revenant des ports du Royaume Uni d'Angleterre et d'Irlande, et de ses possessions en Europe, excède de beaucoup les droits perçus dans les ports Anglais sur les nationaux, quoiqu'il fût dans l'intention de la dite Ordonnance de mettre, autant que possible, les tarifs respectifs sur le même pied;

Vu l'Article 1^er^ du Traité de Navigation passé entre la France et la Grande Bretagne le 26 Janvier, 1826.†

Sur le rapport de nos Ministres, Secrétaires d'Etat du Commerce, des Affaires Etrangères et des Finances.

Nous avons ordonné et ordonnons ce qui suit:

* See Vol. 3, Page 134. † See Vol. 3, Page 123.

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Art. I. A dater de la publication de la présente Ordonnance, les navires Français revenant des ports du Royaume Uni d'Angleterre et d'Irlande, ou de ses possessions en Europe, ne paieront pour droit et demi-droit de tonnage que 1 franc 50 centimes par tonneau.*

Le même droit s'appliquera aux navires Britanniques venant avec ou sans chargement des ports sus indiqués.

II. Nos Ministres, Secrétaires d'Etat aux Départemens du Commerce et des Travaux Publics et des Finances, sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

LOUIS PHILIPPE.

Par le Roi.

Le Pair de France, Ministre Secrétaire d'Etat au Département du Commerce et des Travaux Publics.

CTE. D'ARGOUT.

SUPPLEMENTARY CONVENTION *between His Majesty and the King of the French, for the more effectual suppression of the Traffic in Slaves. Signed at Paris, 22nd March,* 1833.

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 30th November, 1831, 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:

* "Réduit à 1 Franc, non compris le décime," par l'Ordonnance du Roi, du 2 Juin, 1834.

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And His Majesty the King of the French, M. 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:

Art. I. Whenever a merchant vessel, navigating under the flag of one of the 2 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 30th November, 1831, 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.

II. The cruizers of the 2 nations authorized to exercise the right of visit and detention, in execution of the Convention of the 30th November, 1831, 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 2 High Contracting Parties reserve to themselves the power of making, in these Instructions by common consent, any modifications which circumstances might render necessary.

III. It is clearly understood, that if the commander of a cruizer of one of the 2 nations shouldhave reason to suspect that a merchant vessel navigating under convoy of, or in com-

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pany 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.

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.

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 2 countries.

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In case the said vessels shall be confiscated, a portion of the 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 65 per cent. of the net produce of the sale, as long as such a distribution of the proceeds is consistent with the respective laws of the 2 countries.

VI. Any merchant vessel of either of the 2 nations visited and detained in pursuance of the Convention of the 30th of November, 1831, and of the provisions hereinbefore 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 purpose of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or on board of her; *videlicit:*

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 moveable deck, or slave deck.

4°. Having on board shackles, bolts, or hand-cuffs.

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 2 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

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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.

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.

VIII. When a merchant vessel of either of the 2 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 1 year from the date of the award.

IX. If in the visit or detention of a merchant vessel, made in virtue of the provisions of the Convention of the 30th November, 1831, 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 wit-

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nessed 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 formal 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.

X. The 2 Governments engage reciprocally to communicate each to the other, free of expense, 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 30th November, 1831, and of the present Convention.

XI. The 2 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 hereinbefore 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.

XII. It is hereby agreed between the 2 High Contracting Parties, that in all cases in which a vessel, under the Convention of the 30th of November, 1831, or under this Supplementary Convention, shall be detained by their respective cruizers as having been engaged in the slave trade, or fitted out for the

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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.

XIII. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris, within the space of 1 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 22nd of March, 1833.

(L. S.) GRANVILLE. (L. S.) V. BROGLIE.

Instructions to Cruizers.

1°. Whenever a merchant vessel of either of the 2 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 hereinbefore 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

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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 hereinafter 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,

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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 hereinafter 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

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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 hereinbefore 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 spécial 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 2 nations shall conform strictly to the tenour of these Instructions, which are to be considered as a development of the clauses of the principal Convention of the 30th November, 1831, as well as of the Convention to which they are annexed.

The undersigned Plenipotentiaries have agreed, in conformity with the 2nd Article of the Convention signed by them on this day, the 22nd March, 1833, that the preceding Instructions shall be annexed to the said Convention, and considered as an integral part thereof.

Paris, the 22nd of March, 1833.

(L.S.) GRANVILLE. (L.S.) V. BROGLIE.

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Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant reconnu la nécessité de développer quelques unes des clauses contenues dans la Convention signée entre leurs Majestés le 30 Novembre, 1831, relativement à la répression du crime de la traite des noirs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande, le Très Honorable Granville, Vicomte Granville, Pair du Royaume Uni, Chevalier Grand' Croix du Très Honorable Ordre du Bain, Membre du Conseil Privé de Sa Majesté Britannique, et Son Ambassadeur Extraordinaire et Plénipotentiaire près la Cour de France :—

Et Sa Majesté le Roi des Français, M. Charles, Leonce, Achille, Victor, Duc de Broglie, Pair de France, Chevalier de l'Ordre Royal de la Légion d'Honneur, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères :—

Lesquels, après s'être communiqué leurs pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

Art. I. Toutes les fois qu'un bâtiment de commerce, naviguant sous le pavillon de l'une des 2 nations, aura été arrêté par les croiseurs de l'autre, dûment autorisés à cet effet, conformément aux dispositions de la Convention du 30 Novembre, 1831, ce bâtiment, ainsi que le capitaine et l'équipage, la cargaison, et les esclaves qui pourront se trouver à bord, seront conduits dans tel port que les 2 Parties Contractantes auront respectivement désigné, pour qu'il y soit procédé à leur égard suivant les loix de chaque Etat, et la remise en sera faite aux autorités préposées dans ce but par les Gouvernemens respectifs.

Lorsque le commandant du croiseur ne croira pas devoir se charger lui-même de la conduite et de la remise du navire arrêté, il ne pourra en confier le soin à un officier d'un rang inférieur à celui de lieutenant dans la marine militaire.

II. Les croiseurs des 2 nations, autorisés à exercer le droit de visite et d'arrestation, en exécution de la Convention du 30 Novembre, 1831, se conformeront exactement, en ce qui concerne les formalités de la visite et de l'arrestation, ainsi que les mesures à prendre pour la remise à la juridiction respective

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des bâtimens soupçonnés de se livrer à la traite, aux Instructions jointes à la présente Convention, et qui seront censées en faire partie intégrante.

Les 2 Hautes Parties Contractantes se réservant d'apporter à ces Instructions, d'un commun accord, les modifications que les circonstances pourraient rendre nécessaires.

III. Il demeure expressément entendu, que si le commandant d'un croiseur d'une des 2 nations avait lieu de soupçonner qu'un navire marchand, naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre nation, s'est livré à la traite, ou a été armé pour ce trafic, il devra communiquer ses soupçons au commandant du convoi ou du bâtiment de guerre, lequel procèdera seul á la visite du navire suspect; et dans le cas où celui-ci reconnaîtrait que les soupçons sont fondés, il fera conduire le navire, ainsi que le capitaine et l'équipage, la cargaison, et les esclaves qui pourront se trouver à bord, dans un port de sa nation, à l'effet d'être procédé à leur égard, conformément aux lois respectives.

IV. Dès qu'un bâtiment de commerce, arrêté et renvoyé par devers les tribunaux, ainsi qu'il a été dit ci-dessus, arrivera dans l'un des ports respectivement désignés, le commandant du croiseur qui en aura opéré l'arrestation, ou l'officier chargé de sa conduite, remettra aux autorités préposées à cet effet, une expédition, signée par lui, de tous les inventaires, procès-verbaux, et autres documens spécifiés dans les Instructions jointes à la présente Convention; et les dites autorités procèderont, en conséquence, à la visite du bâtiment arrête et de sa cargaison, ainsi qu'à l'inspection de son équipage, et des esclaves qui pourront se trouver à bord, après avoir préalablement donné avis du moment de cette visite et de cette inspection au commandant du croiseur, ou à l'officier qui aura amené le navire, afin qu'il puisse y assister, ou s'y faire représenter. Il sera dressé de ces opérations un procès-verbal en double original, qui devra être signé par les personnes qui y auront procédé ou assisté; et l'un de ces originaux sera délivré au commandant du croiseur, ou à l'officier qui aura été chargé de la conduite du bâtiment arrêté.

V. Il sera procédé immédiatement devant les tribunaux

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compétens des Etats respectifs, et suivent les formes établies, contre les navires arrêtés, ainsi qu'il est dit ci-dessus, leurs capitaines, équipages, et cargaisons ; et s'il résulte de la procédure que les dits bâtimens ont été employés à la traite des noirs, ou qu'ils ont été armés dans le but de faire ce trafic, il sera statué sur le sort du capitaine, de l'équipage, et de leurs complices, ainsi que sur la destination du bâtiment et de sa cargaison, conformément à la législation respective des 2 pays.

En cas de confiscation, une portion du produit net de la vente des dits navires et de leurs cargaisons, sera mise à la disposition du gouvernement du pays auquel appartiendra le bâtiment capteur, pour être distribuée par ses soins entre les états-majors et équipages de ce bâtiment. Cette portion, aussi long tems que la base indiquée ci-après pourra se concilier avec la législation des 2 Etats, sera de 65 pour cent du produit net de la vente.

VI. Tout bâtiment de commerce des 2 nations visité et arrêté en vertu de la Convention du 30 Novembre, 1831, et des dispositions ci-dessus, sera présumé de plein droit, à moins de preuve contraire, s'être livré à la traite des noirs, ou avoir été armé pour ce trafic, si dans l'installation, dans l'armement, ou à bord du dit navire, il s'est trouvé l'un des objets ci-après spécifiés, savoir :—

1°. Des écoutilles en treillis, et non en planches entières, comme les portent ordinairement les bâtimens de commerce.

2°. Un plus grand nombre de compartimens dans l'entrepont, ou sur le tillac, qu'il n'est d'usage pour les bâtimens de commerce.

3°. Des planches en réserve actuellement disposées à cet objet, ou propres à établir de suite un double pont, ou un pont volant, ou un pont dit à esclaves.

4°. Des chaines, des colliers de fer, des menottes.

5°. Une plus grande provision d'eau que n'exigent les besoins de l'équipage d'un bâtiment marchand.

6°. Une quantité superflue de bariques à eau, ou autres tonneaux propres à contenir de l'eau, à moins que le capitaine ne produise un certificat de la douane du lieu de départ, constatant que les armateurs ont donné des garanties suffisantes

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pour que ces bariques ou tonneaux soient uniquement remplis d'huile de palme, ou employés à tout autre commerce licite.

7°. Un plus grand nombre de gamelles ou de bidons, que l'usage de l'équipage d'un bâtiment marchand n'en exige.

8°. Deux ou plusieurs chaudières en cuivre, ou même une seule évidemment plus grande que ne l'exigent les besoins de l'équipage d'un bâtiment marchand.

9°. Enfin, une quantité de riz, de farine, da manioc du Brésil, ou de cassade, de maïs, ou de blé des Indes, au delà des besoins probables de l'équipage, et qui ne serait pas portée sur le manifeste comme faisant partie du chargement commercial du navire.

VII. Il ne sera dans aucun cas accordé de dédommagement, soit au capitaine, soit à l'armateur, soit à toute autre personne intéressé dans l'armement ou dans le chargement d'un bâtiment de commerce qui aura été trouvé muni d'un des objets spécifiés dans l'Article précédent, alors même que les tribunaux viendraient à ne prononcer aucune condamnation en conséquence de son arrestation.

VIII. Lorsqu'un bâtiment de commerce de l'une ou de l'autre des 2 nations aura été visité et arrêté indûment, ou sans motif suffisant de suspicion, ou lorsque la visite et l'arrestation auront été accompagnées d'abus ou de vexations, le commandant du croiseur, ou l'officier qui aura abordé le dit navire, ou, enfin, celui à qui la conduite en aura été confiée, sera, suivant les circonstances, passible de dommages et intérêts envers le capitaine, l'armateur, et les chargeurs.

Ces dommages et intérêts pourront être prononcés par le tribunal devant lequel aura été instruite la procédure contre le navire arrêté, son capitaine, son équipage, et sa cargaison; et le gouvernement du pays auquel appartiendra l'officier qui aura donné lieu à cette condamnation, payera le montant des dits dommages et intérêts dans le délai d'un an à partir du jour du jugement.

IX. Lorsque dans la visite ou l'arrestation d'un bâtiment de commerce, opérée en vertu des dispositions de la Convention du 30 Novembre, 1831, ou de la présente Convention, il aura été commis quelque abus ou vexation, mais que le navire

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n'aura pas été livré à la juridiction de sa nation, le capitaine devra faire la déclaration sous serment des abus ou vexations dont il aura à se plaindre, ainsi que des dommages et intérêts auxquels il prétendra, devant les autorités compétentes du premier port de son pays où il arrivera, ou devant l'Agent Consulaire de sa nation, si le navire aborde dans un port étranger où il existe un tel officier. Cette déclaration devra être vérifiée au moyen de l'interrogatoire sous serment des principaux hommes de l'équipage ou passagers, qui auront été témoins de la visite ou de l'arrestation, et il sera dressé du tout un procès-verbal, dont 2 expéditions seront remises au capitaine, qui devra en faire parvenir une à son Gouvernement à l'appui de la demande en dommages et intérêts qu'il croira devoir former. Il est entendu que si un cas de force majeure empêche le capitaine de faire sa déclaration, celle-ci pourra être faite par l'armateur, ou par toute autre personne intéressée dans l'armement ou dans le chargement du navire.

Sur la transmission officielle d'une expédition du procès-verbal ci-dessus mentionné, par l'intermédiaire des Ambassades respectives, le Gouvernement du pays auquel appartiendra l'officier à qui des abus ou vexations seront imputés, fera immédiatement procéder à une enquête; et si la validité de la plainte est reconnue, il fera payer au capitaine, à l'armateur, ou à toute autre personne intéressée dans l'armement ou le chargement du navire molesté, le montant des dommages et intérêts qui lui seront dûs.

X. Les 2 Gouvernemens s'engagent à se communiquer respectivement sans frais, et sur leur simple demande, des copies de toutes les procédures intentées, et de tous les jugemens prononcés, relativement à des bâtiments visités ou arrêtés en exécution des dispositions de la Convention du 30 Novembre, 1831, et de la présente Convention.

XI. Les 2 Gouvernemens conviennent d'assurer la liberté immédiate de tous les esclaves qui seront trouvés à bord des bâtimens visités et arrêtés en vertu des clauses de la Convention principale ci-dessus mentionnée, ou de la présente Convention, toutes les fois que le crime de traite aura été déclaré constant par les tribunaux respectifs. Néanmoins ils se réservent, dans l'intérêt même de ces esclaves, de les employer

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comme domestiques, ou comme ouvriers libres, conformément à leurs loix respectives.

XII. Les 2 Hautes Parties Contractantes conviennent que toutes les fois qu'un bâtiment arrêté sous la prévention de traite par les croiseurs respectifs, en exécution de la Convention du 30 Novembre, 1831, et de la présente Convention Supplémentaire, aura été mis à la disposition des Gouvernemens respectifs, en vertu d'un arrêt de confiscation émané des tribunaux compétens, à l'effet d'être vendu, le dit navire, préalablement à toute opération de vente, sera démoli, en totalité ou en partie, si sa construction ou son installation particulière donne lieu de craindre qu'il ne puisse de nouveau servir à la traite des noirs, ou à tout objet illicite.

XIII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai d'un mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires ci-dessus nommés ont signé la présente Convention, en double original, et y ont apposé le cachet de leurs armes.

Fait à Paris, le 22 Mars, 1833.

(L. S.) GRANVILLE. (L.S.) V. BROGLIE.

Instructions pour les Croiseurs.

1°. Toutes les fois qu'un bâtiment de commerce de l'une des 2 nations sera visité par un croiseur de l'autre, l'officier commandant le croiseur exhibera au capitaine de ce navire les ordres spéciaux qui lui confèrent le droit exceptionnel de visite, et lui remettra un certificat, signé de lui, indiquant son rang dans la marine militaire de son pays, ainsi que le nom du vaisseau qu'il commande, et attestant que le seul but de sa visite est de s'assurer si le bâtiment se livre à la traite, ou s'il est armé pour ce trafic. Lorsque la visite devra être faite par un officier du croiseur, autre que celui qui le commande, cet officier ne pourra être d'un rang inférieur à celui de lieutenant dans la marine militaire; et dans ce cas, le dit officier exhibera au capitaine du navire marchand une copie des ordres spéciaux ci-dessus mentionnés, signée par le commandant du

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croiseur, et lui remettra de même un certificat, signé de lui, indiquant le rang qu'il occupe dans la marine, le nom du commandant par les ordres duquel il agit, celui du croiseur auquel il appartient, et le but de la visite, ainsi qu'il est dit ci-dessus. S'il est constaté que les expéditions du navire sont régulières, et ses opérations licites, l'officer mentionnera sur le journal de bord que la visite n'a eu lieu qu'en vertu des ordres spéciaux ci-dessus mentionnés et le navire sera libre de continuer sa route.

2°. Si, d'après le résultat de la visite, l'officier commandant le croiseur juge qu'il y a des motifs suffisans de supposer que le navire se livre à la traite des noirs, ou qu'il a été équipé ou armé pour ce trafic, et s'il se décide, en conséquence, à l'arrêter, et à le faire remettre à la juridiction respective, il fera dresser sur le champ, en double original, inventaire de tous les papiers trouvés à bord, et signera cet inventaire sur les 2 originaux, en ajoutant à son nom, son rang dans la marine militaire, ainsi que le nom du bâtiment qu'il commande. Il dressera, et signera de la même manière, en double original, un procès-verbal, énonçant l'époque et le lieu de l'arrestation, le nom du bâtiment, celui de son capitaine, et ceux des hommes de son équipage, ainsi que le nombre et l'état corporel des esclaves trouvés à bord. Ce procès-verbal devra en outre contenir une description exacte de l'état du navire et de sa cargaison.

3°. Le commandant du croiseur conduira ou enverra sans délai le bâtiment arrêté, ainsi que son capitaine, son équipage, sa cargaison, et les esclaves trouvés à bord, à l'un des ports ci-après spécifiés, pour qu'il soit procédé à leur égard conformément aux loix respectives de chaque Etat; et il en fera la remise aux autorités compétentes, ou aux personnes qui auront été spécialement préposées à cet effet par les Gouvernemens respectifs.

4°. Nul ne devra être distrait du bord du navire arrêté, et il ne sera enlevé non plus aucune partie de la cargaison, ou des esclaves trouvés à bord, jusqu'à ce que le navire ait été remis aux autorités de sa propre nation, excepté dans le cas où la translation de la totalité ou d'une partie de l'équipage, ou des esclaves trouvés à bord, serait jugée nécessaire, soit pour conserver leur vie, ou par toute autre considération d'humanité,

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soit pour la sûreté de ceux qui seront chargés de la conduite du navire après son arrestation. Dans ce cas, le commandant du croiseur, ou l'officier chargé de la conduite du bâtiment arrêté dressera de la dite translation un procès-verbal, dans lequel il en énoncera les motifs, et les capitaines, matelôts, passagers, ou esclaves ainsi transbordés, seront conduits dans le même port que le navire et sa cargaison, et la remise, ainsi que la réception, auront lieu de la même manière que celles du navire, conformément aux dispositions ci-après énoncées.

5°. Tous les navires Français qui seront arrêtés par les croiseurs de Sa Majesté Britannique de la station d'Afrique, seront conduits et remis à la juridiction Française à *Gorée*.

Tous les navires Français qui seront arrêtés par la station Britannique des Indes Occidentales, seront conduits et remis à la juridiction Française à *Martinique*.

Tous les navires Français qui seront arrêtés par la station Britannique de Madagascar, seront conduits et remis à la juridiction Française à *l'Ile Bourbon*.

Tous les navires Français qui seront arrêtés par la station Britannique du Brésil, seront conduits et remis à la juridiction Française à *Cayenne*.

Tous les navires Britanniques qui seront arrêtés par les croiseurs de Sa Majesté Le Roi des Français de la station d'Afrique, seront conduits et remis à la juridiction de Sa Majesté Britannique à *Bathurst* dans la rivière de *Gambie*.

Tous les bâtimens Britanniques arrêtés par la station Française des Indes Occidentales, seront conduits et remis à la juridiction Britannique à Port Royal dans la *Jamaïque*.

Tous les navires Britanniques arrêtés par la station Française de Madagascar, seront conduits et remis à la juridiction Britannique au *Cap de Bonne Espérance*.

Tous les navires Britanniques arrêtés par la station Française du Brésil, seront conduits et remis à la juridiction Britannique à la colonie de *Demerary*.

6°. Dès qu'un bâtiment marchand qui aura été arrêté, comme il a éte dit ci-dessus, arrivera dans l'un des ports ou des lieux ci-dessus désignés, le commandant du croiseur, ou l'officier chargé de la conduite du navire arrêté, remettra immédiatement aux autorités dûment préposées à cet effet par

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les Gouvernemens respectifs, le navire et sa cargaison, ainsi que le capitaine, l'équipage, les passagers, et les esclaves trouvés à bord, comme aussi les papiers saisis à bord, et l'un des 2 exemplaires de l'inventaire des dits papiers, l'autre devant demeurer dans sa possession. Le dit officier remettra en même tems à ces autorités un exemplaire du procès-verbal ci-dessus mentionné, et il y ajoutera un rapport sur les changemens qui pourraient avoir lieu depuis le moment de l'arrestation jusqu'à celui de la remise, ainsi qu'une copie du rapport des transbordemens qui ont pu avoir lieu, ainsi qu'il a été prévu ci-dessus. En remettant ces diverses pièces, l'officier en attestera la sincérité sous serment et par écrit.

7°. Si le commandant d'un croiseur d'une des Hautes Parties Contractantes, dûment pourvu des Instructions spéciales ci-dessus mentionnées, a lieu de soupçonner qu'un navire de commerce naviguant sous le convoi, ou en compagnie d'un bâtiment de guerre de l'autre partie, se livre à la traite des noirs, ou a été équipé pour ce trafic, il devra se borner à communiquer ses soupçons au commandant du convoi ou du bâtiment de guerre, et laisser à celui-ci le soin de procéder seul à la visite du navire suspect, et de le placer, s'il y a lieu, sous la main de la justice de son pays.

8°. Les croiseurs des 2 nations se conformeront exactement à la teneur des présentes Instructions, qui servent de développement aux dispositions de la Convention principale du 30 Novembre, 1831, ainsi que de la Convention à laquelle elles sont annexées.

Les Plénipotentiaires soussignés sont convenus, conformément à l'Article 2 de la Convention signée entre eux sous la date de ce jour, le 22 Mars, 1833, que les Instructions qui précèdent seront annexées à la dite Convention, pour en faire partie intégrante.

Paris, le 22 Mars, 1833.

(L. S.) GRANVILLE. (L. S.) V. BROGLIE.

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ACT *of the British Parliament, "for carrying into effect Two Conventions with the King of the French, for suppressing the Slave Trade."*

[3 & 4 Will. 4. Cap. 72.] [28th August, 1833.]

WHEREAS a Convention was concluded between His Majesty and His Majesty the King of the French, for rendering more effectual the means of suppressing the criminal traffic called the slave trade, and signed at Paris on the 30th day of November, in the year of our Lord 1831; and whereas by the 1st Article of the said Convention, it was agreed that the mutual right of search might be exercised on board the vessels of each nation, but only within the waters hereinafter described; namely,

First, along the western coast of Africa, from Cape Verd to the distance of 10 degrees to the south of the Equator, that is to say, from the 10th degree of south latitude, to the 15th degree of north latitude, and as far as the 30th degree of west longitude, reckoning from the meridian of Paris:—

Second, all round the island of Madagascar, to the extent of 20 leagues from that island:

Third, to the same distance from the coast of the island of Cuba:

Fourth, to the same distance from the coasts of the island of Porto Rico:

Fifth, to the same distance from the coasts of Brazil:

It was however understood, that a suspected vessel, descried and begun to be chased by the cruizers, while within the said space of 20 leagues, might be searched by them beyond those limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater distance from the coast:

And whereas by the 2nd Article it was agreed, that the right of searching merchant vessels of either of the 2 nations in the waters hereinbefore mentioned, should be exercised only by ships of war, whose commanders should have the rank of captain, or at least that of lieutenant in the navy; and whereas by the 3rd Article, it was agreed that the number of ships to be invested with the said right, should be fixed each year by a special agreement, that the number for each nation

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need not be the same; but that in no case should the number of the cruizers of the one nation be more than double the number of the cruizers of the other: and whereas by the 4th Article it was agreed, that the names of the ships, and of their commanders, should be communicated by each of the contracting Governments to the other, and information should be reciprocally given of all changes which might take place in the cruizers: and whereas by the 5th Article it was agreed, that Instructions should be drawn up and agreed upon in common by the 2 Governments for the cruizers of both nations, which cruizers should afford to each other mutual assistance in all circumstances in which it might be useful that they should act in concert; and that the ships of war authorized to exercise the reciprocal right of search, should be furnished with a special authority from each of the 2 Governments: and whereas by the 6th Article it was agreed, that whenever a cruizer should have chased and overtaken a merchant vessel, as liable to suspicion, the commanding officer, before he should proceed to the search, should 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 should ascertain the ship's papers to be regular, and her proceedings lawful, he should certify upon the log-book of the vessel that the search took place only in virtue of the said orders; and that, these formalities having been completed, the vessel should be at liberty to continue her course: and whereas by the 7th Article it was agreed, that the vessels captured for being engaged in the slave trade, or as being suspected of being fitted out for that infamous traffic, should, together with their crews, be delivered over, without delay, to the jurisdiction of the nation to which they should belong; and it was furthermore distinctly understood, that they should only be judged according to the laws in force in their respective countries: and whereas by the 8th Article it was agreed, that in no case should the right of mutual search be exercised upon the ships of war of either nation; that the 2 Governments should agree on a particular signal with which those cruizers only should be furnished which were invested with that right,

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and which signal should not be made known to any other ship not employed upon that service; and by the 9th Article the High Contracting Parties to the said Treaty agreed to invite the other Maritime Powers to accede to it within as short a period as possible; and by the 10th Article it was agreed, that the then present Convention should be ratified, and the ratifications of it should be exchanged within one month, or sooner, if it were possible; and whereas the said Convention was ratified by and between His Majesty and His Majesty the King of the French respectively, and such ratifications were exchanged on the 16th day of December, 1831.

And whereas a Supplementary Convention was concluded between His Majesty and His Majesty the King of the French, for the more effectual suppression of the traffic in slaves, and signed at Paris on the 22nd day of March, 1833; and whereas by the 1st Article of the said Supplentary Convention it was agreed, that whenever a merchant vessel, navigating under the flag of one of the said 2 nations, should have been detained by the cruizers of the other, duly authorized to that effect, conformably to the provisions of the said Convention of the 30th day of November, in the year 1831, such merchant vessel, and also her master, her crew, her cargo, and the slaves who might be on board, should be carried to such places as should have been appointed by the Contracting Parties respectively, in order that proceedings might be there instituted respecting them, agreeably to the laws of each country, and that they should be delivered over to the authorities appointed for that purpose by the respective Governments; and that when the commander of the cruizer should not think proper to take upon himself the carrying in and delivering up the detained vessel, he should not entrust that duty to an officer below the rank of lieutenant in the navy: and whereas by the 2nd Article of the said Supplementary Convention it was agreed, that the cruizers of the 2 nations authorized to exercise the right of visit and detention, in execution of the Convention of the 30th day of November, 1831, should 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

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being engaged in the slave trade to the respective jurisdictions, conform strictly to the Instructions annexed to the said Supplementary Convention, and which should be considered as an integral part thereof; and the said 2 High Contracting Parties reserved to themselves the power of making in those Instructions, by common consent, any modifications which circumstances might render necessary: and whereas, in conformity with the 2nd Article of the said Supplementary Convention, it was agreed, that the Instructions next following should be annexed to the said Supplementary Convention, and considered as an integral portion thereof; (that is to say,)

Instructions to Cruizers.

[See Page 121.]

And whereas by the 3rd Article of the aforesaid Supplementary Convention, it was agreed that it was clearly understood, that if the commander of a cruizer of one of the 2 nations should have reason to suspect that a merchant vessel, navigating under convoy of, or in company with, a vessel of war of the other nation, had engaged in the slave trade, or had been fitted out for the said trade, he should make known his suspicions to the commander of the convoy or vessel of war, who should proceed alone to visit the suspected vessel, and in case the latter commander should find that the suspicion was well founded, he should cause the vessel to be taken, together with her master, her crew, and the cargo and the slaves who might be on board, into a port of his own nation, in order that proceedings might be instituted with regard to them, agreeably to the respective law: And whereas by the 4th Article of the aforesaid Supplementary Convention, it was agreed, that as soon as any merchant vessel detained and sent before the tribunals aforesaid, should arrive at one of the ports respectively pointed out, the commander of the cruizer which should have detained her, or the officer appointed to bring her in, should deliver to the authorities appointed for that purpose, one copy, signed by him, of all the lists, declarations, and other documents specified in the before-mentioned Instructions annexed to the said Supplementary Convention; and the said authorities should, in consequence, proceed to a survey of the detained vessel and her cargo, and to an inspec-

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tion of her crew and of the slaves who might 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 should have brought in the vessel, in order that he or some person in his behalf might be present thereat; and that a declaration of such proceedings should be drawn up in duplicate, signed by the persons who should have acted therein or been present at the same, and one of the said declarations should be delivered to the commander of the cruizer, or to the officer who should have been appointed to bring in the detained vessel: And whereas by the 5th Article to the aforesaid Supplementary Convention, it was agreed, that the vessels detained as before mentioned, their masters, crews, and cargoes, should 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 should 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, should be dealt with conformably to the respective laws of the two countries; and that in case the said vessel should be confiscated, a portion of the proceeds arising from their sale should be paid into the hands of the Government to which the captor should belong, to be distributed among the officers and crew of the capturing ship; that this portion should be 65 *per centum* of the net produce of the sale, as long as such a distribution of the proceeds should be consistent with the respective laws of the 2 countries: And whereas by the 6th Article of the said Supplementary Convention it was agreed, that any merchant vessel of either of the 2 nations, visited and detained in pursuance of the Convention of the 30th of November, 1831, and of the provisions hereinbefore recited, should, unless proof were 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 thereinafter specified should be found in her outfit or equipment, or on board of her: videlicet,

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

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Second. Having more divisions or bulk-heads in the hold or on deck, than necessary for trading vessels:

Third. Having on board spare planks, either actually fitted in that shape, or fit for readily laying a second, or moveable deck, or slave deck:

Fourth. Having on board, shackles, bolts, or handcuffs:

Fifth. Having on board a supply of water more than sufficient for the consumption of her crew as a merchant vessel:

Sixth. Having on board an unreasonable number of water-casks, or other vessels for holding water, unless the master should produce a certificate from the custom house of 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:

Seventh. Having on board a greater quantity of mess tubs or kids than requisite for the use of her crew as a merchant vessel:

Eighth. Having on board 2 or more copper boilers, or even 1 evidently larger than requisite for the use of her crew as a merchant vessel:

Ninth. 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 in the manifest as part of the cargo for trade:

And whereas by the 7th Article of the said Supplementary Convention it was agreed, that no compensation should 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 should be found, even if the tribunals should not pronounce any condemnation in consequence of her detention: and whereas by the 8th Article of the said Supplementary Convention, it was agreed, that when a merchant vessel of either of the 2 nations should have been visited and detained illegally, or without sufficient cause of suspicion, or when the visit and detention should have been attended with any abuse or vexatious act, the commander of the cruizer, or the officer who should

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have boarded the said vessel, or the officer who should have been appointed to bring her in, as the case might be, should be liable to costs and damages to the master and the owners of the vessel and cargo; that those costs and damages might be awarded by the tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, should have been instituted; and the Government of the country to which the officer who gave occasion for such award should belong, should pay the amount of the said costs and damages, within the period of one year from the date of the award: and whereas by the 9th Article of the said Supplementary Convention it was agreed, that if in a visit or detention of a merchant vessel, made in virtue of the provisions of the said Convention of the 30th of November, 1831, or of the said present Convention, any abuse or vexation should have been committed, but the vessel should not have been delivered over to the jurisdiction of her own nation, the master of the vessel should make a declaration on oath, of the abuses or vexations of which he had to complain, and of the costs and damages to which he laid claim, before the competent authorities in the first port of his own country at which he might arrive, or before the Consular Agent of his nation, if the vessel should proceed to a foreign port where there was such an agent; that this declaration should be confirmed by an examination under oath of the principal persons of the crew or passengers who had witnessed the visit or detention, and one formal declaration of the whole should be drawn up, and 2 copies thereof delivered to the master, who should forward one of them to his own Government, in support of his claim for costs and damages; and that it was understood, that if any compulsory circumstances should prevent the master from making his declaration, it might be made by the owner or by any other person interested in the vessel or in her cargo; that on the official transmission of one copy of the formal declaration above-mentioned, through the channel of the respective Embassies, the Government of the country to which the officer charged with abuses or vexations should belong should forthwith institute an inquiry into the matter, and if the validity of the complaint should be admitted, the said Government should cause to be paid to the master or owner, or

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to any other person interested in the vessel which should have been molested, or in her cargo, the amount of costs and damages which might be due to them: and whereas by the 10th Article of the said Supplementary Convention it was agreed that the 2 Governments did engage reciprocally to communicate each to the other, free of expense, 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 said Convention of the 30th day of November, in the year of our Lord, 1831, and of the said present Convention: and whereas by the 11th Article of the said Supplementary Convention, the 2 Governments did agree to insure the immediate freedom of all slaves who should be found on board vessels visited and detained, in virtue of the stipulations of the principal Convention thereinbefore referred to, or of the said present Convention, whenever the offence of trafficking in slaves should have been established by the sentence of the respective tribunals; the 2 Governments did, however, by the said last-mentioned Article, reserve to themselves, for the welfare of the slaves themselves, the right to employ them as servants or free labourers, conformably to their respective laws: and whereas by the 12th Article of the said Supplementary Convention, it was agreed between the 2 High Contracting Parties, that in all cases in which a vessel, under the said Convention of the 30th day of November, in the year of our Lord, 1831, or under the said Supplementary Convention, should be detained by their respective cruizers, as having been engaged in the slave trade, or fitted out for the purposes thereof, and should 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 should be broken up, in whole or in part, before the sale, whenever its peculiar construction or outfit should give reason to fear that it might be again employed in the slave trade or any other illicit traffic: And whereas by the 13th and last Article of the said Supplementary Convention it was agreed, that the said present Convention should be ratified, and the ratifications should be exchanged at Paris within the space of 1 month, or sooner if possible: And whereas the said Supplementary Convention

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was ratified by and between His Majesty and His Majesty the King of the French respectively, and such ratifications were exchanged on the 12th day of April, in the year of our Lord, 1833.

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the Convention aforesaid: 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 the French, who shall have such rank as by the said 2nd Article of the said first-mentioned Convention is agreed, and shall be duly instructed and authorized and furnished according to the several provisions of the said 2 Conventions, and within the waters described, and according to the provisions and exceptions contained in the 1st Article of the said first-mentioned Convention, to exercise the right of visiting and searching any merchant vessel of either of the said 2 nations 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 2 Conventions, except as in the said 3rd Article of the said Supplementary Convention is excepted, and, upon sufficient grounds, of detaining, and of sending or carrying in and delivering over without delay any such vessel, together with its master, sailors, passengers, slaves and cargo, to the authorities appointed for the purposes of the said 2 Conventions, by the respective Governments of the said 2 nations, and to one of the jurisdictions in the said Instructions mentioned, in order that proceedings may be instituted conformably to the respective laws of the said 2 countries; and all such commanders of His said Majesty's ships are hereby authorized and required, in the exercise of such rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute, perform, and comply with the said several provisions and instructions of the said 2 Conventions as apply thereto respectively.

II. And be it further enacted, that where any such officer

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of His Majesty the King of the French 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, all and every proceeding instituted in the tribunals hereinafter 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 detained by the cruizers of His Majesty the King of the French, 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 at Sierra Leone; and that all other ships, cargoes, and slaves which may in like manner be detained by the cruizers of His Majesty the King of the French, and delivered up to the jurisdiction of His Majesty either at Jamaica, 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.

III. And be it further enacted and declared, that any such merchant vessel, wholly or in part owned as last aforesaid, visited and detained in pursuance of the said 2 Conventions, 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 purposes of such traffic, and equipped and employed in the objects declared unlawful by an Act of Parliament passed in the 5th year of the reign of His Majesty King George the IVth, intituled "An Act to amend and consolidate the laws relating to the abolition of the slave trade,"* if any of the particulars specified in the said 6th Article of the said Convention of the 22nd day of March, 1833, shall be found in her outfit or equipment, or on board of her.

IV. And be it further enacted, that in case any such mer-

* See Vol. 3, Page 152.

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chant vessel, wholly or in part owned as last aforesaid, shall be brought in by any officer of His Majesty the King of the French duly authorized, and shall be confiscated according to the laws of this country and the provisions of the said 2 Conventions, and of the said Act of Parliament passed in the 5th year of the reign of His Majesty King George the IVth, 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 the French, according to the provisions of the 5th Article of the said Convention of the 22nd day of March, 1833; and that 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 5th Article last aforesaid, 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 5th Article; and that the same, after deducting all necessary expenses, shall be distributed to and amongst the officers and crew of the capturing ship, in the manner hereafter directed for the distribution of bounties on slaves taken on board the said vessel.

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 aforesaid Convention of the 22nd March, 1833, a bounty of £5 of lawful money of Great Britain for every man, woman, and child slave seized and found on board a British or French ship or vessel taken, delivered over, and condemned in pursuance of the provisions of the said Conventions 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 proportions as His Majesty, his heirs and successors, shall think fit to order and direct by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

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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.

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 French ship or vessel in pursuance of the provisions of the said Conventions and of this Act, but who 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 3 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.

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 of any share of the proceeds of any French vessel confiscated in pursuance of the provisions of the aforesaid Conventions, 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 that 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 upon any seizure made in pursuance of this Act, and enforce any decrees or sentences of the said Vice Admiralty Courts relating to any such seizure.

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

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proceeds of prize and the per-centage due thereon to Greenwich Hospital, shall be and are hereby 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.

X. And be it further enacted, that where any illegal visit and detention, or any visit and detention without sufficient cause of suspicion, or any abuse or vexation, shall have taken place and have been made by any officer of His Majesty the King of the United Kingdom of Great Britain and Ireland, as is mentioned in the 8th and 9th Articles of the said Convention of the 22nd day of March, 1833, it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by warrant signed by any 3 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 2 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 by order of the said Lords Commissioners of His Majesty's Treasury.

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 Convention of the 22nd March, 1833, and judgment shall be given against the seizor, or such seizure shall be relinquished by him, it shall be lawful for the said Lords Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any 3 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 expenses as the said seizor may have incurred in respect of such seizure, or any proportionate part thereof.

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 anything done in pursuance of the said Conventions, or the Instructions or regulations thereto annexed, or of this Act in as far as it relates thereto, the defendant

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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 that the same was done in pursuance and by the authority of the said Conventions, Instructions, or regulations, 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 nonsuited, or 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 have the like remedy for the same as defendants have in other cases by law.

FRANKFORT.

TREATY *of Commerce and Navigation between His Majesty and the Free City of Frankfort. Signed at London, 13th May,* 1832.

EXTENSIVE commercial intercourse having, for a series of years, been established between the dominions of His Britannic Majesty and the free city of Frankfort, it seems good for the security, as well as for the encouragement of such commercial intercourse, and of the trade carried on between Great Britain and Germany, and for the maintenance of good understanding between his said Britannic Majesty and the Senate of the said Republic, that the relations now subsisting between them should be acknowledged and confirmed by the signature of a Treaty of Commerce and Navigation.

For this purpose they have named as their Plenipotentiaries, viz.:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Vis-

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count Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and His Principal Secretary of State for Foreign Affairs; and the Right Honourable George Lord Auckland, a Peer of the said United Kingdom, a Member of His Britannic Majesty's Most Honourable Privy Council, President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations, Master of the Royal Mint, and a Commissioner of the Royal Hospital at Greenwich:

And the Senate of the free city of Frankfort, Edward Louis Harnier, Esq., Doctor of Civil Law, a Senator of the said free city:

Who, after having communicated to each other their respective Full-powers, and having found them to be in due and proper form, have agreed upon and concluded the following Articles:

Art. I. There shall be between the United Kingdom of Great Britain and Ireland, and the free city of Frankfort and its territories, a reciprocal freedom of commerce.

The subjects and citizens of the 2 countries respectively, shall have liberty freely and securely to come with their ships and cargoes, or with goods borne by land, or by inland navigation, to all such places, ports, and rivers, in the respective territories aforesaid, to which other foreigners are, or may be, permitted to come, and to enter into the same, and to remain and reside in any port or part of the said territories respectively, and to hire and occupy houses and warehouses for the purposes of their commerce, in such manner as is permitted to merchants of the most favoured nations; and, generally, the merchants and traders of each state shall, within the territories of the other, enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the 2 states respectively; and, generally, each of the said High Contracting Parties agrees to place the other, in all that respects trade, commerce, and navigation, on the footing of the most favoured nation.

II. No higher or other duties shall be imposed on the importation of any articles, goods, wares, and merchandize, the growth, produce, or manufacture of the territory of the

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republic of Frankfort, or of any other country, into the United Kingdom of Great Britain and Ireland, which may be legally imported from the free city of Frankfort or the territories thereof, than are or shall be payable on the like articles, goods, wares, and merchandize, imported from any other foreign country; and, reciprocally, no higher or other duties shall be imposed on the importation of any articles, goods, wares, and merchandize, into the free city of Frankfort, or into its territories, from the territories of His Britannic Majesty in Europe, than are or shall be payable on the like articles, goods, wares, and merchandize, imported from any other foreign country.

III. No higher or other duties or charges shall be imposed, nor shall any lower drawbacks or bounties be allowed or granted, in the territories of either of the High Contracting Parties, on the exportation of any articles, goods, wares, and merchandize, to the territories of the other by sea or land, or by inland navigation, than such as are or shall be payable, or allowed or granted, on the exportation of the like articles, goods, wares, and merchandize, to any other foreign country.

IV. No prohibition or restriction shall be imposed upon the importation or exportation by sea or land, or by inland navigation, of any articles, the growth, produce, or manufacture of the territories of either of the High Contracting Parties, into or from the territories of the other, which shall not equally extend to the like articles, the growth, produce, or manufacture of the territories of all other foreign powers.

V. All goods, wares, and merchandise, imported into the free city of Frankfort, or into the territories thereof, from the territories of His Britannic Majesty in Europe, shall be admitted into the said free city, and the territories thereof, on paying duties according to the tariff now in force there; and all goods, wares, and merchandise, imported into the territories of His Britannic Majesty in Europe, from the said free city of Frankfort, or the territories thereof, shall be admitted into His Britannic Majesty's said territories, on paying duties according to the several Acts of the British Parliament now in force, respecting the trade and navigation of the United Kingdom; of which respective tariffs, authenticated copies have been inter changed between the High Contracting Parties, at

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the time of the execution of this present Convention. The High Contracting Parties mutually reserve to themselves the right to establish all such changes as to them shall seem meet, respecting the mode of estimating and collecting the duties imposed by the said respective tariffs. Should any such change be hereafter made in the tariff of duties now payable in the territories of His Britannic Majesty in Europe, as shall have the effect of increasing the amount of duties payable on the importation of any article into those territories from the free city of Frankfort, or the territories thereof, the said free city of Frankfort reserves to itself the right of making such an addition to their before-mentioned tariff, as shall countervail and be equal to any such increase.

VI. The same duties shall be paid on the importation of any articles, goods, wares, and merchandise, into the territories of His Britannic Majesty in Europe, from the free city of Frankfort and the territories thereof, whether such importation shall be in British or in Frankfort vessels; or whether such articles, goods, wares, and merchandise, shall be transhipped at any foreign port from a Frankfort into a British vessel, or be laden on board any such British vessel at any quay, wharf, or warehouse, at which the same may have been discharged from any such Frankfort vessel; and, reciprocally, the same duties shall be paid on the importation of any articles, goods, wares, and merchandise, into the territories of the free city of Frankfort or into the said city from His Britannic Majesty's territories in Europe, whether such importation shall be in Frankfort or in British vessels; or whether such articles shall be transhipped at any foreign port from a British into a Frankfort vessel, or be laden on board any such Frankfort vessel at any quay, wharf, or warehouse, at which the same may have been discharged from any such British vessel.

VII. The same duties shall be paid, and the same drawbacks and bounties allowed and granted, on the exportation of any articles, goods, wares, and merchandise, from the territories of His Britannic Majesty in Europe, by sea or by inland navigation, to the free city of Frankfort and the territories thereof, whether such exportation shall be in Frankfort or in British vessels; and reciprocally, the same duties shall be paid, and the

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same bounties and drawbacks allowed, on the exportation of any articles, goods, wares, and merchandise, from the territories of the free city of Frankfort, or from the said city by inland navigation, to His Britannic Majesty's dominions in Europe, whether such exportation shall be in British or in Frankfort vessels.

VIII. No higher or other duties or charges on account of tonnage, light, or harbour dues, pilotage, salvage, in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of His Britannic Majesty's Dominions in Europe on Frankfort vessels, than those payable in the same ports by British vessels; nor at Frankfort on British vessels, than shall be payable at Frankfort on Frankfort vessels.

IX. In consideration of the limited extent of the territory belonging to the Republic of Frankfort, it is hereby stipulated and agreed, that any vessel, being Frankfort or British built, and being navigated by a master and a crew, three-fourths of which, at least, are citizens or subjects of the free city of Frankfort, or of any or either of the states comprised in the Germanic Confederation, as described and enumerated in the 53rd and 56th Articles of the General Treaty of Congress, signed at Vienna, on the 9th of June, 1815,* such vessel, so built, navigated, and

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* *Extract of the Vienna Congress Treaty of* 1815, *Art.* 53.

Art. 53. The Sovereign Princes and Free Towns of Germany, under which denomination, for the present purpose, are comprehended their Majesties, the Emperor of Austria, the Kings of Prussia, Denmark, and the Netherlands; that is to say, the Emperor of Austria and the King of Prussia for all their Possessions which anciently belonged to the German Empire, the King of Denmark for the Duchy of Holstein, and the King of the Netherlands for the Grand Duchy of Luxembourg, establish among themselves a perpetual Confederation, which shall be called the Germanic Confederation.

56. The affairs of the Confederation shall be confided to a Federative Diet, in which all the members shall vote by their Plenipotentiaries, either individually or collectively, in the following manner, without prejudice to their rank: —

Austria 1 Vote; Prussia 1; Bavaria 1; Saxony 1; Hanover 1; Wirtemburg 1; Baden 1; Electoral Hesse 1; Grand Duchy of Hesse 1; Denmark, for Holstein, 1; the Netherlands, for Luxembourg, 1; Grand Ducal and Ducal Houses of Saxony 1; Brunswick and Nassau 1; Mecklenburg Schwerin and Strelitz 1; Holstein Oldenburg, Anhalt, and Schwartzburg 1; Hohenzollern, Lichtenstein, Reuss, Schaumburg Lippe, Lippe and Waldeck 1; the Free Towns of Lubeck, Frankfort, Bremen, and Hamburg 1.—Total 17 Votes.

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wholly owned by Frankfort citizens or subjects, shall, for all the purposes of this Treaty, be taken to be and considered as a vessel belonging to Frankfort.

X. It is further mutually agreed, that no higher or other duties shall be levied in the territories of either of the High Contracting Parties, upon any personal property of the subjects and citizens of each, respectively, on the removal of the same from the said territories (either upon inheritance of such property or otherwise), than are or shall be payable in each state upon the like property, when removed by a subject or citizen of such state respectively.

XI. The High Contracting Parties reserve to themselves to enter upon additional stipulations for the purpose of facilitating and extending, even beyond what is comprehended in the Treaty of this date, the commercial relations of their respective subjects and dominions, citizens and territories, upon the principle either of reciprocal or equivalent advantages, as the case may be; and in the event of any Article or Articles being concluded between the said High Contracting Parties, for giving effect to such stipulations, it is hereby agreed that the Article or Articles which may hereafter be so concluded, shall be considered as forming part of the present Treaty.

XII. It is further understood between the High Contracting Parties, that nothing in this Treaty contained shall be considered as binding the free city of Frankfort in a manner inconsistent with the obligations contracted by the said free city as a member of the Germanic Confederation.

XIII. The present Treaty shall be in force for the term of 10 years from the date hereof, and further, until the end of 12 months after the King of the United Kingdom of Great Britain and Ireland, on the one part, or the Senate of the free city of Frankfort, on the other part, shall have given notice of their intention to terminate the same; each of the said High Contracting Parties reserving to itself the right of giving such notice to the other at the end of 9 years.

XIV. The present Treaty shall be ratified, and the ratifications shall be exchanged at London within the space of 2 months, or sooner if possible.

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In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 13th day of May, in the year of our Lord, 1832.

(L. S.) HARNIER.

(L. S.) PALMERSTON.

(L. S.) AUCKLAND.

Um den seit einer Reihe von Jahren zwischen den Besitzungen Seiner Großbritannischen Majestät und der freien Stadt Frankfurt bestehenden ausgedehnten Handelsverkehr, so wie überhaupt den englischen und deutschen Handel zu sichern und zu befördern, und um das gute Vernehmen zwischen seiner genannten Großbritannischen Majestät und dem Senat der gedachten Republik fortdauernd zu erhalten, ist die Anerkennung und Bestätigung der in dieser Hinsicht bestehenden Beziehungen durch den Abschluß eines Handels und Schiffahrts-Vertrags beliebt worden:

Zu diesem Ende haben zu Bevollmächtigen ernannt: Seine Majestät der vereinten Königreiche Großbritannien und Irland, den sehr ehrenwerthen Heinrich Johann Viconte Palmerston, Baron Temple, pair von Irland, Mitglied des höchst ehrenwerthen Geheimen-Raths Seiner Britannischen Majestät, Palamentsglied und seinen Haupt-Staats-Sekretär der auswärtigen Angelegenheiten: und den sehr ehrenwerthen George Lord Auckland, Pair des besagten Vereinten Königreichs, Mitgliedes sehr ehrenwerthen Geheimen-Raths Seiner Britannischen Majestät, Präsidenten vom Ausschusse des Geheimen-Raths für den Handelsverkehr und die überseeischen Pflanzungen, Vorsteher des Königlichen Münzamtes und Mit-abgeordneten des Königlichen Hospitals zu Greenwich.

Und der Senat der freien Stadt Frankfurt, Herrn Eduard Ludwig Harnier, Doctor der Rechte und Senator der Gedachten freien Stadt:

Welche, nach wechselseitiger Mittheilung und nach ordnungsmäßigem

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Richtigbefund ihrer Vollmachten, die nachfolgenden Artikel verabredet und abgeschlossen haben:

I. Es soll fortan zwischen den vereinigten Königreichen Großbritannien und Irland, und der freien Stadt Frankfurt, und dem Gebiet der letzteren, wechselseitig freier Handels-verkehr Statt finden.

Die beiderseitigen Unterthanen und Bürger sollen das Recht haben sich frei und sicher mit ihren Schiffen und Schiffs-ladungen, oder mit Frachtgütern zu Lande, oder vermittelst Binnen-Schiffahrt, an und in alle diejenigen Orte, Häfen und Flüße in den eben benannten beiderseitigen Staaten zu begeben, wohin andre Ausländer zu kommen die Erlaubniß bereits haben, oder später erhalten werden; auch sollen sie das Recht haben, sich an irgend einem Orte, oder in irgend einem Hafen der genannten Staats-gebiete aufzuhalten und niederzulassen, desgleichen Häuser und Waarenniederlagen zum Behuf ihres gegenseitigen Handels dergestalt zu miethen und inne zu haben, als solches den Kaufleuten der begünstigsten Nationem verstattet wird; überhaupt sollen die Kauf-und Handelsleute jedes der beiden Staaten in dem Gebiete des andern Staats, jedoch innerhalb der Grenzen der daselbst geltenden Gesetze und Statuten, denen sie sich in jeder Hinsicht zu unterwerfen haben, den vollständigsten Schutz und die größte Sicherheit für ihren Handel genießen. Endlich verspricht jeder der hohen vertragschließenden Theile noch in Allgemeinen den andern in allem was Handel, Verkehr und Schiffahrt betrifft, den am meisten begünstigten Nationem gleich zu stellen.

II. Es sollen allen diejenigen Güter, Waaren und Handelsartikel, sie seyen das Erzeugniß des Bodens, oder das Produkt des Gewerbfleißes der Republik Frankfurt, oder irgend eines andern Landes, welche in das vereinigte Königreich Großbritannien und Irland aus der freien Stadt Frankfurt, oder deren Gebiet, sey es zur See, zu Lande, oder durch Binnen-Schiffahrt eingeführt werden, mit keinen höheren oder andern Abgaben als mit denjenigen belegt werden, welche von denselben Gütern, Waaren und Handelsartikeln, wenn sie aus einem andern fremden Lande eingeführt werden, zu entrichten sind oder sein werden. Hinwiederum sollen alle diejenigen Güter, Waaren und Handelsartikel, welche in die freie Stadt Frankfurt oder deren Gebiet aus den Besitzungen Seiner Großbritannischen Majestät in Europa, sey es zur See, zu Lande, oder durch Binnen-Schiffahrt, eingeführt werden, mit keinen

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höheren oder anderen Abgaben als mit denjenigen belegt werden, welche von denſelben Gütern, Waaren und Handelsartikeln, wenn ſie aus irgend einem fremden Lande kommen, zu entrichten ſind, oder ſeyn werden.

III. Es ſollen auf die Ausfuhr irgend eines Handels-artikels Guts oder Waare, aus dem Gebiet des Einen der hohen vertragſchließenden Theile in das Gebiet des andern, ſie geſchehe zur See, zu Lande, oder durch Binnen-Schiffahrt, von keinem der beiden Theile höhere oder andere Abgaben oder Laſten gelegt, noch bei derſelben irgend geringere Rückzölle oder Prämien vergütet, oder bewilligt werden, als diejenigen, welche auf die Ausfuhr deſſelben Artikels in irgend ein anderes auswärtiges Land gelegt ſind, oder beziehungsweiſe bei derſelben vergütet oder bewilliget werden.

IV. Es ſoll kein Verbot oder keine Einſchränkung der Ein-oder Ausfuhr zur See, zu Lande, oder durch Binnen-Schiffahrt, hinſichtlich irgend eines Handels-artikels, Erzeugniſſes des Bodens, oder Produkts der Gewerbthätigkeit der Staatsgebiete der beiden hohen vertragſchließenden Theile aus dem einen Staatsgebiete in das andre erlaſſen werden, welche ſich nicht gleichmäßig auch auf dieſelben Handelsartikel, Erzeugniſſe des Bodens, oder Produkte der Gewerbthätigkeit aller andern auswärtigen Staaten erſtreckt.

V. Es ſoll allen Gütern, Waaren und Handels-artikeln, welche aus den Beſitzungen Seiner Großbritanniſchen Majeſtät in Europa in die freie Stadt Frankfurt oder deren Gebiet eingeführt werden, der Eingang in die genannte Republik und deren Gebiet gegen Bezahlung der nach dem dermalen dort geltenden Tarif beſtehenden Abgaben verſtattet werden; und hinwiederum ſoll allen Gütern, Waaren und Handels-artikeln, welche aus der freien Stadt Frankfurt oder deren Gebiet in die Beſitzungen Seiner Großbritanniſchen Majeſtät in Europa eingeführt werden, der Eingang in die genannten Beſitzungen Seiner Großbritanniſchen Majeſtät gegen Bezahlung der Abgaben verſtattet werden, welche dermalen in Gemäßheit der verſchiedenen den Handel und die Schiffahrt des vereinigten Königreichs Großbritannien und Irland betreffend, jetzt geltenden Acte des Brittiſchen Parlaments erhoben werden. In Uebereinſtimmung hiermit ſind von den erwähnten beyderſeitigen Zolltarifen glaubwürdige Ausfertigungen zwiſchen den hohen vertragſchließenden Theilen zur Zeit der Vollziehung der gegenwärtigen Uebereinkunft ausgewechſelt worden. Die hohen vertragſchließenden Theile behalten ſich jedoch

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gegenseitig das Recht vor, hinsichtlich der Art der Schätzung und Erhebung der durch die erwähnten beiderseitigen Zoll-tarife angeordneten Abgaben alle ihnen angemessen scheinende Veränderungen vorzunehmen. Sollte aber eine Veränderung der Art in dem dermalen in den Besitzungen Seiner Großbritannischen Majestät geltenden Zoll-tarif vorgenommen werden, und die Wirkung haben den Betrag des Zolls auf die Einfuhr von irgend einem Handelsartikel aus der freyen Stadt Frankfurt oder deren Gebiet in die genannten Besitzungen Seiner Großbritannischen Majestät in Europa zu steigern, so behält sich die genannte Republik das Recht vor, ihren obenerwähnten Tarif in der Art zu erhöhen, daß dadurch jene Steigerung ausgeglichen und aufgewogen werde.

VI. Es sollen dieselben Abgaben bey der Einfuhr irgend eines Handelsartikels, Guts oder Waare in die Besitzungen Seiner Großbritannischen Majestät in Europa, aus der freien Stadt Frankfurt oder deren Gebiet, entrichtet werden, die Einfuhr mag geschehen in Brittischen oder Frankfurter Schiffen, oder es mögen diese Artikel aus einem Frankfurtischen Schiffe in ein Brittisches Schiff umgeschlagen werden; oder sie mögen an Bord eines Brittischen Schiffs von irgend einem Kai, Ladeplatz, oder aus irgend einem Waarenhause gebracht werden, wohin sie von einem Frankfurtischen Schiffe sind ausgeladen worden; und hinwiederum sollen dieselben Abgaben bey der Einfuhr irgend eines Handels artikels, Guts oder Waare, in die freie Stadt Frankfurt, oder deren Gebiet aus den Besitzungen Seiner Großbritannischen Majestät in Europa entrichtet werden, die Einfuhr mag geschehen auf einen Frankfurtischen oder auf einem Brittischen Schiffe, oder es mögen diese Artikel an irgend einen fremden Hafen aus einem Brittischen Schiffe in ein Frankfurtisches Schiff umgeschlagen werden, oder sie mögen an Bord eines Frankfurtischen Schiffs von irgend einem Kai, Lade-platz, oder aus irgend einem Waarenhause gebracht werden, wohin sie von einem Brittischen Schiffe sind ausgeladen worden.

VII. Es sollen bey der Ausfuhr irgend eines Handelsartikels, Guts oder Waare, aus den Besitzungen Seiner Großbritannischen Majestät in Europa, zur See, oder durch Binnen-Schiffahrt nach der freien Stadt Frankfurt oder deren Gebiet, keine höheren Abgaben bezahlt, und dieselben Rückzölle und Prämien vergütet und bewilliget werden, diese Ausfuhr mag in einem Frankfurtischen oder in einem Brittischen Schiffe geschehen; und hinwiederum

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sollen bey der Ausfuhr irgend eines Handelsartikels, Guts, oder einer Waare aus der freien Stadt Frankfurt, oder deren Gebiet, durch Binnen-Schiffahrt nach den Besitzungen Seiner Großbritännischen Majestät in Europa, keine höheren Abgaben bezahlt, und dieselben Rückzölle und Prämien vergütet und bewilliget werden, die Ausfuhr mag auf einem Brittischen oder auf einem Frankfurter Schiffe geschehen.

VIII. Es sollen keine höheren oder andere Abgaben und Lasten unter dem Nahmen von Tonnen-Lichter-Hafen-Lootsen-Rettungs-Geld, im Fall von Schaden oder Schiffbruch, noch irgend andre Lokalabgaben in irgend einem der Häfen der Besitzungen Seiner Großbritannischen Majestät in Europa von Frankfurter Schiffen erhoben werden, als diejenigen welche in denselben Häfen von Brittischen Schiffen zu bezahlen sind, noch hinwiederum zu Frankfurt von Brittischen Schiffen andere als die zu Frankfurt von Frankfurter Schiffen erhoben werden.

IX. In Berücksichtigung des geringen Umfangs des Gebiets der freien Stadt Frankfurt, ist verabredet und vereinbart worden, daß jedes Schiff das in Frankfurt oder Großbritannien gebaut und mit einem Patron und einer Schiffsmannschaft versehen ist, wovon wenigstens drey Viertheile Bürger oder Angehörige der freien Stadt Frankfurt oder irgend eines der deutschen Bundes staaten, sind, wie sie sich im Artikel 53 und 56 der Wiener Congreß-acte vom 9ten Juni 1815 aufgezählt finden, und dessen Eigenthum überdieß ausschließlich einem oder mehreren Frankfurtischen Bürgern oder Angehörigen zusteht, hinsichtlich aller Bestimmungen dieses Vertrags, als Frankfurtisches Schiff geachtet und anerkennt werden soll.

X. Ferner ist vereinbart worden, daß, wenn persönliches Eigenthum eines Unterthanen oder Bürgers des einen Staates (sey es in Folge eines Erbfalls oder auf andere Weise) aus dem Gebiet des Einen Staates in das Gebiet des andern ausgeführt wird, davon keine höheren oder anderen Abgaben als diejenigen erhoben werden sollen, die jetzt oder in Zukunft von dem gleichen Eigenthum zu entrichten sind, wenn die Ausfuhr von Seiten eines eigenen Unterthans oder Bürgers des betreffenden Staates Staat findet.

XI. Die hohen vertragschließenden Theile behalten sich das Recht vor, nachträgliche Vereinbarungen zu treffen um die Handelsverbindungen ihrer gegenseitigen Unterthanen und Staaten, Bürger und Gebiete, sogar noch mehr

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als in dem heute unterzeichneten Vertrage bestimmt wird, und zwar, nach Maßgabe der Umstände, nach den Grundsätzen gegenseitiger oder doch gleichgewichtiger Vortheile auszudehnen und zu erweitern; und falls ein oder mehrere Artikel von den hohen vertragschließenden Theilen zur Bewerkstelligung dieser Verabredungen abgeschlossen werden sollten, so wird hiermit festgesetzt, daß der oder die nachher abzuschließenden Artikel für einen Theil des gegenwärtigen Vertrags angesehen werden sollen.

XII. Es ist weiter zwischen den beyden hohen vertragschließenden Theilen ausdrücklich vereinbart worden, daß Nichts in der gegenwärtigen Uebereinkunft enthaltene die freie Stadt Frankfurt auf eine mit ihren Bundesverfassungsmäßigen Verpflichtungen, als Mitglied des deutschen Bundes, unverträgliche Weise binden soll.

XIII. Der gegenwärtige Vertrag soll, von heute an, zehn Jahre in Kraft bleiben, und überdieß noch zwölf Monate von dem Tage an, wo Seine Großbritannische Majestät einer Seits, oder der Senat der freien Stadt Frankfurt anderer Seits, die Erklärung abgegeben haben werden, denselben auflösen zu wollen, weßhalb jeder der hohen vertragschließenden Theile sich das Recht vorbehält, eine solche Anzeignach Ablauf von neun Jahren zu machen.

XIV. Der gegenwärtige Vertrag soll ratificirt, und die Ratificationen binnen zwey Monaten, oder, wo möglich früher, in London ausgewechselt werden.

Dessen zu Urkund haben die beyderseitigen Bevollmächtigten denselben unterzeichnet, und mit ihren Wappen besiegelt.

So geschehen zu London den dreyzehnten May, im Jahre des Herrn Ein Tausend achthundert und zwey und dreyßig.

(L.S.) Harnier.

(L.S.) Palmerston.

(L.S.) Auckland.

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GREAT BRITAIN.

ACT *of the British Parliament, "to relieve His Majesty's Subjects from all doubt concerning the validity of certain Marriages solemnized abroad.*

[4 Geo. 4, cap. 91.] [18th July, 1823.]

WHEREAS it is expedient to relieve the minds of all His Majesty's subjects from any doubt concerning the validity of marriages solemnized by a minister of the Church of England in the chapel or house of any British Ambassador or Minister residing within the country to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, as well as from any possibility of doubt concerning the validity of marriages solemnized within the Britsh lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad; be it declared and enacted, and it is hereby declared and 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 all such marriages as aforesaid shall be deemed and held to be as valid in law as if the same had been solemnized within His Majesty's dominions, with a due observance of all forms required by law.

II. Provided always, and be it further enacted, that nothing in this Act contained shall confirm, or impair, or anywise affect, or be construed to confirm, or to impair, or anywise to affect, the validity in law of any marriages solemnized beyond the seas, save and except such as have been or shall be solemnized in the places, form and manner herein specified and recited.

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ACT *of the British Parliament, "relating to the performance of Quarantine;" so far as it relates to the Vessels liable to Quarantine, and to the Administering of Oaths, respecting Quarantine, by British Consuls Abroad.*

[6 Geo. 4. Cap. 78.] [27th June, 1825.]

WHEREAS it is expedient to repeal the several laws relating to the performance of quarantine, and to make other provisions in lieu thereof: 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 from and after the 1st day of June, 1825, all and every Act, and all parts of Acts of the Parliament of Great Britain and Ireland respectively, and of the Parliament of the United Kingdom, relating to the performance of *quarantine*, or relating to the charging any duty or duties upon vessels which may be liable to, or have performed *quarantine*, shall be and the same is hereby repealed; save and except such Acts, and such parts of Acts, as relate to the payment and recovery of any duties imposed by the said Acts, or any parts of Acts, which shall be due and unpaid on the said 1st day of June by any person or persons under any or either of the said Acts; and also save and except as to any fine, penalty, forfeiture, or punishment, or fines, penalties, forfeitures, or punishments, to which any such person or persons may be liable by reason of the same; and also save and except as to any action, suit, prosecution, or other proceeding, brought or commenced, or which shall hereafter be brought or commenced, for or on account of any such offence or offences so done or committed as aforesaid.

II. And be it enacted, that from and after the 1st day of June, 1825, all *vessels*, as well His Majesty's *ships of war* as others coming from or having touched at any place from whence His Majesty, His heirs, or successors, by and with the advice of His or their Privy Council, shall have adjudged and declared it probable that the plague or other infectious disease or distemper highly dangerous to the health of His Majesty's subjects may be brought, and all vessels and *boats*

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receiving any *person, goods, wares,* and *merchandize, packets, packages, baggage, wearing apparel, books, letters,* or any other article whatsoever, from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessels at any port or place in the *United Kingdom,* or the islands of *Guernsey, Jersey, Alderney, Sark,* or *Man,* and whether such vessels were or were not bound to any port or place in the *United Kingdom,* or the *islands* aforesaid, and all persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever on board of any vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to *quarantine* within the meaning of this Act, and of any Order or Orders which shall be made by His Majesty, his heirs and successors, by and with the advice of his or their Privy Council, concerning *quarantine* and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such persons, goods, wares, merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have been received on board respectively; and all such vessels and boats as aforesaid, and all persons (as well *pilots* as others), goods, wares, and merchandize, and all other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place as aforesaid, or going, or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the *United Kingdom,* or the *islands* aforesaid, and all persons, goods, wares, and merchandize, and other articles as aforesaid, on board of such receiving vessel or boat as aforesaid, shall upon their arrival at any such port or place, be obliged to perform *quarantine* in such place or places, for such time, and in such manner as shall from time to time be directed by His Majesty, his heirs or successors, by his or their Order or Orders in Council, notified by *proclamation,* or

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published in the London Gazette; and that until such vessels and boats, persons, goods, wares, and merchandize, and other articles as aforesaid, shall have respectively performed, and shall be duly discharged from *quarantine*, no such person, goods, wares, or merchandize, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats at any port or place in the *United Kingdom*, or the *islands* aforesaid, come or be brought on shore, or go and be put on board any other vessel or boat, in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in the *United Kingdom*, or the *islands* aforesaid, unless in such manner and in such cases, and by such licence as shall be directed or permitted by such Order or Orders made by His Majesty, his heirs or successors in Council, as aforesaid; and all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to quarantine as aforesaid, and all persons (as well *pilots* as others), goods, wares, and merchandize, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the *United Kingdom*, or the *islands* aforesaid, and although such vessels or boats shall not be bound to any port or place in the *United Kingdom*, or the *islands* aforesaid; and all commanders, masters, or other persons having the charge or command of any such vessels or boats, whether coming from any infected place, or being otherwise liable to *quarantine* as aforesaid, shall be subject to all the provisions, rules, regulations, and restrictions contained in this Act, or in any Order or Orders which shall be made by His Majesty, his heirs and successors, in Council, as aforesaid, concerning quarantine and the prevention of infection, and to all the pains, penalties, forfeitures, and punishments contained in this Act, for any breach or disobedience thereof, or of any Order or Orders of His Majesty in Council made under the authority thereof.

XXVIII. And be it further enacted, that the *Consuls* and *Vice Consuls* of His Majesty, his heirs and successors, shall and are hereby empowered to administer oaths in all cases respect-

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ing *quarantine*, in like manner as if they were magistrates of the several towns or places where they respectively reside.

XXIX. And be it further enacted, that in all cases wherein, by virtue of this Act, or any other Act hereafter to be made touching *quarantine*, any examination or answer shall be taken or made upon oath, the person who shall be authorized and required to take such examinations and answers, shall and may be deemed to have full power and authority to administer such oaths; and if any person who shall be interrogated or examined, shall wilfully swear falsely to any matter concerning which such person shall depose or make oath on such examination, or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to have been guilty of, and shall be liable to be prosecuted for perjury, or subornation of perjury, as the case may be, and shall suffer the pains, penalties, and punishments of the law in such case respectively made and provided.

BRITISH ORDER IN COUNCIL, *relative to the performance of Quarantine; so far as it relates to Declarations on Oath to be made by Masters of Vessels, before British Consuls in Foreign Ports.* 19*th July*, 1825.

At the Court at Windsor, the 19*th day of July*, 1825.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the last Session of Parliament, [6 Geo. 4, cap. 78], intituled "An Act to repeal the several laws relating to the performance of quarantine, and to make other provisions in lieu thereof," it is amongst other things enacted, that from and after the 1st day of June, 1825, all *vessels* as well His Majesty's *ships of war* as others, coming

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from or having touched at any place from whence His Majesty, his heirs or successors, by and with the advice of his or their Privy Council, shall have adjudged and declared it probable that the plague or other infectious disease or distemper, highly dangerous to the health of His Majesty's subjects, may be brought, and all *vessels* and *boats* receiving any *person, goods, wares, merchandize, packets, packages, baggage, wearing apparel, books, letters,* or any other articles whatsoever, from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such ships or vessels at any port or place in the *United Kingdom,* or the islands of *Guernsey, Jersey, Alderney, Sark,* or *Man,* and whether such vessels were or were not bound to any port or place in the *United Kingdom* or the *islands* aforesaid; and all persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other articles whatsoeveer, on board any vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to *quarantine* within the meaning of the said Act, and of any Order or Orders which shall be made by His Majesty, his heirs or successors, by and with the advice of his or their Privy Council, concerning *quarantine* and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such persons, goods, wares, merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have been received on board respectively; and that such vessels and boats as aforesaid, and all persons (as well *pilots* as others), goods, wares, and merchandizes, and other articles as aforesaid, whether coming or brought in such vessels or boats, from such infected place as aforesaid, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the *United Kingdom,* or the *islands* aforesaid; and all persons, goods, wares, and merchandize,

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and other articles as aforesaid, on board such receiving vessel or boat as aforesaid, shall upon their arrival at any such port or place, be obliged to perform *quarantine* in such place or places, for such time and in such manner as shall from time to time be directed by His Majesty, his heirs or successors, by his or their Order or Orders in Council, notified by *proclamation*, or published in the *London Gazette;* and that until such vessels and boats, persons, goods, wares, and merchandizes, and other articles as aforesaid, shall have respectively performed, and shall be duly discharged from *quarantine*, no such person, goods, wares, or merchandize, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats, at any port or place in the *United Kingdom*, or the *islands* aforesaid, come or be brought on shore, or go or be put on board any other vessel or boat, in order to come or be brought on shore, in any such port or place, although such vessels so coming from such infected place as aforesaid, may not be bound to any port or place in the *United Kingdom* or the *islands* aforesaid, unless in such manner, and in such cases, and by such licence, as shall be directed or permitted by such Order or Orders made by His Majesty, his heirs, or successors, in Council as aforesaid; and that all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to *quarantine* as aforesaid, and all persons (as well *pilots* as others), goods, wares, and merchandize, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats, at any port, or place in the *United Kingdom*, or the *islands* aforesaid; and although such vessels or boats shall not be bound to any port or place in the *United Kingdom*, or the *islands* aforesaid; and that all commanders, masters, or other persons having the charge or command of any such vessels or boats, whether coming from any infected place, or being otherwise liable to *quarantine* as aforesaid shall be subject to all the provisons, rules, regulations, and restrictions contained in the said Act, or in any Order or Orders which shall be made by His Majesty, his heirs and successors, in Council as aforesaid,

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concerning *quarantine* and the prevention of infection, and to all the pains, penalties, forfeitures, and punishments contained in the said Act, for any breach or disobedience thereof, or of any Order or Orders of His Majesty in Council, made under the authority thereof.

And whereas, after reciting that certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected into other *countries*, and from thence imported into the *United Kingdom*, or the *islands* aforesaid; it is likewise enacted, that all such goods and merchandize as shall be particularly specified for that purpose in any Order or Orders made by His Majesty, his heirs or successors, in Council, concerning *quarantine* and the prevention of infection as aforesaid, which shall be brought or imported into any port or place in the *United Kingdom*, or the *islands* aforesaid, from any *foreign country* or place in any vessel whatsoever, and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such Order or Orders of His Majesty, his heirs or successors, in Council as aforesaid, respecting the same.

V. And it is hereby further ordered, that all vessels coming from any port or place in *Europe* without the Streights, or on the continent of *America*, at which there is not a regular establishment for the performance of *quarantine* declared sufficient by His Majesty in Council as aforesaid, and having on board any of the articles hereinafter enumerated,* being the growth, produce, or manufacture of *Turkey*, or of any place in *Africa* within the Streights of *Gibraltar*, or in the *West Barbary* on the *Atlantic Ocean;* and all vessels and boats receiving any of the said goods, wares, or merchandize, or other articles as aforesaid, from or out of the said vessels, shall, together with all persons (as well pilots as others,) goods, wares, and merchandize, and all articles on board thereof, perform the same *quarantine*, for such time, in such manner, and at such places respectively as is herein directed with respect to

* See Declarations, Page 170.

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vessels coming from the *Mediterranean*, or from the *West Barbary* on the *Atlantic Ocean* with clean bills of health.

XXXVIII. And it is hereby further ordered, that with respect to all vessels whatsoever having on board any of the articles enumerated as before stated, and intending to import the same into any port or place in the *United Kingdom*, or the *islands* of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, from any port or place in *Europe* without the Streights, or on the continent of *America*, at which there is not a regular establishment for the performance of *quarantine*, declared sufficient by His Majesty in Council, as aforesaid; the master or other person having charge of every such vessel is hereby required to bring with him a *Declaration* made by the owner, proprietor, shipper, or consignee of such vessel, or of the goods, wares, and merchandizes enumerated as aforesaid on board the same respectively, upon oath before some magistrate of the port or place from whence such master or other person having the charge or command of such vessel shall have brought the said goods, wares, and merchandizes, and attested by such magistrate, and also by the British *Consul* or *Vice Consul*, or in case there shall be no British *Consul* or *Vice Consul* there, then by two known British merchants; in which *Declaration* it shall be stated, either negatively, that the said enumerated goods, wares, and merchandizes, are not of the growth, produce, or manufacture of *Turkey*, or of any place in *Africa* within the Streights of *Gibraltar*, or in the *West Barbary* on the *Atlantic Ocean*; or affirmatively, of what place they are the growth, produce, or manufacture; and if they are of the growth, produce, or manufacture of any of the *countries*, last mentioned, then it shall be stated in such *Declaration*, whether the said vessel is or is not the same in which the enumerated goods, wares, and merchandizes so imported were brought from *Turkey*, or from any of the countries last-mentioned; and in case the vessel is the same, the master or other person having the charge or command of such vessel, is hereby required to bring with him the bill or bills of health, granted at the port where any such goods were originally taken on board, or copies thereof attested by a Notary Public; and if the vessel having on board such goods, wares, and merchandizes,

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shall be other than that in which they were imported into any port or place in *Europe* without the Streights, or the continent of *America*, at which there is not a regular establishment for the performance of *quarantine*, declared sufficient by His Majesty in Council as aforesaid, the master or other person having the charge of such vessel is hereby required to bring with him a *Declaration* made and attested in like manner as the *Declaration* before mentioned, in which it shall be stated whether the said enumerated goods, wares, and merchandizes, were imported into the ports of the *countries* last mentioned in a vessel with or without a clean bill of health; and such master or other person having the charge of any such vessel, if the same shall be bound to the port of London, or to the river Thames or Medway, shall forthwith produce such *Declaration* or *Declarations* (as the case may be), to the superintendant of *quarantine* or his assistant at Stangate Creek, or if the same shall be bound to any of the out-ports or islands aforesaid, to the superintendant of *quarantine* or his assistant, or to the principal or other officer of the customs authorized to act in that behalf at such out-port or place; and if it shall appear that none of the said enumerated goods, wares, or merchandizes on board such vessel are of the growth, produce, or manufacture of *Turkey*, or of any place in *Africa* within the Streights of *Gibraltar*, or in the *West Barbary* on the *Atlantic Ocean*, such vessel importing the same shall not be obliged to perform *quarantine*, but shall, on production of such *Declaration* to the superintendant or his assistant, or to the principal or other officer of the customs as aforesaid, be admitted to an entry in the usual and legal manner; but if it shall appear that such enumerated goods, wares, or merchandizes, or any part thereof, are of the growth, produce, or manufacture of any of the countries last mentioned, or if no such *Declaration* shall be produced by the master or other person having the charge of such vessel as aforesaid, then the superintendant of *quarantine* or his assistant, or the principal or other officer of the customs authorized to act in that behalf as aforesaid, at the port or place at which such vessel shall arrive, as the case may be, shall take care that every such vessel, as well as the officers, crew, passengers, and the entire cargo on board the same, shall perform

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quarantine, according to the nature of the case, at such and the same places as are herein before appointed for the performance of *quarantine*, for the same time and in the same manner as vessels, their officers, crews, passengers, and cargoes, coming from the *Mediterranean*, or from the *West Barbary* on the *Atlantic Ocean*, with clean bills of health, are hereinbefore respectively required to perform *quarantine*.

Provided always, that if the master or other person having charge of any vessel coming from any port or place whatever, at which there is no regular establishment of *quarantine* declared sufficient by His Majesty in Council, shall bring with him a *Declaration* on oath made by the owner, proprietor, shipper, or consignee of such vessel, or of the goods, wares, and merchandizes on board thereof respectively, before the British *Consul*, or *Vice Consul* residing at or near such port or place, to the same purport and effect as aforesaid, that then and in such case the *Declaration* so made as last aforesaid shall have the like force and effect to all intents and purposes whatever, as if attested and sworn before a magistrate in manner aforesaid.

XLV. And it is hereby further ordered, that this Order and the regulations herein contained shall take effect and be in force from and after the date hereof.

Provided always, that the regulation with respect to the production of *Declarations* for enumerated articles brought from any port or place in *Europe* without the Streights, shall commence and take effect on the 1st day of November, 1825,* and for the like articles brought from any port or place on the continent of *America*, on the 1st day of January, 1826,† and not before; until which respective times such proof shall be required and admitted as to the growth, produce, and manufacture of such articles as shall be thought expedient, and shall be directed by the Lords and others of His Majesty's Privy Council, or any 2 or more of them.

XLVI. And the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the office of Lord

* Period subsequently extended to 1st February, 1826.
† Do. ,, ,, to 1st April, 1826.

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High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master General, and the rest of the principal officers of the Ordnance, His Majesty's Secretary at War, and the Governors and Commanders-in-Chief for the time being of the said isles of Guernsey, Jersey, Alderney, Sark, and Man, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

(APPENDIX 1.)—QUARANTINE DECLARATIONS.

As to the Growth, Produce, or Manufacture of the following Goods; that is to say, *Apparel* of all kinds; *Artificial Flowers; Bast,* or any articles made thereof; *Beads, Bracelets,* or *Necklaces,* in strings; *Beds*; *Bed Ticks*; *Books*; *Brooms* of all sorts; *Brushes* of all sorts; *Burdets*; *Camblets*; *Canvass*; *Carmenia Wool*; *Carpets*; *Cordage* not tarred; *Cotton Wool*; *Cotton Yarn*; *Cotton Thread*; all articles wholly made of or mixed with cotton, silk, wool, thread, or yarn; *Down*; *Feathers*; *Flax*; *Furriers Waste*; *Goats Hair*; *Gold* or *Silver* on thread, cotton, hair, wool, or silk, or any other substance hereinbefore enumerated; *Grogram*; *Hats, Caps,* or *Bonnets,* of straw, chip, cane, or any other material; *Hemp, Hoofs, Horn* and *Horn Tips*; *Hair* of all sorts; *Leather*; *Linen*; *Lute-strings, Bathings,* or *Harp-strings*; *Maps*; *Mattresses*; *Mats* and *Matting*; *Mohair Yarn*; *Nets,* new or old; *Paper*; *Packthread*; *Parchment*; *Pelts*; *Platting* of bast, chip, cane, straw, or horse hair; *Quills, Rags*; *Sails* and *Sail-cloth*; *Silk,* viz. Crapes and Tiffanies; Husks and Knubs; Raw Silk! Thrown and Organzine Silk; Waste Silk; Wrought Silk; *Skins, Hides,* and *Furs,* and parts or pieces of skins, hides, and furs, whether undressed or in part or wholly tanned, tawed, or dressed; *Sponges*; *Straw,* or any article made of or mixed with straw; *Stockings* of all sorts; *Thread*; *Tow*; *Vellum*; *Whisks*; *Wool,* whether raw or anywise wrought; *Yarn* of all sorts; and all other goods whatsoever, if they shall have arrived in or with packages consisting wholly or in part of any of the articles above enumerated, unless such goods shall be removed from such packages.

In respect of which one of the following *Declarations* must be made upon oath, by the owner, proprietor, shipper, or consignee of the said goods, or of the vessel in which the same shall be shipped for the United Kingdom or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, if coming from any port or place in Europe without the Streights of Gibraltar, or on the continent of America, (at which there is not a regular establishment for the performance of Quarantine, declared sufficient for that purpose by His Majesty in Council), before some magistrate of the port or place from whence the same shall be brought, and must be attested by such magistrate, and also by the *British Consul* or *Vice-Consul*; or in case there shall be no such *Consul* or *Vice-Consul* there, then by two known British merchants, and must accompany the goods shipped, and be produced by the master

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on his arrival, or attempting to enter any port or place in the United Kingdom, or the islands of Guernsey, &c. to the Superintendant of Quarantine. In default of which the said ship and cargo will be subject to and will be obliged to perform quarantine.

NEGATIVE DECLARATION.

I, [*Here insert the name, place of abode, and description, either as owner, proprietor, shipper, or consignee, as the case may be* of the following goods, (that is to say), [*here insert a list of the Articles*] shipped on board the vessel called master, now about to sail from the port of for the port of , do declare upon oath that none of the said goods, wares, or merchandizes are of the growth, produce, or manufacture of *Turkey*, or of any place in *Africa* within the Streights of *Gibraltar*, or in the *West Barbary* on the Atlantic Ocean.

Sworn before me at } So help me GOD.
on the }
Day of }

OR

AFFIRMATIVE DECLARATION.

I, [*Here insert the name, place of abode, and description, either as owner, proprietor, shipper, or consignee, as the case may be*] of the following goods, (that is to say), [*here insert a list of the Articles,*] shipped on board the vessel called master, now about to sail from the port of for the port of , do declare upon oath that the said goods are of the growth, produce, or manufacture of So help me GOD.

do hereby certify that the above written name of is the signature and hand-writing of , a magistrate of

In testimony of the truth whereof have hereunto set hand and seal, this day of

British Consul (L. S.)
or
Vice Consul, (L. S.)
(if no *Consul* or *Vice Consul*)
Known British merchants, } L. S.)
resident at the port of } (L. S.)

(Appendix II).—QUARANTINE DECLARATION,

As to the identity of the ship in which they are imported.

Required where any of the said goods (being part of the cargo) are of the growth, produce, or manufacture of *Turkey*, or of some place in *Africa* within the Streights of *Gibraltar*, or in the *West Barbary* on the *Atlantic Ocean*, and are brought from any port or place in *Europe* without the Streights of *Gibraltar*, or on the Continent of *America* (at which there is not a regular establishment for the performance of quarantine, declared sufficient for that purpose by His Majesty in Council) in the same ship in which they were originally imported into the port or place from whence they were shipped for the *United Kingdom*, &c.

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I, [*Here insert the name, place of abode, and description, either as owner, proprietor, shipper, or consignee, as the case may be*] of the following goods; (that is to say),

[*Here insert a List of the Articles.*]

which said goods are of the growth, produce, or manufacture of
and on board the vessel called master, now about to sail
from the port of for the port of
do declare upon oath, that the said vessel is the same in which the said goods, wares, and merchandizes were imported into the port of from the port of and that the bill of health (or bills, *as the case may be*) now produced same as granted at the said port of where the said goods, wares, or merchandizes were originally taken on board.

So help me GOD.

Sworn before me at on the day of

do hereby certify that the above written name of
is the signature and hand-writing of , a magistrate of

In testimony of the truth whereof have hereunto set hand and seal this day of

British Consul (L. S.)
or
Vice Consul, (L. S.)
or
(If no *Consul* or *Vice Consul*)
Known British merchants resident at the port of (L. S.) (L. S.)

ACT *of the British Parliament, "relative to British Consuls at Foreign Ports;" so far as it relates to the Fees to be received, and the Duties to be performed, by them at such Ports.*

[6 Geo. IV. cap. 87.] [5th July, 1825.]

IV. Provided always, and be it further enacted, that it shall and may be lawful for all *Consuls General* and *Consuls* appointed by His Majesty, and resident within the dominions of any Sovereign, or any *Foreign* State or Power, in amity with His Majesty, to accept, take, and receive the several fees particularly mentioned in the tables to this present Act annexed,

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marked with the letters (A.) and (B.), for and in respect or on account of the several matters and things, and official acts and deeds particularly mentioned in the said schedules; and that it shall and may be lawful for His Majesty, by any Order or Orders, to be by him made, by and with the advice of his Privy Council, from time to time, as occasion may require, to increase or diminish, or wholly to abolish, all or any of the fees aforesaid, and to establish and authorize the payment of any greater or smaller, or new or additional fees or fee, for or in respect of the several matters and things mentioned in the said schedules or any of them, or for or in respect of any other matters or things or matter or thing to be by any such *Consul General* or *Consul* done or performed in the execution of such his office.

V. And be it further enacted, that in case any *Consul General* or *Consul*, appointed by His Majesty as aforesaid, shall, by himself or *Deputy*, or by any person authorised thereto in his behalf, ask, demand, receive, take, or accept, for or by reason, or on account of any matter or thing by him done or performed in the execution of such his office, of for or on account or under pretence, or by reason of any service or duty by him rendered, done or performed in such his office, for any person or persons whomsoever, any other or greater fee, reward, gratuity, gift, or remuneration than is mentioned and specified in the said schedule, or than shall be sanctioned and specified in or by any such Order or Orders in Council as aforesaid, the person or persons so offending shall forfeit and become liable to pay to His Majesty, his heirs and successors, any sum of sterling British money, not exceeding the amount of the salary of such person for 1 year, nor less than the 12th part of such annual salary, at the discretion of the court in which such penalty may be recovered, and shall, moreover, upon a 2nd conviction for any such offence, forfeit such his office, and for ever after become incapable of serving His Majesty in the same or the like capacity.

VI. And be it further enacted, that a printed copy of the tables of fees allowed by this Act, or which may or shall be sanctioned or allowed by any Order to be made in pursuance of this Act, by His Majesty in Council, shall be exhibited in a conspicuous

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manner, for the inspection of all persons, in the Custom-house, in the port of London, and in all other Custom-houses in the several ports and harbours of the United Kingdom of Great Britain and Ireland; and that printed copies thereof shall, by the collecter, or other chief officer of customs in all such ports and harbours as aforesaid, be delivered gratuitously, and without fee or reward, to every master or commander of any ship and vessel clearing out of any such port or harbour, and demanding a copy thereof.

VII. And be it further enacted, that a copy of the said schedule or table of fees to this present Act annexed, or which may be established and authorized by any such Order or Orders in Council as aforesaid, shall be hung up and exhibited in a conspicuous place in the public offices of all *Consuls General* or *Consuls* appointed by His Majesty, in the *foreign* ports or places to which they may be so appointed, for the inspection of all persons interested therein; and any *Consul General* or *Consul* omitting or neglecting to exhibit any such copy of the said schedules in such his public office, or refusing to permit the same to be inspected by any person or persons interested therein, shall for every such offence forfeit and pay a sum of British sterling money not exceeding one-half the amount of the salary of such person for one year, nor less than the twelfth part of such annual salary, at the discretion of the Court in which such penalty may be recovered.

X. And whereas churches and chapels for the performance of Divine Service, according to the rites and ceremonies of the United Church of England and Ireland, or of the Church of Scotland, have been erected, and proper grounds have been appropriated and set apart for the interment of the dead, in divers *foreign* ports and places, and chaplains have been appointed for the performance of Divine Service in the said churches and chapels, and are now resident in such *foreign* ports and places; and it is expedient to afford encouragement for the support of the churches and chapels so erected as aforesaid, and to promote the erection of other churches and chapels in *foreign* ports and places to which His Majesty's subjects may resort, and wherein they may be resident in considerable numbers, for the purposes of trade or otherwise;

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be it therefore enacted, that at any *foreign* port or place in which a chaplain is now, or shall at any future time be, resident and regularly employed in the celebration of Divine Service, according to the rites and ceremonies of the United Church of England and Ireland, or of the Church of Scotland, and maintained by any voluntary subscription or rate, levied among or upon His Majesty's subjects resorting to or residing at such *foreign* port or place, or by any rate or duty levied under the authority of any of the Acts hereinafter repealed, it shall and may be lawful for any *Consul General* or *Consul*, in obedience to any order for that purpose issued by His Majesty through one of his Principal Secretaries of State, to advance and pay from time to time, for and towards the maintenance and support of any such chaplain as aforesaid, or for and towards defraying the expenses incident to the due celebration of Divine Service in any such churches and chapels, or for and towards the maintaining any such burial grounds as aforesaid, or for and towards the interment of any of His Majesty's subjects in any such burial grounds, any sum or sums of money, not exceeding in any one year the amount of the sum or sums of money which during that year may have been raised at such port or place for the said several purposes, or any of them, by any such voluntary subscription or rate as aforesaid; and every such *Consul General* or *Consul* shall, once in each year, transmit to one of His Majesty's Principal Secretaries of State an account, made up to the 31st day of December in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription or rate as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such orders as aforesaid, and which accounts shall by such Principal Secretary of State be transmitted to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, who shall give to any such *Consul General* or *Consul* as aforesaid, credit for all sums of money not exceeding the amount aforesaid, by

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them disbursed and expended in pursuance of any such Order as aforesaid, for the purposes before mentioned, or any of them.

XI. And be it further enacted, that in case any of His Majesty's subjects shall by voluntary subscriptions among themselves raise and contribute such a sum of money as shall be requisite for defraying one half part of the expense of erecting, purchasing, or hiring any church or chapel or building, to be appropriated for the celebration of Divine Service according to the rites and ceremonies of the United Church of England and Ireland, or of the Church of Scotland, or for defraying one half-part of the expense of erecting, purchasing, or hiring any building to be used as a Hospital for the reception of His Majesty's subjects, or for defraying one half of the expense of purchasing or hiring any ground to be used as a place of interment for His Majesty's subjects at any foreign port or place wherein any *Consul General* or *Consnl* appointed by His Majesty shall be resident, then, and in any such case, it shall and may be lawful for such *Consul General* or *Consul*, in obedience to any order to be for that purpose issued by His Majesty through one of his Principal Secretaries of State, to advance and pay, for and towards the purposes aforesaid, or any of them, any sum or sums of money not exceeding in the whole in any one year the amount of the money raised in that year by any such voluntary contribution as aforesaid; and every such *Consul General* or *Consul* as aforesaid, shall in like manner once in every year transmit to one of His Majesty's Principal Secretaries of State an account, made up to the 31st day of December in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such orders as aforesaid, and which accounts shall by such Principal Secretary of State be transmitted to the Lord High Treasurer, or to the Lords Commissioners of His Majesty's Treasury, for the time being, who shall give to such *Consul General* or *Consuls*

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credit for all sums of money not exceeding the amount aforesaid, by him disbursed and expended in pursuance of any such order as aforesaid, for the purposes before mentioned, or any of them.

XII. Provided always, and be it further enacted, that no such order shall be issued as aforesaid through any of His Majesty's Principal Secretaries of State, authorizing the expenditure of money for the erection, purchase, or hiring of any such new church or chapel or hospital as aforesaid, or for the purchase or hiring of any such new burial ground as aforesaid, unless and until such *Consul General* or *Consul* shall first have transmitted to His Majesty, through one of His Majesty's Principal Secretaries of State, the plan of such intended church or chapel, hospital, or burial ground, with an estimate, upon the oath of some one or more competent person or persons, stating the probable expense of and incident to the erection, purchase, or hiring of any such church, chapel, hospital, or burying ground as aforesaid, and unless and until His Majesty shall have signified, through one of his said Principal Secretaries of State, his approbation of the said plan and estimate: Provided also, that no money shall actually be disbursed by any such *Consul General* or *Consul* as aforesaid, for any of the purposes aforesaid, unless and until the money to be raised by any such voluntary subscription as aforesaid be actually paid up and invested in some public or other sufficient security, in the joint names of such *Consul General* or *Consul* and 2 trustees, appointed for that purpose by the persons subscribing the same, or unless and until 2 or more of such subscribers shall enter into good and sufficient security to His Majesty, by bond or otherwise, that the amount of such subscriptions shall actually be paid for the purposes aforesaid, by a certain day to be specified in every such bond or security, and which bond or security shall be preserved in the office of such *Consul General* or *Consul*, and shall by him be cancelled and delivered back to the parties entering into the same, their heirs, executors, or administrators, when and so soon as the condition thereof shall be fully performed and satisfied.

XIII. Provided also, and be it further enacted, that the whole salary of any chaplain heretofore appointed or to be

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appointed to officiate in any such church or chapel in any *foreign* port or place *in Europe*, shall not exceed in the whole £500 by the year, or in any *foreign* port or place *not in Europe*, £800 by the year: provided also, that all such chaplains shall be appointed to officiate as aforesaid, by His Majesty, through one of his Principal Secretaries of State, and shall hold such their offices for and during His Majesty's pleasure, and no longer.

XIV. And be it further enacted, that all *Consuls General* and *Consuls* appointed by His Majesty to reside and being resident at any *foreign* port or place wherein any such church or chapel, or other place appropriated for the celebration of divine worship, or hospital or any such burial ground as aforesaid, hath heretofore been or shall hereafter be erected, purchased, or hired, by the aid of any voluntary subscription or rates collected by or imposed upon His Majesty's subjects, or some person or persons for that purpose duly authorized by any writing under the hand and seal of any such *Consul General* or *Consul*, shall, once at the least in every year, and more frequently if occasion shall require, by public advertisement, or in such other manner as may be best adapted for insuring publicity, convene and summon a meeting of all His Majesty's subjects residing at such *foreign* port or place as aforesaid, to be holden at the public office of such *Consul General* or *Consul*, at some time, not more than 14 days nor less than 7 days next after the publication of any such summons; and it shall and may be lawful for all His Majesty's subjects residing or being at any such *foreign* port or place as aforesaid, at the time of any such meeting, and who shall have subscribed any sum or sums of money not less than £20 in the whole nor less than £3 by the year, for or towards the purposes before mentioned, or any of them, and have paid up the amount of such their subscriptions, to be present and vote at any such meetings; and such *Consuls General* or *Consuls* shall preside at all such meetings; and in the event of the absence of any such *Consuls General* or *Consuls*, the subscribers present at any such meeting shall, before proceeding to the despatch of business, nominate one of their number to preside at such meeting; and all questions proposed by the *Consul General*, *Consul*, or person so no-

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minated as aforesaid to preside in his absence, to any such meeting, shall be decided by the votes of the majority in number of the persons attending and being present thereat; and in the event of the number of such votes being equally divided, the *Consul General, Consul,* or person so presiding in his absence, shall give a casting vote.

XV. And be it further enacted, that it shall and may be lawful for any such general meeting as aforesaid to make and establish, and from time to time, as occasion may require, to revoke, alter, and render such general rules, orders, and regulations, as may appear to them to be necessary for the due and proper use and management of such churches, chapels, hospitals, and burial grounds as aforesaid, or for the proper control over and expenditure of the money raised by any such subscription as aforesaid, or otherwise in relation to the matters aforesaid, as may be necessary for carrying into execution the objects of this Act, so far as relates to those matters, or any of them: Provided always, that no such rule, order, or regulation as aforesaid shall be of any force or effect, unless or until the same shall be sanctioned and approved by the *Consul General* or *Consul* for the time being, appointed by His Majesty to reside and actually resident at such *foreign* port or place; and provided also, that the same shall, by such *Consul General* or *Consul,* be transmitted by the first convenient opportunity for His Majesty's approbation; and that it shall and may be lawful for His Majesty, by any order to be by him issued through one of his Principal Secretaries of State, either to confirm or disallow any such rules, orders and regulations, either in the whole or in part, and to make such amendments and alterations in or additions to the same, or any of them, as to His Majesty shall seem meet, or to suspend for any period of time the execution thereof, or any of them, or otherwise to direct or prevent the execution thereof, or any of them, in such manner as to His Majesty shall seem meet; and all orders so to be issued by His Majesty, in relation to the matters aforesaid, through one of his Principal Secretaries of State, shall be recorded in the office of the said *Consul General* or *Consul* at the *foreign* port or place to which the same may refer, and shall be

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of full force, effect, and authority upon and over all His Majesty's subjects there resident.

XVI. And whereas it is expedient that the several Acts of Parliament hereinafter mentioned should be repealed; be it therefore enacted, that a certain Act of Parliament made and passed in the 8th year of the reign of King George the Ist, [cap. 17], intituled "An Act for more equal paying and better collecting certain small sums therein mentioned, for relief of shipwrecked mariners and distressed persons (His Majesty's subjects) in the Kingdom of *Portugal*, and for other pious and charitable purposes usually contributed to by the merchants trading to *Portugal;* and a certain other Act, made and passed in the 9th year of the reign of King George the IInd [cap. 25], intituled "An Act for the more equal paying and better collecting certain small sums for relief of shipwrecked mariners and distressed persons (His Majesty's subjects) in the port of *Cadiz* and port of *Saint Mary's* in the Kingdom of *Spain*, and for other uses usually contributed to by the merchants trading to the said ports;" and a certain other Act made and passed in the 10th year of the reign of the said King George the IInd [cap. 14], intituled "An Act for collecting at the port of *Leghorn* certain small sums of money to which the merchants trading there have usually contributed for the relief of shipwrecked mariners, captives, and other distressed persons (His Majesty's subjects), and for other charitable and public uses;" and a certain other Act, made and passed in the 54th year of His late Majesty King George the IIIrd [cap. 126], for altering and extending the said recited Act of the 8th year of the reign of King George the Ist; shall be and the same are hereby repealed.

XVII. And be it further enacted, that all and every sum and sums of money which shall be and remain in the hands of any collector or treasurer, or other person, arising from any duties leviable under the several Acts hereby repealed, or any of them, and which shall not have been applied to the purposes or in manner directed by the said Acts respectively, shall by such collector, treasurer, or other person, be paid over to the *Consul General* or *Consul* at the port or place where the same

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shall have been received; and all and every such sums and sum which shall be so paid to and received by any such *Consul General* or *Consul*, and all other arrears of money arising from any such duties which shall be in the hands of any such *Consul General* or *Consul*, shall be paid, applied, and disposed of in such manner, and to and for such public purposes, as shall be directed by any one of His Majesty's Principal Secretaries of State.

XVIII. And be it further enacted, that all *Consuls General* and *Consuls* shall be allowed and have credit in any accounts by them rendered, through one of His Majesty's Principal Secretaries of State, to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, for the time being, for all such sums of money as shall by any such *Consul General* or *Consul* be disbursed and expended towards the succour and relief of mariners shipwrecked and taken in war, or other distressed persons being subjects of His Majesty, and resorting to the port or place at which any such *Consul General* or *Consul* may be appointed to reside: provided always, that such sums of money be so disbursed and expended in pursuance of, and in conformity to, any special or general rules and regulations to be for that purpose made and prescribed by His Majesty, by any Order or Orders to be by him for that purpose issued, by and with the advice of his Privy Council, and that an account of the particulars of all such expenditure shall, by the first convenient opportunity, be transmitted by such *Consul General* or *Consul* for His Majesty's information, through one of his Principal Secretaries of State.

XIX. And be it further enacted, that within 6 weeks next after the commencement of each Session of Parliament, there shall be laid before both Houses of Parliament, copies of all Orders which may have been made since the commencement of the last preceding Session of Parliament, by His Majesty, with the advice of his Privy Council, in pursuance of this Act, together with an account of all salaries which, since the commencement of such next preceding Session of Parliament, may have been granted by His Majesty to any *Consuls General* or *Consuls* by virtue or in pursuance of this Act, together with an estimate specifying the total amount of the money to be

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required for the payment of the salaries of all such *Consuls General* or *Consuls* respectively, for 1 year from the 5th day of *January* preceding the date of such estimate, and also for all contingent charges and expenses connected with the public duties and establishments of such *Consuls General* or *Consuls*, after deducting the amount provided on account of the payment of such *Consuls General* or *Consuls* out of the money applicable under the 3rd class of His Majesty's Civil List, as specified in the schedule annexed to an Act made in the 1st year of His Majesty's reign [cap. 1], intituled "An Act for the support of His Majesty's household, and for the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland."

XX. And whereas it is expedient that every *Consul General* or *Consul* appointed by His Majesty at any *foreign* port or place should, in all cases, have the power of administering an Oath or affirmation, whenever the same shall be required, and should also have power to do all such notarial acts as any Notary Public may do; be it therefore enacted, that from and after the passing of this Act, it shall and may be lawful for any and every *Consul General* or *Consul* appointed by His Majesty at any *foreign* port or place, whenever he shall be thereto required, and whenever he shall see necessary, to administer at such *foreign* port or place any Oath, or take any affidavit or affirmation from any person or persons whomsoever, and also to do and perform at such *foreign* port or place all and every notarial acts and act which any Notary Public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such Oath, affidavit, or affirmation, and every such notarial act, administered, sworn, affirmed, had, or done, by or before such *Consul General* or *Consul*, shall be as good, valid, and effectual, and shall be of like force and effect, to all intents and purposes, as if any such Oath, affidavit, or affirmation, or notarial act respectively, had been administered, sworn, affirmed, had, or done, before any Justice of the Peace or Notary Public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

XXI. And be it further enacted, that all penalties incurred under, or imposed by, this Act, shall and may be sued for, pro-

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secuted, and recovered by any person or persons who may sue for the same, by action of debt, bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster, in the name of His Majesty's Attorney General, wherein no essoign, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

XXII. And be it further enacted, that this Act, and the several clauses, matters, and things herein contained, shall take effect from the 1st day of January, 1826, except where any other commencement is particularly directed.

TABLE (A.)

Certificate of due landing of goods, exported from the United Kingdom	2 dollars.
Signature of Ship's Manifest	2 dollars.
Certificate of Origin, when required	2 dollars.
Bill of Health, when required	2 dollars.
Signature of Muster Roll, when required	2 dollars.
Attestation of a signature, when required	1 dollar.
Administering an Oath, when required	½ dollar.
Seal of office, and signature of any other document not specified herein, when required	1 dollar.

TABLE (B.)

Bottomry or Arbitration Bond	2 dollars.
Noting a Protest	1 dollar.
Order of Survey	2 dollars.
Extending a Protest or Survey	1 dollar.
Registrations	1 dollar.
Visa of Passport	½ dollar.
Valuation of Goods	1 per cent.

Attending sales, ½ per cent. where there has been a charge for valuing; otherwise 1 per cent.

Attendance out of Consular office at a shipwreck, 5 dollars per diem for his personal expenses, over and above his travelling expenses.

Do. on opening a Will	5 dollars.
Management of property of British subjects dying intestate	2½ per cent.

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The dollars mentioned in the preceding Tables are in all cases to be paid by the delivery of dollars, each of which is to be of the value of 4*s.* 6*d.* sterling, and no more, according to the rate of exchange prevailing at the place where such payment is made.

BRITISH ORDER IN COUNCIL, *declaring what Foreign Countries are entitled to the Privileges of Trading with the British Possessions Abroad.* 16*th July*, 1827.

At the Court at Windsor, the 16*th day of July*, 1827.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of His present Majesty [cap. 114], intituled, "An Act to regulate the trade of the *British* possessions abroad,"* after reciting, that by the law of navigation, *Foreign* ships are permitted to import into any of the *British* possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions to be carried to any *Foreign* country whatever; and that it is expedient that such permission should be subject to certain conditions, it is enacted, "that the privileges thereby granted to *Foreign* ships shall be limited to the ships of those countries, which, having *Colonial* possessions, shall grant the like privileges of trading with those possessions to *British* ships, or which, not having *Colonial* possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any *Foreign* country, although the conditions aforesaid shall not, in all respects, be fulfilled by such *Foreign* country."

And whereas by an Order of His Majesty in Council, bearing date the 3rd day of May, 1826,† after reciting, that within the dominions of His Majesty the King of *Prussia*, the

* See Vol. 3, Page 201. † See Vol. 3, Page 360.

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commerce and navigation of this country, and of its possessions abroad, have been placed upon the footing of the most favoured nation, His Majesty was pleased, by and with the advice of his Privy Council, to declare, that the ships of and belonging to the dominions of His Majesty the King of *Prussia* were entitled to the privileges so granted as aforesaid by the law of navigation, and might import from such the dominions of His Majesty the King of *Prussia*, into any of the *British* possessions abroad, goods, the produce of such dominions, and might export goods from such *British* possessions abroad to be carried to any *Foreign* country whatever:

And whereas by an Order of His Majesty in Council, bearing date the 1st day of June, 1826,* after reciting that the conditions mentioned and referred to in and by the said Act of Parliament, had not in all respects been fulfilled by the Government of *France*, but that, nevertheless, His Majesty, by and with the advice of his Privy Council, did deem it expedient to grant certain of the privileges aforesaid to the ships of *France;* His Majesty did, therefore, by and with the advice of his Privy Council, and in pursuance and exercise of the powers and authority in him vested by the said Act of Parliament, declare and grant, that it should and might be lawful for *French* ships to import into any of the *British* possessions in the *West Indies* and *America*, from the dominions of His *Most Christian* Majesty, such goods, being the produce of those dominions, as were mentioned and enumerated in the Table subjoined to the said Order, and to export goods from such *British* possessions to be carried to any *Foreign* country whatever; and the table referred to in the said Order, was as follows, that is to say; *wheat, flour, biscuit, bread, meal, peas, beans, rye, callavances, oats, barley, Indian corn, rice, shingles, red oak staves or headings, white oak staves or headings, wood, lumber, wood hoops, live stock, hay and straw, coin and bullion, diamonds, salt, fruit and vegetables fresh, cotton wool,* and all articles subject on importation to a duty *ad valorem*, on which articles the amount of such duty should not at the time of importation exceed £7 10*s.* for every £100 of the value of the same.

* See Vol. 3, Page 138.

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And whereas by an Order in Council, bearing date the 16th of December, 1826,* after reciting the said last-mentioned Order of the 1st day of June, 1826, His Majesty, by and with the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said Act, did declare and grant, that it should be lawful for *French* ships to import into the island of *Mauritius*, from the dominions of His *Most Christian* Majesty, such goods, being the produce of those dominions, as are mentioned and enumerated in the table subjoined to the said Order in Council of the 1st day of June, 1826, and for the prevention of any doubts respecting the true meaning and effect of the said Order in Council of the 1st day of June, 1826, and of the said Order of the 16th day of December, 1826, His Majesty was further pleased to order and declare, that neither the said Order in Council of the 1st day of June, 1826, nor the said Order of the 16th day of December, 1826, should extend, or be construed to extend, to authorize the importation by *French* ships into any of the *British* possessions in the *West Indies* and *America*, or into the island of *Mauritius*, from the dominions of His *Most Christian* Majesty, of any *Wine* being the produce of those dominions.

And whereas by an Order in Council, bearing date the 27th day of July, 1826,† after reciting that the conditions mentioned and referred to in the said Act of Parliament had not in all respects been fulfilled by the Government of the *The United States* of *America*, and that, therefore, the privileges so granted as aforesaid by the law of navigation to *Foreign* ships could not lawfully be exercised or enjoyed by the ships of *The United States*, aforesaid, unless His Majesty, by his Order in Council, should grant the whole or any of such privileges to the ships of *The United States* aforesaid, and that His Majesty did deem it expedient to grant to the ships of the said *United States* such of the said privileges as were thereinafter mentioned, His Majesty did, with the advice of his Privy Council, and in pursuance and exercise of the powers and authorities in him vested by the said Act of Parliament, declare and grant, that it was and should be lawful for the ships of *The United States*

* See Page 103. † See Vol. 3, Page 529.

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aforesaid to import into any of the *British* possessions abroad, from the said *United States*, goods, the produce of *The United States* aforesaid, and not enumerated in the table of prohibitions and restrictions in the said Act contained, and to export goods from such *British* possessions abroad to be carried to any *Foreign* country whatever; provided always, that such goods so imported should be subject and liable to the payment of the duties imposed and made payable under and by virtue of the said Act of Parliament; provided also, and His Majesty did further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the ships of the said *United States*, so far as respected the *British* possessions in the *West Indies*, and on the continent of *South America*, and so far as respected the *Bahama Islands* and the *Bermuda* or *Somer Islands*, and so far as respected His Majesty's settlements in the island of *Newfoundland*, and the several islands belonging to and dependent on those settlements, should absolutely cease and determine upon and from the 1st day of December in the year 1826; and it was further provided, and His Majesty did further, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the ships of *The United States*, so far as respected the *British* possessions on the western coast of *Africa*, should absolutely cease and determine upon and from the said 1st day of December, 1826; and it was further provided, and His Majesty, with the advice aforesaid, did further declare, that the privileges so granted as aforesaid to the ships of the said *United States*, so far as respected the colony of the *Cape of Good Hope* and the islands, settlements, and territories belonging thereto and dependent thereupon, and so far as respected the island of *Mauritius* and the several islands and territories belonging thereto or dependent thereupon, and so far as respected the island of *Ceylon*, and the several islands and territories belonging thereto and dependent thereupon, should absolutely cease and determine upon and from the 1st day of March in the year 1827; and it was further provided, and His Majesty did, with the advice aforesaid, declare, that the privileges so granted as aforesaid to the ships of the said *United States*, so far as respected His Majesty's settlements in the island of *New Holland* and the several islands and territories

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belonging thereto and dependent thereupon, and so far as respected the island of *Van Dieman's Land* and the several islands and territories belonging thereto and dependent thereupon, should absolutely cease and determine upon and from the 1st day of May, 1827; and it was thereby provided, that nothing therein contained should extend, or should be construed to extend, to infringe or interfere with the Convention of Commerce and Navigation concluded between His late Majesty King George the IIIrd and the *United States* of *America*, bearing date the 3rd day of July, 1815,* or the further Convention of Commerce and Navigation concluded between His said late Majesty and the *United States* of *America*, bearing date the 20th October, 1818;* or to prevent ships of the said *United States* from importing into any of the *British* possessions in *Europe*, or from exporting from such *British* possessions in *Europe*, any goods, which, under or by virtue of the said Convention, or either of them, or of the several Acts of Parliament made for carrying such Conventions into effect, could or might be lawfully imported into or exported from such British possessions.

And whereas by an Act passed in the 7th and 8th years of His present Majesty's reign,† [cap. 56,] intituled "An Act to amend the Laws relating to the Customs," after reciting or taking notice of the said Act so passed as aforesaid in the 6th year of His Majesty's reign, and after reciting that unless some period were limited for the fulfilment by *Foreign* countries of the conditions mentioned and referred to in the said recited Act, the trade and navigation of the United Kingdom and of the *British* possessions abroad, could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the laws from time to time made in such *Foreign* countries; it is therefore enacted, that no *Foreign* country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such *Foreign* country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertain-

* See Vol. 2, Pages 386, 392. † See Vol. 3, Page 217.

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ing what particular *Foreign* countries are permitted by law to exercise and enjoy the said privileges, it is further enacted, that no *Foreign* country shall hereafter be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall, by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such *Foreign* country hath so fulfilled the said conditions, and is entitled to the said privileges; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, or to take away or abridge the powers, vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding.

And whereas it is expedient that, in pursuance of the powers vested in His Majesty in and by the said recited Acts of Parliament, His Majesty should declare what *Foreign* Powers have fulfilled the before-mentioned conditions, and are entitled to the privileges aforesaid, His Majesty therefore, in pursuance and exercise of the powers vested in him in and by the said Acts of Parliament, by and with the advice of his Privy Council, is pleased to order and declare that the several Orders in Council bearing date respectively the 3rd day of May, 1826, the 1st day of June, 1826, the 16th day of December, 1826, and the 27th day of July, 1826, hereinbefore respectively recited, shall be and the same are hereby confirmed and continued in full force and effect: and His Majesty doth further, in pursuance and exercise of the powers aforesaid, and with the advice aforesaid, declare and grant that it shall be lawful for *French* ships to import into the *British* possessions on the Western Coast of *Africa*, and into the colony of the *Cape of Good Hope*, and into the island of *Ceylon*, and into His Majesty's settlements in the island of *New Holland*, and into the island of *Van Dieman's Land*, and into the several islands and territories dependent upon and belonging to the several settlements or colonies aforesaid, from the dominions of His *Most Christian* Majesty, such goods being the produce of those dominions, as

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are mentioned and enumerated or referred to in the table subjoined to the said Order in Council of the 1st day of June, 1826. And in further pursuance of the powers vested in His Majesty, in and by the said Acts of Parliament so passed as aforesaid in the 7th and 8th years of His Majesty's reign, His Majesty, with the advice aforesaid, is further pleased to declare, that the conditions mentioned and prescribed in and by the said Acts so passed as aforesaid in the 6th year of His Majesty's reign, have in all respects been fulfilled by the Government of His Majesty as King of *Hanover*, and by the Government of His Majesty the King of *Sweden* and *Norway*, and by the Government of His Serene Highness the Duke of *Oldenburgh*, and by the Free Hanseatic Republics of *Lubeck*, *Bremen* and *Hamburgh*, and by the State of *Colombia*, and by the United Provinces of *Rio de la Plata*, and by the United States of *Mexico*: and His Majesty is further pleased to declare that the ships of and belonging to the dominions of His Majesty as King of *Hanover*, or of His Majesty the King of *Sweden* and *Norway*, or of His Serene Highness the Duke of *Oldenburgh*, or of the Free Hanseatic Republics of *Lubeck*, *Bremen* and *Hamburgh*, or of the State of *Colombia*, or of the United Provinces of *Rio de la Plata*, or of the United States of *Mexico*, are entitled to the privileges so granted as aforesaid by the law of navigation, and may respectively import from such the dominions to which they respectively belong into the *British* possessions abroad, goods, the produce of such dominions respectively, and may export goods from the *British* possessions abroad, to be carried into any *Foreign* country whatever:

And whereas His Majesty, by and with the advice of His Privy Council, doth deem it expedient to grant the privileges aforesaid to the ships of the dominions of His Majesty the Emperor of all the *Russias*: His Majesty doth therefore, by the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said last recited Act of Parliament, declare and grant, that it shall and may be lawful for *Russian* ships to import into any of the British possessions abroad, from the dominions of His Majesty the Emperor of all the *Russias*, goods, the produce of those dominions, and to export goods from such possessions, to be carried into any *Foreign*

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country whatever: and His Majesty, by the advice aforesaid, is further pleased to declare and grant, that it shall and may be lawful for ships of or belonging to any kingdom or state within the limits of the East India Company's Charter, to import from the dominions to which they respectively belong, goods, the produce of such dominions, into the colony of the *Cape of Good Hope*, and into the island of *Ceylon*, and into the island of *Mauritius*, and into His Majesty's settlements in the island of *New Holland*, and in the island of *Van Dieman's Land*, and into the several islands and territories dependent upon and belonging to the several settlements or colonies aforesaid, and to export goods from such several settlements or colonies, or their respective dependencies, to be carried into any *Foreign* country whatever; provided always that nothing herein contained shall extend, or be construed to extend, to take away or abridge any power now vested in His Majesty's subjects in the last-mentioned settlements or colonies, of trading with any kingdom or state within the limits of the said Company's Charter; and in further pursuance of the said Act of Parliament, His Majesty, by the advice aforesaid, doth declare that no *Foreign* country is entitled to the privileges so granted as aforesaid by the law of navigation, other than and except the *Foreign* countries hereinbefore particularly mentioned; that no *Foreign* ships can or may lawfully import into or export from any of the *British* possessions abroad, any goods, except so far as the right of such *Foreign* countries to which such ships may belong is hereinbefore declared; provided always, that nothing herein contained extends, or shall be construed to extend, to infringe or interfere with any Treaty or Convention subsisting between His Majesty and any *Foreign* State or Power; provided also and it is further ordered and declared, that nothing herein, or in the said former Orders in Council, or any of them contained, extends, or shall be construed to extend, to His Majesty's garrison and territory at *Gibraltar*, or to the island of *Malta*, but that goods shall and may be imported into and exported from *Gibraltar* and *Malta*, in the same manner in all respects as though this present Order, or the said former Orders, had not been made:

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And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

BRITISH ORDER IN COUNCIL, *regulating the Duties payable on the Vessels and Cargoes of Buenos Ayres, Colombia, and Mexico, in British Ports. 3rd September*, 1827.

At the Court at Windsor, the 3rd day of September, 1827.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 4th year of His present Majesty's reign, [cap. 77,] intituled "An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in *Foreign* vessels, and to exempt certain *Foreign* vessels from pilotage,"* His Majesty is authorized, by and with the advice of His Privy Council, or by His Majesty's Order or Orders in Council, to be published from time to time in the London Gazette, to authorize the importation into, or exportation from the United Kingdom, or from any other of His Majesty's dominions, of any goods, wares, or merchandize which may be legally imported or exported in *Foreign* vessels, upon payment of such and the like duties only, and with the like drawbacks, bounties, and allowances, as are charged or granted upon similar goods, wares, or merchandize when imported or exported in *British* vessels; provided always, that before any such Order

* See Vol. 3, Page 145.

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or Orders shall be issued, satisfactory proof shall have been laid before His Majesty and His Privy Council, that goods, wares, and merchandize imported into, or exported from, the *Foreign* country in whose favour such remission of duties, or such drawbacks, bounties or allowances shall be granted, are charged with the same duties, and are allowed the same drawbacks, bounties, or allowances when imported into, or exported from, such *Foreign* country in *British* vessels, as are levied or allowed on similar goods, wares, and merchandize when imported or exported in vessels of such country.

And whereas by an Act, passed in the 5th year of his present Majesty's reign, [cap. 1.] intituled "An Act to indemnify all persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the tonnage duties on certain *Foreign* vessels, and to amend an Act of the last session of Parliament for authorizing His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in any *Foreign* vessels,"* His Majesty is authorized (in certain cases) by and with the advice of his Privy Council, or by His Majesty's Order or Orders in Council to be published from time to time in the London Gazette, to permit and authorize the entry into any port or ports of the *United Kingdom* of *Great Britain* and *Ireland*, or of any other of His Majesty's dominions, of any *Foreign* vessels, upon payment of such and the like duties of tonnage only as are or may be charged or granted upon or in respect of similar *British* vessels:

And whereas satisfactory proof has been laid before His Majesty and his Privy Council, that goods, wares, and merchandize imported into or exported from the ports of the United Provinces of *Rio de la Plata*, the State of *Colombia*, and the United States of *Mexico* respectively, are charged with the same duties and are allowed the same drawbacks, bounties, or allowances when imported or exported in British vessels as are levied or allowed on similar goods, wares, and merchandize, when imported into or exported from the said ports in vessels of the said United Provinces of *Rio de la Plata*, and of the said State of *Colombia*, and of the said

* See Vol. 3, Page 118.

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United States of *Mexico* respectively; and that *British* vessels are charged with no other or higher tonnage duties on their entrance into the ports of *Rio de la Plata*, *Colombia*, and *Mexico* respectively, than are levied on vessels of the said United Provinces of *Rio de la Plata*, the said State of *Colombia*, and the said United States of *Mexico* respectively:

His Majesty, by virtue of the powers vested in him by the Acts above recited, and by and with the advice of his Privy Council, is, therefore, pleased to order, and it is hereby ordered, that from and after the date of this Order, vessels of the United Provinces of *Rio de la Plata*, of the State of *Colombia*, and of the United States of *Mexico* respectively, entering the ports of the United Kingdom of *Great Britain* and *Ireland* in ballast, or laden direct from any of the ports of *Rio de la Plata*, *Colombia*, and *Mexico* respectively, or departing from the ports of the said *United Kingdom*, together with the cargoes on board the same, such cargoes consisting of articles which may be legally imported or exported, shall not be subject to any other or higher duties or charges whatever than are or shall be levied on *British* vessels entering or departing from such ports, or on similar articles when imported into, or exported from, such ports in *British* vessels; and also that such articles when exported from the said ports in vessels of the United Provinces of *Rio de la Plata*, of the State of *Colombia*, and of the United States of *Mexico* respectively, shall be entitled to the same bounties, drawbacks, and allowances that are granted on similar articles when exported in *British* vessels:

Provided nevertheless, that nothing herein contained shall extend or be construed to extend, to any duties or charges on account of tonnage, light or harbour dues, pilotage, salvage, in case of damage or shipwreck, or any other local charges to which any vessels of the United Provinces of *Rio de la Plata*, of the burthen of 120 tons, or of any less burthen, are now by law liable in the ports of any of His Majesty's dominions; it appearing to His Majesty and his Privy Council, that *British* vessels, of the burthen of 120 tons, or of any less burthen, are subject in the ports of the said United Provinces to higher duties and charges than are levied in those ports on vessels

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of the said United Provinces of the burthen of 120 tons or of any less burthen:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly. C. C. GREVILLE.

PROCLAMATION *of the Governor of Gibraltar, relative to the fitting out of Foreign Vessels for the Slave Trade. September 23rd,* 1826.*

PROCLAMATION.

By His Excellency Sir George Don, &c., Lieut.-Governor and Commander-in-Chief of the Garrison and Territory of Gibraltar, &c. &c. &c.

WHEREAS representation has been made to His Majesty's Government, that certain ships and vessels owned by the subjects of *Foreign* States, in amity with His Majesty, are suspected to have entered the bay of *Gibraltar*, and the roadstead and anchorage ground of *Gibraltar*, for the purpose of fitting out, or completing their outfit for voyages undertaken by them for the purpose of carrying on the trade in slaves on the coast of *Africa.*

His Excellency, the Lieutenant Governor in pursuance of Instructions received from Earl Bathurst, His Majesty's Secretary of State for the Colonies, bearing date the 5th of July last, hereby warns all His Majesty's subjects within the said garrison and territory of *Gibraltar*, and the port, roadstead, and anchorage ground thereof, that any person or persons who shall be engaged in the fitting out, manning, navigating, equipping, dispatching, use, or employment, letting, or taking to freight, or on hire; or who shall contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight, or on hire, any ship, vessel, or boat, in order to accomplish any of the objects or contracts declared unlawful by the statute made and enacted by His Majesty, with the advice and consent of the Parliament of the United Kingdom of *Great Britain* and

* Another Proclamation to the same effect was issued by the Lieutenant-Governor of Gibraltar, 8th July, 1829.

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Ireland, in the 5th year of His Majesty's reign, for the abolition of the slave trade;* or who shall lend or advance, or become security for the loan or advance, or who shall contract for the lending or advancing, or for the loan or advance of money, goods, or effects, employed, or to be employed, in accomplishing any of the illegal objects or contracts aforesaid; or who shall become guarantee or security, or contract for becoming guarantee or security, for agents employed, or to be employed in accomplishing any such illegal objects or contracts; or who shall in any other manner engage, or contract to engage, directly or indirectly therein; or who shall ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board, of any ship, vessel, or boat, money, goods, or effects, to be employed in accomplishing any of the said illegal objects or contracts, shall and will incur and become subject and liable to all and singular the pains, penalties, and forfeitures, provided in and by the said statute, for the punishment of persons guilty of all or any of the offences aforesaid; His Excellency does hereby strictly command and enjoin all judges and officers, civil and military, and all other His Majesty's subjects within the town and garrison of *Gibraltar*, that they and each of them, in their respective places, be, to the utmost of their respective ability, assisting in the prevention or detection of all such offences as aforesaid, as they will answer the contrary at their peril; and His Excellency does hereby warn and strictly command and enjoin all His Majesty's subjects within the said garrison and territory, that they do abstain from all such illegal practices, and from aiding, comforting, and abetting any person or persons engaged therein, on pain of His Majesty's highest displeasure, and of incurring the several penalties in and by the said Act of Parliament in that behalf provided.

Given at Gibraltar, this 23rd day of September, 1826.

By Command,
R. MARTIN,
Acting Civil Secretary.

GEORGE DON,
General and Lieut.-Governor.

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* See Vol. 3, Page 152.

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ACT *of the British Parliament "to amend the Laws relating to the Importation of Corn;"* so far as it relates to discriminating Duties lexied by Foreign States upon British Trade.*

[9 Geo. 4, cap. 60.] [15th July, 1828.]

VII. Provided always, and be it further enacted, that if it shall be made to appear to His Majesty in Council that any *Foreign* State or Power hath subjected *British* vessels, at any port within the dominions of such State or Power, to any other or higher duties or charges whatever, than are levied on *National* vessels at any such port, or hath subjected, at any such port, goods, the growth, produce, or manufacture of any of His Majesty's dominions, when imported from any of such dominions in *British* vessels, to any other or higher duties or charges whatever than are levied on such or the like goods, of whatever growth, produce, or manufacture, when so imported in *National* vessels, or hath subjected at any port or place within the dominions of such *Foreign* State or Power, any article of the growth, produce, or manufacture of His Majesty's dominions, when imported from any of such dominions in *British* vessels or in *National* vessels, to any duties or charges which would not be payable on the like article being of the growth, produce, or manufacture of any other country, and imported from such other country in *National* vessels; or that any such *Foreign* State or Power hath granted any bounties, drawbacks, or allowances upon the exportation from any port or place, within the dominions thereof, of any articles, the growth, produce, or manufacture of the dominions of any other *Foreign* State or Power, which hath not also been granted upon the exportation from such port or place of such or the like articles, being the growth, produce, or manufacture of His Majesty's dominions; then, and in any of the cases aforesaid, it shall and may be lawful for His Majesty, by any Order or Orders to be by him made, with the advice of His Privy Council, to prohibit the importation of all or of any sort of corn, grain, meal, or flour, from the dominions of any such *Foreign* State or Power; and it shall also be lawful

* Cited as in force, in Act 3 & 4 Will. 4, cap. 50.

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for His Majesty from time to time, with the advice of His Privy Council, to revoke and to renew any such Orders or Order as aforesaid, as there shall be occasion.

BRITISH ORDER IN COUNCIL, *for the temporary regulation of the Trade of the Cape of Good Hope, the Mauritius, Ceylon, New South Wales, and Van Dieman's Land, within the limits of the East India Company's Charter. 30th, April,* 1827.

At the Court at St. James's, the 30th day of April, 1827.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament, passed in the 6th year of His Majesty's reign, [cap. 114,] intituled "An Act to regulate the trade of the *British* possessions abroad," it is, amongst other things, enacted, that it shall be lawful for His Majesty, by and with the advice of His Privy Council, by any Order or Orders in Council, to be issued from time to time, to give such directions, and make such regulations, touching the trade and commerce to and from any *British* possessions on or near the continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the limits of the East India Company's Charter, excepting the possessions of the said Company, as to His Majesty in Council shall appear most expedient or salutary; and it is further enacted, that if any goods shall be imported or exported in any manner contrary to such Order of His Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same: And whereas it is expedient in pursuance of the powers vested in his Majesty by the said Act of Parliament, to make some temporary regulations touching the trade and commerce to and from the *British* possessions aforesaid, within the limits of the East India Company's Charter, until permanent regulations in that behalf can be finally made and established; His Majesty is therefore pleased, by and

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with the advice of His Privy Council, and in pursuance and exercise of the authority in him vested, in and by the said Act of Parliament, to order and direct, and it is hereby ordered, that the trade and commerce of His Majesty's settlements and territories at the *Cape of Good Hope*, and of His Majesty's island of *Mauritius*, and of His Majesty's island of *Ceylon*, and of His Majesty' settlements and territories in *New South Wales*, and of His Majesty's island of *Van Dieman's Land*, with the respective dependencies thereof, shall, from and after the arrival of this present Order, within any of the said several settlements, territories, and islands, be regulated in the manner following, that is to say, all such laws, rules, orders, and regulations, as were in force within the settlements, territories, and islands aforesaid, or any of them, for the regulation of the trade and commerce thereof, upon the 1st day of July, in the year 1825, shall, until further Order be made by His Majesty in this behalf, revive and continue, and be of full force, virtue, and effect, within the several settlements, territories, and islands aforesaid respectively; and if any goods shall be imported or exported in any manner contrary hereto, such goods, together with the ship importing or exporting the same, shall incur and become liable to such forfeiture as in the said Act of Parliament is mentioned in that behalf: Provided always, that nothing herein contained shall extend, or be construed to extend, to contravene, vary, alter, or in any wise affect the said Act of Parliament, so far as the same hath made express provision respecting the trade to and from the said island of *Mauritius*, or respecting the exportation of *sugar* or *wine* from any *British* possession within the limits of the East India Company's Charter, nor so far as the said Act of Parliament hath expressly mentioned or referred to the trade of any of His Majesty's possessions within the limits aforesaid: Provided also, that nothing in this present Order contained shall extend, or be construed to extend, to contravene, vary, alter, or in any wise affect 2 other Acts of Parliament, passed in the 6th year of His Majesty's reign, [cap. 109.] intituled respectively "An Act for the encouragement of *British* shipping and navigation," and [cap. 110.] "An Act for the registering of *British* vessels," or any other Acts or Act passed in amendment of any of the Acts hereinbefore mentioned: Provided also, that nothing

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in this present Order contained shall be construed to revoke, abrogate, or any wise alter certain Orders of His Majesty in Council respecting the trade of *France* and of the *United States* of *America* respectively, bearing date the 1st of June, 1826,* and the 27th of July, 1826,* and the 16th of December, 1826,† or to infringe or interfere with any Treaties of Commerce or Navigation entered into by His Majesty within any *Foreign* State or Power.

And the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

JAS. BULLER.

BRITISH ORDER IN COUNCIL, *extending to Sierra Leone, and the other British Settlements on the Western Coast of Africa, certain prohibitions and restrictions of Trade with the British Possesssions in America and the Mauritius. 12th October,* 1829.

At the Court at Windsor, the 12th day of October, 1829.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 6th year of the reign of His present Majesty, [cap. 114.] intituled "An Act to regulate the trade of the British possessions abroad," the several sorts of goods enumerated or described in a certain table therein contained, denominated "A Table of prohibitions and restrictions,"‡ are either prohibited to be imported or brought either by sea or by inland carriage or navigation, into the *British* possessions in *America*, or into the island of *Mauritius*, or are permitted to be imported or brought into those possessions under the restrictions made in such Table: and in and

* See Vol. 3, Pages 138, 529. † See this Vol. Page 103.

‡ See this Vol. Page 185.

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by the said Act provision is made respecting the manner in which vessels and goods shall be entered and cleared inwards and outwards in the *British* possessions in *America*, and in the said island of *Mauritius;* and for the prevention of smuggling in the said *British* possessions in *America*, and in the said island of *Mauritius:* and whereas by an Act passed in the 7th year of His Majesty's reign, intituled "an Act to alter and amend the several laws relating to the Customs;" and by an Act, passed in the 7th and 8th year of His Majesty's reign, intituled "an Act to amend the laws relating to the Customs;" and by an Act, passed in the 9th year of His Majesty's reign, intituled "an Act to amend the laws relating to the Customs;" and by an Act, passed in the 10th year of His Majesty's reign, intituled "an Act to amend the laws relating to the Customs;" the before-mentioned provisions of the Act, so passed in the 6th year of His Majesty's reign, have been altered and amended: and whereas by the said Act, so passed in the 6th year of His Majesty's reign, it is, amongst other things, enacted, that it shall be lawful for His Majesty, by and with the advice of his Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations, touching the trade and commerce to and from any *British* possessions on or near the continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the limits of the *East India Company's* Charter (excepting the possessions of the said company,) as to His Majesty in Council shall appear most expedient and salutary; and that if any goods shall be imported or exported in any manner contrary to any such Order of His Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same; His Majesty doth therefore, by and with the advice of his Privy Council, and in pursuance and exercise of the powers so vested as aforesaid in him in and by the said Act, so passed as aforesaid in the 6th year of his reign, order, and it is hereby ordered, that so much of the said Act, so passed as aforesaid in the 6th year of His Majesty's reign; and so much of the said several Acts of Parliament, so passed as aforesaid in the 7th, and in the 7th and 8th, and in the 9th, and in the 10th years of His Majesty's reign, as impose prohibitions and restrictions on the importation of

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goods into the *British* possessions in *America*, and the island of *Mauritius*; and as relate to the entry of vessels and goods inwards and outwards in those possessions and the island aforesaid; and to the prevention of smuggling there; shall be, and the same are hereby, extended and made applicable to His Majesty's settlements at *Sierra Leone*, and all other His Majesty's settlements on the western coast of *Africa*.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAS. BULLER.

ACT *of the British Parliament, "to reduce the rate of Bounties payable upon the Seizure of Slaves."*

[1 Will. 4 cap. 55.] [16th July, 1830.]

WHEREAS by an Act passed in the 5th year of the reign of His late Majesty King George IV [cap. 113] intituled "an Act to amend and consolidate the laws relating to the slave trade,"* and by another Act, passed in the 7th and 8th years of the reign of His late Majesty King George IV [cap. 74], intituled "an Act to carry into execution a Convention between His Majesty and the Emperor of *Brazil*, for the regulation and final abolition of the African slave trade,"† certain bounties were directed to be paid for the seizure of slaves; as in the said Acts are more particularly specified and set forth: and whereas it is expedient to reduce the different rates of bounties payable under the said Acts; 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 for all slaves seized from and after the 5th day of October, 1830, the different rates of bounties heretofore granted under the before-recited Acts, shall be and the same are hereby repealed; and in lieu of the former bounties there shall be paid, out of the Consolidated

* See Vol. 3, Page 152. † See Vol. 3, Page 37.

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Fund of the United Kingdom of *Great Britain* and *Ireland*, to the seizor, or to the seizor and Governor respectively, in those cases where the Governor of any of His Majesty's colonies or plantations is or may be entitled, a bounty of £5 each, of lawful money of *Great Britain*, upon every man, woman, and child, slave, seized and condemned as forfeited, or delivered over agreeably to the several provisions of the above-recited Acts.

II. Provided always, and be it further enacted, that where any slaves shall be seized after the said 5th day of October, 1830, and shall be considered liable to forfeiture, under the provisions of the Treaties with *Portugal*, *Spain*, the *Netherlands*, and the *Brazils*, but who shall not have been pronounced forfeited, in consequence of death, sickness, or other inevitable circumstance, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due, if the said slaves had been proceeded against and pronounced forfeited.

BRITISH ORDER IN COUNCIL, *relative to the Duties payable by British and Foreign Vessels for the Flatholm Light in the Bristol Channel. 27th July*, 1831.

At the Court at St. James's, the 27th day of July, 1831.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 3rd year of His late Majesty King George the 4th, intituled "an Act for further continuing, altering, and amending several Acts for the better regulation of lastage and ballastage in the river Thames, and for enabling the corporation of *Trinity-house* of Deptford Strond to reduce, alter, modify, relinquish, or abolish dues payable to the said corporation, and for other purposes connected therewith," after reciting that, under the authority and by virtue of the

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several Acts of Parliament, and grants therein recited, as well as of other Acts of Parliament, and of divers charters, grants, and letters patent of Kings and Queens of this realm, and also by prescriptive right, the master, wardens, and assistants for the time being of *Trinity-house* of Deptford Strond aforesaid, had collected, taken, levied, and received from, or in respect of, ships and vessels requiring ballast, the several rates and prices specified in the Act of the 45th year of the reign of His said late Majesty King George the IIIrd, therein mentioned, and certain dues or duties, rates or tolls, of various denominations, from, or in respect of, all *British* ships or vessels, and from, or in respect of, all *Foreign* ships and vessels, entering or departing from the ports, harbours, or roadsteads of the United Kingdom of Great Britain and Ireland; and that the master, wardens, and assistants of the *Trinity-house* of Deptford Strond aforesaid had not, by the terms of the said several Acts of Parliament, charters, grants, and letters patent, or any of them, any power to reduce, modify, alter, relinquish, or abolish any of the rates, prices, dues, duties, and tolls, imposed or granted, collected, taken, levied, and received as aforesaid: and that it was expedient that the said master, wardens, and assistants should be empowered (under the regulations thereinafter contained) to reduce, alter, modify, relinquish, or abolish, and at any time or times thereafter to revive and re-establish, any of the rates, prices, dues, duties, and tolls aforesaid, or any part or parts thereof, from time to time, as to them the said master, wardens, and assistants should seem meet, just and reasonable; it is thereby enacted, that the master, wardens, and assistants for the time being of the corporation of *Trinity-house* of Deptford Strond aforesaid shall be, and they are thereby authorised and empowered, from time to time, and at any time or times thereafter, upon the requisition or with the consent of His said late Majesty, his heirs, and successors, in his or their Most Honorable Privy Council, to reduce, relinquish, abolish, alter, or modify all or any or either of the rates, prices, dues, duties, or tolls imposed or granted by the said several grants, charters, or Acts of Parliament, or any of them, or collected, taken, levied, and received under the authority thereof respectively, or by ancient usage, custom, or prescription, or any part or

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parts thereof, so far as may be consistent with the charitable and other uses, purposes, and intents for which the said corporation has been established and maintained; and that it shall also be lawful for the master, wardens, and assistants for the time being of the said corporation of *Trinity-house* of Deptford Strond, at any time or times after the passing thereof, to revive and re-establish any rates, prices, dues, duties, or tolls which may have been relinquished or abolished, or to increase or otherwise alter or modify any rates, prices, dues, duties, or tolls which may have been reduced, altered, or modified under the authority of the said Act, and so from time to time to relinquish or abolish and revive or re-establish, and reduce or increase, alter or modify, all or any of such rates, prices, dues, duties, or tolls as occasion may require, so as nevertheless that no such rates, prices, dues, duties or tolls shall at any time be increased beyond the amount which might be collected, taken, levied, or received by the said Corporation in respect thereof before the passing of the said Act: and it is thereby provided, that no such relinquishment, abolition, reduction, alteration, or modification, or subsequent revival, re-establishment, increase, alteration, or modification of any such rates, prices, dues, duties, or tolls, or any or either of them, or any part or parts thereof, shall at any time be deemed valid or take effect until the same shall have been submitted by the said master, wardens, and assistants to, and shall have been assented to and confirmed by, His said late, Majesty, his heirs, or successors, in his or their Most Honourable Privy Council, and such assent and confirmation shall have been signified in writing unto the said master, wardens, and assistants; and that it shall be lawful for the said master, wardens, and assistants to fix and determine the period (so that the same do not exceed 3 calendar months from the receipt by them of such assent or confirmation as aforesaid), from and after which all and every the rates, prices, dues, duties, or tolls so relinquished or abolished shall be discontinued and no longer collected, taken, levied, or received, or from and after which all and every the rates, prices, dues, duties or tolls so received or re-established reduced, increased, altered, or modified respectively as aforesaid, shall and may be collected, received, levied, or taken: and whereas the said master, wardens, and assistants have submitted

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to His Majesty in His Privy Council, the propriety of modifying and reducing the duties payable for the *Flatholm Light* in the *Bristol Channel*, in manner following, that is to say:

	Present Toll.	Proposed Toll.
British over sea traders - -	1d. per ton.	$\frac{3}{4}$d. per ton.
Coasters and Irish traders -	$\frac{1}{2}$d. per ton.	$\frac{1}{4}$d. per ton.
Coasters between Land's-end and St. David's Head	1s. per vessel.	1s. per vessel.
Foreign vessels privileged as *British* - - - - -	1d. per ton.	$\frac{3}{4}$d. per ton.
Foreign vessels not so privileged - - - - - -	2d. per ton.	1$\frac{1}{2}$d. per ton.

And whereas His Majesty, with the advice of His Privy Council, hath assented to the said proposal. His Majesty doth, therefore, with the advice of His Privy Council, and in pursuance and exercise of the powers in him vested by the said Act of Parliament, confirm the proposed tolls or duties, and the same are hereby confirmed accordingly:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, *regulating the Trade of British and Foreign Vessels with the Cape of Good Hope. 22nd February*, 1832.*

At the Court at St. James's the 22nd day of February, 1832.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, made in the 6th year of the reign of His late Majesty King George the IVth,

* Declared to be in force, by the 4 & 5 Will. 4, cap. 89; but partially rescinded by Order in Council of 1st April, 1835.

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intituled "An Act to regulate the Trade of the British possessions abroad," it is, amongst other things, enacted, "that it shall be lawful for His Majesty, by and with the advice of his Privy Council, by any Order or Orders in Council, to be issued from time to time, to give such directions, and make such regulations, touching the trade and commerce to and from any *British* possessions on or near the continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the limits of the East India Company's Charter, excepting the possessions of the said Company, as to His Majesty in Council shall appear most expedient and salutary, and that if any goods shall be imported or exported in any manner contrary to any such Order of His Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same;" and whereas His Majesty, with the advice of his Privy Council, doth deem it expedient and salutary to make the several regulations hereinafter contained, touching the trade and commerce to and from His Majesty's colony of the *Cape of Good Hope*, His Majesty doth, therefore, with the advice of his Privy Council, and in pursuance and exercise of the powers so vested in him as aforesaid by the said recited Act of Parliament, order, and it is hereby ordered, that upon all goods, wares, and merchandize, the growth, produce, or manufacture of the *United Kingdom*, or of any of His Majesty's possessions abroad, other than the possessions of the East India Company, imported into the colony of the *Cape of Good Hope*, for consumption, there shall be levied a duty at the rate of £3 for every £100 of the value thereof; and that upon all goods, wares and merchandize, the growth, produce, or manufacture of any *Foreign* state, or of the possessions of the *East India Company*, imported into the said colony, for consumption, there shall be levied a duty at and after the rate of £10 for every £100 of the value thereof; provided, nevertheless, and it is further ordered, that no such duty as aforesaid shall be levied upon any barrels or casks imported into the said colony, to be there sold or employed as wine barrels or as wine casks, or upon any hoops, staves, or headings imported into the said colony, to be there sold or employed for or in the making of any such wine barrels or wine casks, but that all

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such wine barrels, wine casks, hoops, staves, and headings, shall be importable, for the purposes aforesaid, into the said colony free of all duties whatsoever; and whereas by the said recited Act, after reciting "that by the law of navigation, *Foreign* ships are permitted to import into any of the *British* possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions, to be carried to any *Foreign* country whatever; and that it is expedient that such permission should be subject to certain conditions, it is enacted, that the privileges thereby granted to *Foreign* ships shall be limited to the ships of those countries which, having *colonial* possessions, shall grant the like privileges of trading with those possessions to *British* ships, or which, not having *colonial* possessions, shall place the commerce and navigation of this country and of its possessions abroad upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any *Foreign* country, although the conditions aforesaid shall not in all respects be fulfilled by such *Foreign* country;" and whereas by an Act passed in the 7th and 8th years of the reign of his late Majesty King George the IVth,* intituled "An Act to amend the laws relating to the Customs," after reciting so much as is last hereinbefore recited of the Act so passed as aforesaid in the 6th year of the reign of his said late Majesty, and further reciting, "that unless some period be limited for the fulfilment by *Foreign countries* of the conditions mentioned and referred to in the said recited Act, the trade and navigation of the *United Kingdom*, and of the *British* possessions abroad, cannot be regulated by fixed and certain rules, but will continue subject to changes dependent upon the laws from time to time made in such *Foreign countries*, it is enacted that no *Foreign country* shall thereafter be deemed to have fulfilled the conditions so prescribed as aforesaid, in and by the said Act, so passed in the 6th year of his said late Majesty's reign, as to be entitled to the privileges therein mentioned, unless such *Foreign coun-*

* See Vol. 3, Page 217.

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try had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular *Foreign countries* are permitted by law to exercise and enjoy the said privileges, it is thereby further enacted, that no *Foreign country* shall thereafter be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such *Foreign country* hath so fulfilled the said conditions, and is entitled to the said privileges; and it is thereby further declared and enacted, that nothing therein contained extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued under the authority or in pursuance of the said recited Act, or to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding;" and whereas His Majesty, by and with the advice of his Privy Council, doth deem it expedient to grant to the ships of all *Foreign countries* in amity with His Majesty, the privileges aforesaid, so far as respects the said colony of the *Cape of Good Hope*, His Majesty doth therefore, by the advice aforesaid, declare and grant that it shall and may be lawful for all *Foreign ships* belonging to countries in amity with His Majesty, to import into the colony of the *Cape of Good Hope* from the countries to which they respectively belong, goods, the produce of those respective countries, and to export goods from the said colony of the *Cape of Good Hope*, to be carried to any *Foreign country* whatever; and whereas by the said Act, so passed as aforesaid in the VIth year of the reign of His late Majesty King George the 4th, various enactments are contained in the words following: that is to say:

[Here follows, Act 6, Geo. 4, cap. 114, §§ 2, 3, 7, 8, 12, 15, 16, 18 to 27, 33 to 44, 49 to 70, 74, 75, and 79 to 85. And §§ 5, 6, 71 and 72; for which latter see Vol. 3, Page 202.]

And whereas it is expedient, that all those parts of the said

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recited Act of the 6th year of the reign of His late Majesty King George IV, which are hereinbefore particularly recited and set forth, should be extended and applied to the said colony of the *Cape of Good Hope;* His Majesty doth, therefore, with the advice of His Privy Council, and in further pursuance and exercise of the powers so vested in him as aforesaid by the said last recited Act of Parliament, order, and it is hereby ordered, that all and every the enactments, provisions, and declarations in the said Act, so passed in the 6th year of the reign of His said late Majesty as aforesaid, so far as the same are hereinbefore recited, shall be and they are hereby extended to and declared to be in force within the said colony of the *Cape of Good Hope*, as fully and effectually to all intents and purposes as the same are by force and virtue of the said Act extended to and declared to be in force within the British possessions in *America.*

Provided, nevertheless, and it is further ordered, that within the meaning and for the purposes of the said Act, the several ports of *Cape-town*, *Simon's-town*, and *Port Elizabeth*, shall be, and be deemed to be, *Free ports;* and the said ports of *Cape-town* and *Simon's-town* shall be, and be deemed to be, *Free warehousing ports;* and from and after the day on which this present Order shall be promulgated within the said colony, all the provisions, penalties, and forfeitures in the said Act contained, respecting the *Free ports* and the *Free warehousing ports* therein mentioned, shall extend, and be deemed and construed to extend, to the said ports of *Cape-town*, *Simon's-town*, and *Port Elizabeth*, as *Free ports*, and to the said ports of *Cape-town* and *Simon's-town* as *Free warehousing ports*, as fully and effectually as if the same were respectively inserted and enumerated in the table of *Free ports* and of *Free warehousing ports* in the said Act contained:

And provided also, and it is further ordered, that it shall be lawful for any person, who shall have duly made entry at either of the said ports of *Cape-town* and *Simon's-town*, of any goods to be there lodged in the warehouse, and who shall in all other respects have complied with the law respecting the warehousing of such goods, to tranship the same, within the

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limits of such port, into any vessel, without the actual landing thereof on shore, if such person shall in all respects comply with and observe such regulations as may be made for effecting any such transhipment by the Lords Commissioners for the time being of His Majesty's Treasury: which regulations shall by the said Lords Commissioners be signified to the Chief Officer of His Majesty's Customs at each of the said respective ports, through the Commissioners of His Majesty's Customs:

And whereas by the said Act, so passed as aforesaid in the 6th year of the reign of His said late Majesty King George the IVth, it is further enacted, "that if any of the goods therein mentioned shall be imported into any of the *British possessions* in *America*, through the *United Kingdom* (having been warehoused therein, and exported from the warehouse, or the duties thereon, if then paid, having been drawn back), one tenth part of the duties by the said Act imposed shall be remitted in respect of such goods; and if any of the goods therein mentioned shall be imported through the *United Kingdom*, not from the warehouse, but after all duties of importation for home use thereon shall have been paid thereon, in the said *United Kingdom*, and not drawn back, such goods shall be free of all duties by the said Act imposed;" it is hereby further ordered, that a similar abatement or remission, as the case may be, shall be made, in respect of the duties imposed by this present Order, in respect of all goods imported into the said colony.

And it is further ordered, that the Governor, or the officer for the time being administering the Government, of the said colony shall, and is hereby required, to promulgate this present Order within 1 calendar month next after the receipt thereof by him: and this Order shall take effect within the said colony, and have the force of law there, upon, from, and after the date of such promulgation thereof as aforesaid, and not before:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Viscount Goderich, one of His Majesty's Principal Secretaries of State,

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are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

ACT *of the British Parliament, "to continue until the 31st day of December, 1834, an Act of the 5th Year of the Reign of his late Majesty, relating to the Fisheries in Newfoundland."*

[2 & 3 Will. 4, cap. 79.] [1st August, 1832.]

WHEREAS an Act was passed in the 5th year of the reign of His late Majesty King George the IVth, [cap. 51.] intituled "An Act to repeal several laws relating to the fisheries carried on upon the banks and shores of Newfoundland, and to make provision for the better conduct of the said fisheries for 5 years, and from thence to the end of the then next Session of Parliament:* And whereas by an Act passed in the 10th year of His said late Majesty's reign [cap. 17.] the said recited Act, together with certain other Acts therein mentioned, were continued in force until the 31st day of December which will be in this present year, 1832; and it is expedient that the said Act be further continued; 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 the said Act so passed as aforesaid in the 5th year of His said late Majesty's reign shall be and the same is hereby continued, and shall be and remain in force until the 31st day of December, 1834, and no longer.

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* See Vol. 3, Page 151.

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ACT *of the British Parliament, "to amend the Laws relating to the Customs;" so far as it relates to Foreign Countries.*

[2 & 3 Will. 4, cap. 84.*] [3rd August, 1832.]

LIII. And whereas in and by the said last-mentioned Act† certain places in the British possessions in *America* are enumerated and declared to be *Free ports* for the purposes of trade with *Foreign* countries, and certain places in the said possessions are also enumerated and declared be *Free warehousing ports* for the purpose of warehousing goods without payment of duty upon the first entry thereof: And whereas His Majesty is empowered by the said Act to appoint, by Order in Council, other places to be *Free ports* and *Free warehousing ports* respectively, and any places so appointed by His Majesty become thereupon *Free ports* and *Free warehousing ports* respectively, in as full and ample a manner as if the same had been appointed by the said Act: And whereas there are in the said possessions many places situated in rivers and in bays at which it may be necessary to establish ports for particular and limited purposes only: be it therefore enacted, that it shall be lawful for His Majesty, in any Order in Council made for the appointment of any *Free port* or of any *Free warehousing port*, to limit and confine such appointments respectively to any and such purposes only as shall be expressed in such Order.

LIV. And whereas by the said last-mentioned Act it is enacted, that it shall not be lawful for any person to re-export from any of His Majesty's possessions abroad to any *Foreign* place any *coals* the produce of the United Kingdom; be it enacted, that from and after the passing of this Act it shall and may be lawful for any person to re-export *coals*, the produce of the United Kingdom, in a *British* ship from any *British* possession to any *Foreign* state, upon payment of the duty to which such *coals* are liable upon exportation from the United Kingdom to such *Foreign* state.

* Repealed by Act 3 & 4 Will. 4, cap. 50.

† 6 Geo. 4, cap. 114.

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LXII. And whereas by an Act passed in the 59th year of the reign of His late Majesty King George the IIIrd, * intituled "An Act to carry into effect a Convention of Commerce concluded between His Majesty and the *United States* of *America*, and a Treaty with the Prince Regent of *Portugal*," divers provisions were made respecting the duties payable, and the bounties and allowances to be granted, upon the importation and exportation of goods, wares, and merchandize, into or from the United Kingdom, in vessels of the *United States* and in *Portuguese* vessels, and respecting the repayment to certain corporations, bodies politic and corporate, and sundry other persons, of the amount of the sums of money of which they would be deprived by means of the said Act; and it was thereby enacted, that the said Act should continue in force so long as the Convention therein recited between His said late Majesty and the United States of *America*, and the Treaty therein recited between His said late Majesty and His Royal Highness the Prince Regent of *Portugal*, and so long as any Treaty to be made with any *Foreign* Power, with the similar provision thereinbefore recited, should respectively continue in force: And whereas, subsequently to the enactment of the said recited Act, His Majesty and his Royal Predecessors have made and concluded with divers *Foreign* Powers Treaties containing provisions similar to those recited in the said recited Act, and doubts have arisen whether, according to the true construction thereof, the said Act doth apply and extend to the trade and shipping of such other *Foreign* Powers, and it is expedient that such doubts be removed; be it therefore, and it is hereby further enacted and declared, that from and after the ratification of any Treaty heretofore made by His Majesty or any of his Royal Predecessors subsequently to the enactment of the said Act, or of any Treaty which may hereafter be made by His Majesty, his heirs and successors, with any such *Foreign* Power, in which Treaty has been or shall be contained provisions similar to those recited in the said recited Act, all and every the provisions, clauses, matters and things in the said recited Act contained did and shall apply and extend to the

* Cap. 54.

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trade and shipping of such *Foreign* Powers respectively, as fully and effectually, to all intents and purposes, as to the trade and shipping of the said *United States* and of the said kingdom of *Portugal.*

LXIII. Provided nevertheless, and be it further enacted and declared, that the said recited Act doth not extend and shall not be construed to extend to grant to or to confer upon the trade or shipping of the said *United States* or of the said kingdom of *Portugal,* or of any other *Foreign* Power, or to the subjects of such states or kingdom or of any such *Foreign* Power as aforesaid, any other or greater advantage than such as shall have been stipulated for by and granted to the said *United States,* the said kingdom of *Portugal,* or any such other *Foreign* Power, by the respective Treaties subsisting and in force between them respectively and His Majesty, his heirs and successors; but that the said Act shall be so construed and applied as to give full and complete effect to such respective Treaties so long as the same shall respectively remain in force, and is to provide such and only such indemnity as therein mentioned, to such bodies politic and corporate and other persons as are therein mentioned, for such losses as they shall respectively sustain by the execution, on the part of His Majesty, his heirs and successors, of such respective Treaties.

LXIV. And for the prevention of uncertainty herein, be it further enacted, that it shall and may be lawful for His Majesty, his heirs and successors, by any Order or Orders to be by him or them made with the advice of his or their Privy Council, and published in the London Gazette, from time to time to declare what are the *Foreign* Powers with which any such Treaty or Treaties as aforesaid is or are subsisting; and this present Act and the said recited Act shall apply, and shall be deemed, from the time of the ratification of any such Treaties, to have been applicable to the trade and shipping of such *Foreign* countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer.

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BRITISH ORDER IN COUNCIL, *declaring with what Foreign Powers Great Britain has concluded Treaties, under which they are entitled to certain Privileges of Trade and Navigation in British Ports.* 12*th October*, 1832.

At the Court at St. James's, the 12*th day of October*, 1832.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 59th year of the reign of His late Majesty King George the IIIrd, [cap. 54.] intituled "An Act to carry into effect a Convention of Commerce, concluded between His Majesty and the *United States* of America, and a Treaty with the Prince Regent of *Portugal*,"* divers provisions were made respecting the duties payable, and the bounties and allowances to be granted, upon the importation and exportation of goods, wares, and merchandize into or from the United Kingdom, in vessels of the *United States* and in *Portuguese* vessels, and respecting the repayment to certain corporations, bodies politic and corporate, and sundry other persons, of the amount of the sums of money of which they would be deprived by means of the said Act; and it was thereby enacted, that the said Act should continue in force so long as the Convention therein recited, between His said late Majesty and the *United States* of America, and the Treaty therein recited, between His said late Majesty and His Royal Highness the Prince Regent of *Portugal*, an so long as any Treaty to be made with any *Foreign* Powers, with the similar provision thereinbefore recited, should respectively continue in force.

And whereas, subsequently to the enactment of the said recited Act, His Majesty and his Royal Predecessors have made and concluded with divers *Foreign* Powers Treaties containing provisions similar to those recited in the said recited Act; and whereas by an Act, passed in the 2nd and 3rd year of His present Majesty's reign, [cap. 84.] intituled "An Act to

* See Vol. 3, Page 491.

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amend the laws relating to the Customs," after reciting, as hereinbefore is recited, and further reciting, that doubts had arisen whether, according to the true construction thereof, the said Act doth apply and extend to the trade and shipping of such other *Foreign* Powers, and that it was expedient that such doubts be removed, it is enacted and declared, that from and after the ratification of any Treaty theretofore made by His Majesty or any of his Royal Predecessors, subsequently to the enactment of the said Act, so passed as aforesaid in the reign of His said late Majesty, or of any Treaty which might thereafter be made by His Majesty, his heirs and successors, with any such *Foreign* Power, in which Treaty have been or shall be contained provisions similar to those recited in the said recited Act, all and every the provisions, clauses, matters, and things in the said recited Act contained did and shall apply and extend to the trade and shipping of such *Foreign* Powers respectively, as fully and effectually to all intents and purposes as to the trade and shipping of the said *United States* and of the said kingdom of *Portugal;* provided nevertheless, and it is thereby further enacted and declared, that the said recited Act doth not extend, and shall not be construed to extend, to grant to or to confer upon the trade or shipping of the said *United States* or of the said kingdom of *Portugal* or of any other *Foreign* Power, or to the subjects of such states or kingdoms, or of any such *Foreign* Power as aforesaid, any other or greater advantage than such as shall have been stipulated for by, and granted to, the said *United States,* the said kingdom of *Portugal,* or any such other *Foreign* Power, by the respective Treaties subsisting and in force between them respectively and His Majesty, his heirs and successors, but that the said Act shall be so construed and applied as to give full and complete effect to such respective Treaties so long as the same shall respectively remain in force, and is to provide such, and only such, indemnity as therein mentioned to such bodies politic and corporate, and other persons as are therein mentioned, for such losses as they shall respectively sustain by the execution on the part of His Majesty, his heirs and successors, of such respective Treaties.

And for the prevention of uncertainty herein, it is further enacted that it shall and may be lawful for His Majesty, his

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heirs and successors, by any Order or Orders to be by him or them made, with the advice of his or their Privy Council,a nd published in the London Gazette, from time to time to declare what are the *Foreign* Powers with which any such Treaty or Treaties as aforesaid is or are subsisting; and that the said Act of the 2nd and 3rd year of His Majesty's reign, and the said Act of the 59th year of the reign of His said late Majesty, shall apply, and shall be deemed, from the time of the ratification of any such Treaties, to have been applicable to the trade and shipping of such *Foreign* countries as shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer.

Now, therefore, His Majesty, by and with the advice of his Privy Council, doth, in pursuance and in exercise of the powers and authority in him vested by the Act so passed as aforesaid in the 2nd and 3rd year of his reign, declare that the *Foreign* Powers with which any such Treaties as aforesaid are subsisting, are the several Powers hereinafter mentioned, that is to say, the kingdom of *Portugal*, the *United States* of America, His Majesty the King of *Prussia*, His Majesty (as King of *Hanover*), His Majesty the King of *Denmark*, the United Provinces of *Rio de la Plata*, the State of *Colombia*, the Senate of the Free Hanseatic City of *Lubeck*, the Senate of the Free Hanseatic City of *Bremen*, and the Senate of the Free Hanseatic City of *Hamburg*, His Majesty the King of the *French*, His Majesty the King of *Sweden* and *Norway*, the United States of *Mexico*, His Majesty the Emperor of *Brazil*, His Majesty the Emperor of *Austria*, and the Free City of *Frankfort*:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable the Lords of the Committee of Council appointed for the consideration of all matters relating to trade and foreign plantations, are to give the necessary directions herein accordingly as to them may respectively appertain.

WM. L. BATHURST.

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ACT *of the British Parliament, "for the general Regulation of the Customs," so far as it relates to Manifests of the shipment of Tobacco in Foreign Ports.*

[3 & 4 Will. cap. 52.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 107.] intituled "An Act for the general Regulation of the Customs," whereby the Laws of Customs, in relation to the general regulation of the Customs, were consolidated and amended: and whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act: 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

III. And be it further enacted, that no goods shall be imported into the *United Kingdom* or into the *Isle of Man* from parts beyond the seas in any *British* ship, nor any *tobacco* in *any ship*, unless the master shall have on board a *manifest* of such goods or of such *tobacco*, made out and dated and signed by him at the place or respective places where the same or the different parts of the same was or were taken on board, and authenticated in the manner hereinafter provided; and every such *manifest* shall set forth the name and the tonnage of the ship, the name of the master and of the place to which the ship belongs, and of the place or places where the goods were taken on board respectively, and of the place or places for which they are destined respectively, and shall contain a particular account and description of all the packages on board, with the marks and numbers thereon, and the sorts of goods and different kinds of each sort contained therein, to the best of the master's knowledge, and of the particulars of such goods as are stowed loose, and the names of the respective shippers and consignees,

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as far as the same can be known to the master; and to such particular account shall be subjoined a general account or recapitulation of the total number of the packages of each sort, describing the same by their usual names, or by such descriptions as the same can best be known by, and the different goods therein, and also the total quantities of the different goods stowed loose: provided always, that every *manifest* for *tobacco* shall be a separate *manifest* distinct from any *manifest* for any other goods, and shall, without fail, contain the particular weight of *tobacco* in each hogshead, cask, chest, or case, with the tare of the same; and if such *tobacco* be the produce of the dominions of the *Grand Seignor*, then the number of the parcels or bundles within any such hogshead, cask, chest, or case, shall be stated in such *manifest*.

IV. See CHINA.

V. And be it further enacted, that before the departure of any ship from any place beyond the seas not under the British dominions, where any *tobacco* has been taken on board such ship for the *United Kingdom* or for the *Isle of Man*, the master of such ship shall produce the *manifest* of such *tobacco* to the British *Consul* or other chief British officer, if there be any such resident at or near such place; and such *Consul* or other officer shall certify upon the same the date of the production thereof to him.

VI. And be it further enacted, that if any goods shall be imported into the *United Kingdom* or into the *Isle of Man*, in any *British* ship, or any *tobacco* in *any ship*, without such *manifest*, or if any goods contained in such *manifest* be not on board, the master of such ship shall forfeit the sum of £100.

ACT *of the British Parliament, "for the encouragement of British Shipping and Navigation;" so far as it relates to Foreigners and to Foreign Ships and Countries.*

[3 & 4 Will. 4. cap. 54.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 109.] in-

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tituled "An Act for the encouragement of British Shipping and Navigation," whereby the laws for the encouragement of British shipping and navigation were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act; 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

II. And be it further enacted, that the several sorts of goods hereinafter enumerated, being the produce of Europe; (that is to say,) *masts, timber, boards, tar, tallow, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, wine, brandy, tobacco, wool, shumac, madders, madder roots, barilla, brimstone, bark of oak, cork, oranges, lemons, linseed, rape seed,* and *clover seed,* shall not be imported into the *United Kingdom* to be used therein, except in *British* ships, or in *ships of the country* of which the goods are the produce, or in *ships of the country* from which the goods are imported.

III. And be it further enacted, that goods the produce of *Asia, Africa,* or *America,* shall not be imported from *Europe* into the *United Kingdom,* to be used therein, except the goods hereinafter mentioned; (that is to say,)

Goods the produce of the dominions of the Emperor of *Morocco,* which may be imported from places in *Europe* within the Straits of *Gibraltar:*

Goods, the produce of *Asia* or *Africa,* which (having been brought into places in *Europe* within the Straits of *Gibraltar,* from or through places in *Asia* or *Africa,* within those Straits, and not by way of the *Atlantic Ocean*) may be imported from places in *Europe* within the Straits of *Gibraltar:*

Goods, the produce of places within the limits of the *East India* Company's Charter, which (having been imported from

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those places into *Gibraltar* or *Malta*, in *British* ships) may be imported from *Gibraltar* or *Malta*:

Goods taken by way of reprisal by *British* ships:

Bullion, *diamonds*, *pearls*, *rubies*, *emeralds*, and other *jewels* or *precious stones*.

IV. And be it further enacted, that goods, the produce of *Asia*, *Africa*, or *America*, shall not be imported into the *United Kingdom*, to be used therein, in *Foreign* ships, unless they be the ships of the country in *Asia*, *Africa*, or *America*, of which the goods are the produce, and from which they are imported, except the goods hereinafter mentioned; (that is to say,)

Goods, the produce of the dominions of the *Grand Seignor*, in *Asia* or *Africa*, which may be imported from his dominions in *Europe*, in ships of his dominions:

Raw silk and *Mohair yarn*, the produce of *Asia*, which may be imported from the dominions of the *Grand Seignor* in the *Levant* seas, in ships of his dominions:

Bullion.

V. Provided always, and be it further enacted, that all manufactured goods shall be deemed to be the produce of the *country* of which they are the *manufacture*.

VI. And be it further enacted, that no goods shall be imported into the *United Kingdom* from the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, except in *British* ships.

VII. And be it further enacted, that no goods shall be exported from the *United Kingdom* to any *British* possession in *Asia*, *Africa*, or *America*, nor to the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, except in *British* ships.

VIII. And be it further enacted, that no goods shall be carried coastwise from one part of the *United Kingdom* to another, except in *British* ships.

IX. And be it further enacted, that no goods shall be carried from any of the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, to any other of such islands, nor from one part of any of such islands to another part of the same island, except in *British* ships.

X. And be it further enacted, that no goods shall be carried

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from any *British* possession in *Asia, Africa,* or *America,* to any other of such possessions, nor from one part of any of such possessions to another part of the same, except in *British* ships.

XI. And be it further enacted, that no goods shall be imported into any *British* possession in *Asia, Africa,* or *America,* in any *Foreign ships,* unless they be *ships of the country* of which the goods are the produce, and from which the goods are imported.

XIV. Provided also, and be it further enacted, that all ships built in the *British* settlements at *Honduras,* and owned and navigated as *British* ships, shall be entitled to the privileges of *British* registered ships in all direct trade between the *United Kingdom* or the *British* possessions in *America* and the said settlements; provided the master shall produce a certificate under the hand of the superintendent of those settlements, that satisfactory proof has been made before him that such ship (describing the same) was built in the said settlements, and is wholly owned by *British* subjects; provided also, that the time of the clearance of such ship from the said settlements for every voyage shall be endorsed upon such certificate by such superintendent.

XV. And be it further enacted, that no ship shall be admitted to be a ship of any particular country, unless she be of the built of such country; or have been made prize of war to such country; or have been forfeited to such country under any law of the same, made for the prevention of the *slave trade,* and condemned as such prize or forfeiture by a competent court of such country; or be *British* built (not having been a prize of war from *British* subjects to any other *Foreign* country); nor unless she be navigated by a master who is a subject of such *Foreign* country, and by a crew of whom three-fourths at least are subjects of such country; nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: provided always, that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs.

XVI. And be it further enacted, that no person shall be

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qualified to be a master of a *British* ship, or to be a *British* seaman within the meaning of this Act, except the natural-born subjects of His Majesty, or persons naturalized by any Act of Parliament, or made *Denizens* by letters of denization; or except persons who have become *British* subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to His Majesty, or the oath of fidelity required by the *Treaty* or *Capitulation* by which such newly acquired country came into His Majesty's possessions: or persons who shall have served on board any of His Majesty's ships of war in time of war for the space of 3 years: provided always, that the natives of places within the limits of the *East India* Company's Charter, although under *British* dominion, shall not upon the ground of being such natives, be deemed to be *British* seamen: provided always, that every ship (except ships required to be wholly navigated by *British* seament) which shall be navigated by 1 *British* seaman, if a *British* ship, or 1 seaman of the country of such ship, if a *Foreign* ship, for every 20 tons of the burthen of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one-fourth of the whole crew: provided always, that nothing herein contained shall extend to repeal or alter the provisions of an Act passed in the 4th year of the reign of His late Majesty King George the IVth, for consolidating and amending the laws then in force with respect to trade from and to places within the limits of the *East India* Company's Charter.

XVII. Provided always, and be it further enacted, that it shall be lawful for His Majesty, by his Royal Proclamation during war, to declare that *Foreigners*, having served 2 years on board any of His Majesty's ships of war in time of such war, shall be *British* seamen within the meaning of this Act.

XIX. And be it further enacted, that if any *British* registered ship shall at any time have, as part of the crew in any part of the world, any *Foreign* seaman not allowed by law, the master or owners of such ship shall for every such *Foreign* seaman forfeit the sum of £10: Provided always, that if a due proportion of *British* seamen cannot be procured in any *Foreign* port, or in any place within the limits of the *East*

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India Company's Charter, for the navigation of any *British* ship; or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship shall produce a certificate of such facts under the hand of any *British Consul*, or of 2 known *British* merchants, if there be no *Consul* at the place where such facts can be ascertained, or from the *British* Governor of any place within the limits of the *East India* Company's Charter; or, in the want of such certificate, shall make proof of the truth of such facts to the satisfaction of the collector and controller of the customs of any *British* port, or of any person authorized in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

XXI. Provided always, and be it further enacted, that goods of any sort or the produce of any place, not otherwise prohibited than by the law of navigation hereinbefore contained, may be imported into the *United Kingdom*, from any place in a *British* ship, and from any place not being a *British* possession in a *Foreign* ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being, made for the warehousing of goods without payment of duty upon the first entry thereof.

ACT *of the British Parliament, "for the registering of British Vessels," so far as it relates to Foreign Countries, and Foreigners, and to Slave Trade Vessels.*

[3 & 4 Will. 4. Cap. 55.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 110.] intituled "An Act for the registering of British vessels," whereby the laws in relation to the registration of British vessels were consolidated and amended: And whereas, since the passing of the said Act, divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country, that the said Acts should be

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consolidated into one Act: 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

V. And be it further enacted, that no ship or vessel shall be registered, or having been registered, shall be deemed to be duly registered, by virtue of this Act, except such as are wholly of the built of the said *United Kingdom* or of the *Isle of Man*, or of the islands of *Guernsey* or *Jersey*, or of some of the colonies, plantations, islands, or territories in *Asia*, *Africa*, or *America*, or of *Malta*, *Gibraltar*, or *Heligoland*, which belong to His Majesty, his heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent court, as forfeited for the breach of the laws made for the prevention of the *slave trade*, and which shall wholly belong, and continue wholly to belong to His Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

VII. And be it further enacted, that no ship or vessel shall continue to enjoy the privileges of a *British* ship, after the same shall have been repaired in a *Foreign* country, if such repairs shall exceed the sum of 20 shillings for every ton of the burthen of the said ship or vessel, unless such repairs shall have been necessary by reason of extraordinary damage sustained by such ship or vessel, during her absence from His Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place in the said dominions; and whenever any ship or vessel which has been so repaired in a *Foreign* country, shall arrive at any port in His Majesty's dominions as a *British* registered ship or vessel, the master or other person having the command or charge of the same, shall, upon the first entry thereof, report to the collector and controller of His Majesty's Customs at such port, that such ship or vessel has been so re-

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paired, under penalty of 20 shillings for every ton of the burthen of such ship or vessel, according to the admeasurement thereof; and if it shall be proved to the satisfaction of the Commissioners of His Majesty's Customs, that such ship or vessel was seaworthy at the time when she last departed from any port or place in His Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full consideration of all the circumstances, to direct the collector and controller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel, that has been proved to the satisfaction of the Commissioners of His Majesty's Customs, that the privileges of the said ship or vessel have not been forfeited, notwithstanding the repairs which have been done to the same in a *Foreign* country.

IX. And be it further enacted, that no *British* ship or vessel which has been or shall hereafter be captured by, and become prize to an enemy, or sold to *Foreigners*, shall again be entitled to the privileges of a *British* ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever, which shall afterwards be condemned in any Court of Admiralty as prize of war, or any competent court, for breach of laws made for the prevention of the *slave trade*.

XI. And be it further enacted, that every ship or vessel shall be deemed to belong to some port at or near to which some, or one of the owners, who shall make and subscribe the Declaration required by this Act, before registry be made, shall reside; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered *de novo*, before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the *United Kingdom*, or the same colony, plantation, island, or territory as the said port shall be in: Provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of

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this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and controller of the port where such ship or vessel may then be, to certify upon the back of the existing certificate of registry of such ship or vessel, that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart: Provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories in *Asia*, *Africa*, or *America*, to His Majesty belonging, for owners residing in the *United Kingdom*, and the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and controller of the port at or near to which such ship or vessel was built, the certificate of the builder required by this Act, and shall have made and subscribed a Declaration before such collector and controller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no *Foreigner*, to the best of his knowledge and belief, has any interest therein; the collector and controller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where, and by whom, such ship or vessel was built, the description, tonnage, and other particulars required on registry of any ship or vessel, and such certificate shall have all the force and virtue of a certificate of registry under this Act, during the term of 2 years, unless such ship shall sooner arrive at some place in the *United Kingdom*: and such collector and controller shall transmit a copy of such certificate to the Commissioners of His Majesty's Customs.

XII. And be it further enacted, that no person who has taken the oath of allegiance to any *Foreign* State, except under the terms of some Capitulation, unless he shall afterwards become a denizen or naturalized subject of the *United Kingdom* by His Majesty's letters patent or by Act of Parliament, nor

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any person usually residing in any country not under the dominion of His Majesty, his heirs and successors, unless he be a member of some British *Factory*, or agent for or partner in any house or co-partnership, actually carrying on trade in *Great Britain* or *Ireland*, shall be entitled to be the owner, in whole or in part, directly or indirectly, of any ship or vessel required and authorized to be registered by virtue of this Act; save and except that it shall be lawful for any person who was a member of the company of merchants trading to the *Levant* seas, at the time of its dissolution, and who was a resident at any of the *Factories* of the said company, to continue to hold any share or shares in any *British* registered ship, of which, at the time of such residence, he was an owner or part owner, although such person shall continue to reside at any of the places where such *Factories* had existed prior to the dissolution of the said company.

XIII. And be it further enacted, that no registry shall henceforth be made, or certificate granted, until the following Declaration be made and subscribed, before the person or persons hereinbefore authorized to make such registry and grant such certificate respectively, by the owner of such ship or vessel, if such ship or vessel is owned by, or belongs to, one person only, or in case there shall be 2 joint owners, then by both of such joint owners, if both shall be resident within 20 miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed 2, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident with 20 miles of such port or place as aforesaid, not in any case exceeding 3 of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said Declaration, or by one of such owners, if all, or all except one, shall be resident at a greater distance:

"I, A. B., of [place of residence and occupation] do truly declare, that the ship or vessel [name] [of port or place], whereof [master's name] is at present master, being [kind of built, burthen, *et cætera*, as described in the certificate of the

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surveying officer], was [when and where built, or, if prize or forfeited, capture and condemnation as such], and that I, the said A. B. [and the other owners' names and occupations, if any, and where they respectively reside, *videlicet*, town, place, or parish, and county, or if member of and resident in any factory in *Foreign* parts, or in any *Foreign* town or city, being an agent for or partner in any house or co-partnership, actually carrying on trade in *Great Britain* or *Ireland*, the name of such factory, *Foreign* town, or city, and the names of such house or co-partnership] am [or are] sole owner [or owners] of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said A. B. [and the said other owners, if any] am [or are] truly and *bonâ fide* a subject [or subjects] of Great Britain; and that I the said A. B. have not [nor have any of the other owners, to the best of my knowledge and belief] taken the oath of allegiance to any *Foreign* state whatever [except under the terms of some Capitulation, describing the particulars thereof], or that since my taking [or his or their taking] the oath of allegiance to [naming the *Foreign* states respectively to which he or any of the said owners shall have taken the same] I have [or he or they hath or have] become a denizen [or denizens, or naturalized subject or subjects, as the case may be] of the *United Kingdom* of *Great Britain* and *Ireland* by His Majesty's letters patent or by an Act of Parliament [naming the times when such letters of denization have been granted respectively, or the year or years in which such Act or Acts for naturalization have passed respectively]; and that no *Foreigner*, directly or indirectly, hath any share or part interest in the said ship or vessel."

Provided always, that if it shall become necessary to register any ship or vessel belonging to any corporate body in the *United Kingdom*, the following Declaration, in lieu of the Declaration hereinbefore directed, shall be taken and subscribed by the secretary or other proper officer of such corporate body, (that is to say)

"I, A. B., secretary or officer of [name of company or corporation], do truly declare, that the ship or vessel [name] of [port] whereof [master's name] is at present master, being

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[kind of built, burthen, *et cætera*, as described in the certificate of the surveying officer], was [when and where built, or, if prize or forfeited, capture and condemnation as such], and that the same doth wholly and truly belong to [name of company or corporation]."

XIV. And be it further enacted, that in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to make and subscribe the Declaration hereinbefore directed to be made and subscribed, then and in such case, such owner or owners, proprietor or proprietors, as shall personally attend and make and subscribe the Declaration aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within 20 miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the Declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said Declaration.

XX. And be it further enacted, that at the time of the obtaining of the certificate of registry as aforesaid, sufficient security by *Bond* shall be given to His Majesty, his heirs and successors, by the master and such of the owners as shall personally attend, as is hereinbefore required, such security to be approved of and taken by the person or persons hereinbefore authorized to make such registry and grant such certificate of registry at the port or place in which such certificate shall be granted, in the penalties following; (that is to say,) if such ship or vessel shall be a decked vessel, or be above the burthen of 15 tons and not exceeding 50 tons, then in the penalty of £100; if exceeding the burthen of 50 tons and not exceeding 100 tons, then in the penalty of £300; if exceeding the burthen of 100 tons and not exceeding 200 tons, then in the penalty of £500; if exceeding the burthen of 200 tons and not exceeding 300 tons, then in the penalty of £800; and if exceeding the burthen of 300 tons, then in the penalty of £1000; and the condition of every such *Bond* shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of

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for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost, or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on any account have lost and forfeited the privileges of a *British* ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the crown, or shall under any circumstances have been registered, *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in His Majesty's Dominions, to the collector and controller of some port in *Great Britain*, or of the *Isle of Man*, or of the *British* plantations, or to the Governor, Lieutenant Governor, or Commander-in-chief for the time being of the islands of *Guernsey* or *Jersey*; and that if any *Foreigner*, or any person or persons for the use and benefit of any *Foreigner*, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of *Great Britain*, or of the islands of *Guernsey*, *Jersey*, or *Man*, or of the *British* Colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within 7 days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons herein-before authorized to make registry and grant certificate of registry at such port or place respectively as aforesaid; and if such ship or vessel shall be in any *Foreign* port when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the *British Consul* or other chief *British* officer resident at or nearest to such *Foreign* port; or if such ship or vessel shall be at sea when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the *British Consul* or other chief *British* officer at the *Foreign* port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such *Foreign* port; but if such master or other person who had the command thereof at the

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time of such purchase or transfer of property at sea shall not arrive at a *Foreign* port, but shall arrive at some port of *Great Britain*, or of the islands of *Guernsey*, *Jersey*, or *Man*, or of His Majesty's said colonies, plantations, islands, or territories, then that the certificate shall be delivered up, in manner aforesaid, within 14 days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of *Great Britain*, or of the islands of *Guernsey*, *Jersey*, or *Man*, or of any of His Majesty's said colonies, plantations, islands, or territories: provided always, that if it shall happen that at the time of registry of any ship or vessel the same shall be at any other port than the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry to join with the owner or owners in such *Bond* as aforesaid, it shall be lawful for him to give a separate *Bond* to the like effect, at the port where such ship or vessel may then be, and the collector and controller of such other port shall transmit such *Bond* to the collector and controller of the port where such ship or vessel is to be registered, and such *Bond*, and the *Bond* also given by the owner or owners shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one *Bond*.

XXIII. And be it further enacted, that if any person whatever shall at any time have possession of and wilfully detain any certificate of registry granted under this or any other Act, which ought to be delivered up to be cancelled according to any of the conditions of the *Bond* hereinbefore required to be given upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver up such certificate of registry in manner directed by the conditions of such *Bond* in the respective cases and under the respective penalties therein provided.

XXIX. And be it further enacted, that the owner or owners of all such ships and vessels as shall be taken by any of His Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of such ships or vessels as shall be condemned in any competent court as forfeited for breach of the laws for the

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prevention of the *slave trade*, shall, for the purpose of registering any such ship or vessel, produce to the collector and controller of His Majesty's Customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the Judge of the court in which such ship or vessel shall have been condemned (which certificate such judge is hereby authorized and requited to grant), and also a true and exact account in writing of all the particulars contained in the certificate hereinbefore set forth, to be made and subscribed by one or more skilful person or persons to be appointed by the court then and there to survey such ship or vessel, and shall also make and subscribe a declaration before the collector and controller that such ship or vessel is the same vessel which is mentioned in the certificate of the Judge aforesaid.

XXX. Provided always, and be it further enacted, that no ship or vessel which shall be taken and condemned as prize or forfeiture as aforesaid shall be registered in the islands of *Guernsey*, *Jersey*, or *Man*, although belonging to His Majesty's subjects residing in those islands, or in some one or other of them; but the same shall be registered either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven, by the collector and controller at such ports respectively, who are hereby authorized and required to register such ship or vessel, and to grant a certificate thereof in the form and under the regulations and restrictions in this Act contained.

ACT *of the British Parliament, "for granting Duties of Customs;" so far as it relates to Reciprocal Duties on Foreign Merchandize, &c.*

[3 & 4 Will. 4. cap. 56.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 111.] intituled "An Act for granting Duties of Customs,"* whereby the several duties of customs were consolidated in one Act:

* See Vol. 3, Page 199.

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And whereas since the passing of the said Act, divers Acts altering the said duties have been passed, and it will be of advantage to the trade and commerce of the country that the said several duties should be consolidated in one Act: 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

V. And be it further enacted, that it shall be lawful for His Majesty, by and with the advice of his Privy Council, by his Order in Council, from time to time to order and direct that there shall be levied and collected any additional duty, not exceeding one-fifth of the amount of any existing duty, upon all or any goods, wares, or merchandize, the growth, produce, or manufacture of any country which shall levy higher or other duties upon any article, the growth, produce, or manufacture of any of His Majesty's dominions, than upon the like article, the growth, produce, or manufacture of any other *Foreign* country; and in like manner to impose such additional duties upon all or any goods when imported in the ships of any country which shall levy higher or other duties upon any goods when imported in *British* ships than when imported in the National ships of such country, or which shall levy higher or other tonnage, or port or other duties, upon *British* ships than upon such National ships, or which shall not place the commerce or navigation of this kingdom upon the footing of the most favoured nation in the ports of such country; and either to prohibit the importation of any manufactured article, the produce of such country, in the event of the export of the raw material of which such article is wholly or in part made, being prohibited from such country to the *British* dominions, or to impose an additional duty, not exceeding one-fifth as aforesaid, upon such manufactured article; and also to impose such additional duty in the event of such raw material being subject to any duty upon being exported from the said country to any of His Majesty's dominions; and all duties imposed by any such Order shall be deemed to be duties imposed by this Act.

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ACT *of the British Parliament, "to regulate the Trade of the British Possessions Abroad;" so far as it relates to the Trade of Foreign Countries therewith, and to Slave Trade Seizures.*

[3 & 4 Will. 4. cap. 59.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad," whereby the laws of customs in relation to the trade of the British possessions abroad, were consolidated and amended: And whereas, since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act: 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

II. And be it further enacted that no goods shall be imported into, nor shall any goods, except the produce of the fisheries in *British* ships, be exported from, any of the *British* possessions in *America* by sea from or to any place other than the *United Kingdom*, or some other of such possessions, except into or from the several ports in such possessions, called "*Free ports*," enumerated or described in the Table following; (that is to say,)

TABLE OF FREE PORTS.

Kingston, Savannah, Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay, Annotto Bay, Black River, Rio Bueno, Port Morant.	Jamaica.
Saint George - - - - -	Grenada.
Roseau - - - - - -	Dominica.

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Saint John's - - - - - -	Antigua.
San Josef - - - - - -	Trinidad.
Scarborough - - - - - -	Tobago.
Road Harbour - - - - - -	Tortola.
Nassau - - - - - - -	New Providence.
Pitt's Town - - - - - - -	Crooked Island.
Kingston - - - - - - -	Saint Vincent.
Port Saint George and Port Hamilton -	Bermuda.
Any Port where there is a Custom House	Bahamas.
Bridgetown - - - - - - -	Barbadoes.
Saint John's and Saint Andrew's - -	New Brunswick.*
Halifax and Pictou† - - - -	Nova Scotia.
Quebec - - - - - - -	Canada.
Saint John's - - - - - - -	Newfoundland.
George Town - - - - - -	Demerara
New Amsterdam - - - - - -	Berbice.
Castries - - - - - - -	Saint Lucia.
Basseterre - - - - - - -	Saint Kitt's.
Charlestown - - - - - - -	Nevis.
Pymouth - - - - - - -	Montserrat.
Sydney - - - - - - -	Cape Breton.
Charlotte Town - - - -	Prince Edward's Island.
Anguilla - - - - - - -	Anguilla.

And if any goods shall be imported into any port or place in any of the said possessions contrary hereto, such goods shall be forfeited.

III. Provided always, that if His Majesty shall deem it expedient to extend the provisions of this Act to any port or ports not enumerated in the said table, it shall be lawful for His Majesty, by Order in Council, to extend the provisions of this Act to such port or ports; and from and after the day mentioned in such Order in Council all the privileges and advantages of this Act, and all the provisions, penalties, and forfeitures therein contained, (subject nevertheless to the limitations and restrictions hereinafter provided,) shall extend, and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and

* See page 274.

† Yarmouth and Liverpool added by Order in Council of 15th August, 1834.

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enumerated in the said table at the time of passing this Act: provided also, that nothing hereinbefore contained shall extend to prohibit the importation or exportation of goods into or from any ports or places in *Newfoundland* or *Labrador* in *British* ships.

IV. And whereas there are in the said possessions many places situated in rivers and in bays at which it may be necessary to establish ports for particular and limited purposes only; be it therefore enacted, that it shall be lawful for His Majesty, in any Order in Council made for the appointment of any *Free port*, to limit and confine such appointments respectively to any and such purposes only as shall be expressed in such Order.

V. And whereas by the law of navigation *Foreign* ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any *Foreign* country whatever: and whereas it is expedient that such permission should be subject to certain conditions; be it therefore enacted that the privileges thereby granted to *Foreign* ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty by his Order in Council shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any *Foreign* country, although the conditions aforesaid shall not in all respects be fulfilled by such *Foreign* country: provided always, that no *Foreign* country shall be deemed to have fulfilled the beforementioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall, by some Order or Orders to be by him made by the advice of his Privy Council, have declared that such *Foreign* country hath so fulfilled the said conditions and is entitled to the said privileges: provided also, that every Order in Council in force at the time of the commencement of this Act whereby declaration is made of the countries which are entitled in whole or in part to the

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privileges of the law of navigation hereinbefore referred to and recited, shall continue in force as effectually as if the same had been afterwards made under the authority of this Act.

VI. And be it further enacted, that nothing contained in this Act, or any other Act passed in this present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the 4th year of the reign of His late Majesty, intituled "An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in *Foreign* vessels, and to exempt certain *Foreign* vessels from pilotage,* nor to repeal or in any way alter or affect an Act passed in the 5th year of the reign of His late Majesty,† among other things, to amend the last-mentioned Act; and that all trade and intercourse between the British possessions and all *Foreign* countries shall be subject to the powers granted to His Majesty by those Acts.

XXXI. XXXII. XXXV. See UNITED STATES.

XXXVI. And whereas it is expedient to constitute and appoint some of the *Free ports* and other ports in America to be *Free warehousing ports* or to be warehousing ports for all or any of the goods which may be legally imported into the said ports respectively; and it is also expedient to empower His Majesty to constitute and appoint from time to time any other ports in any of the said *British* possessions in *America* to be in like manner warehousing ports for such goods as may be legally imported into such ports respectively; and it is therefore necessary to make regulations for the appointing of proper warehouses at such ports, and for the lodging and securing of goods therein; be it therefore enacted, that the several ports hereinafter mentioned, (that is to say,)

Bridgetown, - - - -	in Barbadoes,
Quebec, - - - -	Canada,
Sydney, - - - - -	Cape Breton,
Roseau, - - - - -	Dominica,
St. George, - - - -	Grenada,
Kingston, and *Montego Bay*, -	Jamaica,
Charlestown, - - - -	Nevis,

* See Vol. 3, Page 145. † See Vol. 3, Page 148.

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Saint John's and *Saint Andrew's*, in New Brunswick,*
Saint John's, - - - - Newfoundland,
Nassau, - - - - - New Providence,
Halifax, and *Pictou*,† - - Nova Scotia,
Basseterre, - - - - Saint Kitt's,
Kingston, - - - - Saint Vincent,
Road Harbour, - - - Tortola,
San Josef, - - - - Trinidad,

shall be *Free warehousing ports* for all the purposes of this Act; and that

Kingston and *Montreal*, in the Canadas, and
Liverpool and *Yarmouth*, in Nova Scotia,

shall be *Warehousing ports*, for the warehousing of goods brought by land or by inland navigation, or imported in *British* ships; and that it shall be lawful for the several collectors and controllers of the said ports respectively, by notice in writing under their hands, to appoint from time to time such warehouses at such ports respectively as shall be approved of by them for the free warehousing and securing of goods therein for the purposes of this Act, and also in such notice to declare what sorts of goods may be so warehoused, and also by like notice to revoke or alter any such appointment or declaration: provided always, that every such notice shall be transmitted to the Governor of the place, and shall be published in such manner as he shall direct.

XLVIII. And be it further enacted, that it shall be lawful for His Majesty, by Order in Council, from time to time to appoint any port in His Majesty's possessions in *America* to be a *Free Warehousing port* for all or any of the purposes of this Act; and every such port so appointed by His Majesty shall be, for all the purposes expressed in such Order, a *Free warehousing port* under this Act, as if appointed by the same.

LI. LII. LIII. LIV. See NETHERLANDS.

LV. See ST. DOMINGO.

LXXIX. And be it further enacted, that all persons authorized to make seizures under an Act passed in the 5th year of the reign of His late Majesty, [cap. 113.] intituled "An Act

* See page 274.

† Yarmouth and Liverpool added by Order in Council of 15th August, 1834.

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to amend and consolidate the laws relating to the abolition of the slave trade,"* shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this Act.

LXXX. And be it further enacted, that all penalties and forfeitures created by the said Act passed in the 5th year of His late Majesty, whether pecuniary or specific, shall (except in cases specially provided for by the said Act) go and belong to such persons as are authorized by that Act to make seizures, in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties and forfeitures incurred in Great Britain and in the British possessions in *America* respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively, in Great Britain or in the said possessions, under and by virtue of this Act.

LXXXI. And be it further enacted, that it shall be lawful for His Majesty, by and with the advice of His Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possessions on or near the continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the limits of the *East India* Company's Charter (excepting the possessions of the said Company), as to His Majesty in Council shall appear most expedient and salutary, anything in this Act to the contrary notwithstanding; and if any goods shall be imported or exported in any manner contrary to any such Order of His Majesty in Council, the same shall be forfeited, together with the ship importing or exporting the same.

LXXXII. See CHINA.

XCI. And be it further enacted, that it shall not be lawful for any person to re-export from any of His Majesty's possessions abroad to any *Foreign* place any *coals* the produce of the United Kingdom, except upon payment of the duty to which such *coals* would be liable upon exportation from the

* See Vol. 3, Page 152.

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United Kingdom to such *Foreign* place; and that no such *coals* shall be shipped at any of such possessions, to be exported to any British place, until the exporter or the master of the exporting vessel shall have given bond, with one sufficient surety, in double the value of the *coals*, that such *coals* shall not be landed at any *Foreign* place.

ACT *of the British Parliament, "for regulating the Trade of the Isle of Man," so far as it regards Shipments from Foreign Ports.*

[3 & 4 Will. 4, cap. 60.] [28th August, 1833.]

WHEREAS an Act was passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 115,] intituled "An Act for regulating the Trade of the Isle of Man;" whereby the laws of customs, in relation to the trade of the Isle of Man, were consolidated and amended. And whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary; and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act: 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 this Act shall commence upon the 1st day of September, 1833, except where any other commencement is herein particularly directed.

II. And be it further enacted, that there shall be raised, levied, collected, and paid unto His Majesty, his heirs and successors, the several duties of customs as the same are respectively set forth in figures in the "Table of Duties," upon importation into the Isle of Man, of the several goods, wares, and merchandize, according to the quantity or value thereof specified in such Table, and so in proportion for any greater or less quantity or value of the same; that is to say,

[Here follows the Table of Duties.]

IV. And be it further enacted, that the several sorts of goods enumerated or described in the "Schedule of License

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Goods," shall not be imported into the Isle of Man, nor exported from any place to be carried to the Isle of Man, without the license of the Commissioners of Customs first obtained, nor in greater quantities in the whole, in any one year, than the respective quantities of such goods specified in the said Schedule; and that such goods shall not be so exported nor so imported, except from the respective places set forth in the said Schedule, and according to the rules subjoined thereto; that is to say,

[Here follows the Schedule of License Goods.]

Subject to the rules following; (that is to say,)

§ (11.) If any goods be laden at any *Foreign* port or place, the species and quantity of such goods, with the marks, numbers, and denominations of the casks or packages containing the same, shall be indorsed on the license, and signed by the British *Consul* at the port of lading, or if there be no British *Consul*, by 2 known British *merchants*.

BRITISH ORDER IN COUNCIL, *relative to a new distribution of Rewards for Prizes captured from the Enemy, and for Revenue, Slave Trade, and Piratical Seizures, made by His Majesty's Navy.* 19*th March*, 1834.

At the Court at St. James's, the 19*th day of March*, 1834.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Lords Commissioners of the Admiralty, dated the 31st of January, 1834, in the words following, viz.

"Having had under our consideration the several existing modes in which the net proceeds of prizes captured from the enemy by your Majesty's ships or vessels of war, and of captures and seizures made by such ships and vessels, under the several Acts passed for the prevention of smuggling, and other Acts relating to your Majesty's revenue of customs, and to trade and navigation, for the abolition of the *slave trade*, and

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for the capture and destruction of *piratical* vessels, and of the rewards which have been conferred for the same, have been distributed to the several ranks and classes of officers and men serving on board your Majesty's said ships and vessels, which distribution differs in all of them, and from each other; and being of opinion that an alteration in the several modes at present in force would be productive of beneficial effects to the naval service, if the whole were arranged under one uniform system, by equalizing the mode of distributing the said proceeds and rewards; and having had at the same time under our consideration the great disproportion in the present mode of distribution between the higher ranks of officers, and the warrant and 2 classes of petty officers, seamen, and marines, and being also of opinion that it would bestow upon your Majesty's naval service a most important benefit, and tend greatly to the encouragement of petty officers and able seamen entering voluntarily on board your Majesty's ships of war, if the shares of the proceeds and rewards above-mentioned were considerably increased beyond what those valuable officers and men do now receive.

We would, therefore, most humbly submit, that your Majesty may be graciously pleased, by your Order in Council, to cause the Royal Proclamation of the 29th of June, 1815, for granting the distribution of the proceeds of prizes captured from the enemy, and the Order in Council of the 30th June, 1827,* for the distribution of the proceeds and rewards arising from the several other captures and seizures before-mentioned, to be annulled, and that in lieu thereof your Majesty would cause your Royal Proclamation to issue, directing the distribution of the proceeds of all such captures and seizures and rewards henceforth to be made and conferred among the officers, seamen, and marines of your Majesty's fleet, in the manner following, viz.

1*st*. By taking a reasonable sum from the flag-officers, captains, and commanders, and commanding officers' shares of *two-eighths*, as at present allowed, and adding it to the shares of the other commissioned and warrant and petty officers, seamen, and marines.

* See Vol. 3, Page 206.

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2ndly. By giving to the flag-officers, captains, and commanders, and commanding officers, definite shares of the whole sum to be distributed respectively, without making the flag-officers' share dependent on that of the captains and commanders.

3rdly. By giving to the 1st lieutenant, or commander doing the duty of a 1st lieutenant (where there is any), a specific number of shares.

4thly. By adding a 3rd class of petty officers, and dividing the boys into 2 classes, by which the present number of classes, namely 8, will be increased to 10.

5thly. By throwing the whole, after deducting the parts allotted to the flag-officers, captains, and commanders, into specific shares to each individual of the several classes, instead of appropriating a fractional portion to each class collectively.

Should your Majesty be graciously pleased to accede to these general principles, we would humbly submit that the flag-officer or officers should have *one-sixteenth* part of the whole net proceeds arising from prizes captured from the enemy, and from all other captures and seizures as aforesaid, made by the ships and vessels under his command, and of the rewards conferred for the same, save and except as hereinafter mentioned.

That the captain or captains, or commanders, of any of your Majesty's ships or sloops of war, or the officer or officers respectively commanding such ships or sloops of war, who shall have been actually on board at the time of any such capture or seizure, shall have *one-sixth* part of the remainder, and where there is no flag-officer, *one-sixth* part of the whole.

That the remainder should be distributed into shares according to the annexed scale.

1st Class. To the senior lieutenant, from 1st to 5th rates inclusive, or the commander acting as 1st lieutenant (where there is one), the master of the fleet and field officer of marine (if embarked)—55 shares each.

2nd Class. To the other lieutenants, captain of marines, master, physician of the fleet, and secretary to the commander in chief—45 shares each.

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3rd Class. To the chaplain, surgeon, and other flag-officers, secretaries, purser, lieutenants of marines, boatswain, gunner, and carpenter—25 shares each.

4th Class. To mates, second master, assistant surgeons, schoolmaster, clerks, master at arms—18 shares each.

5th Class. To midshipmen, master's assistant, admiral's coxswain, ship's corporal, captain's coxswain, quartermaster, gunners' and boatswains' mates, captains of forecastle and hold, coxswain of launch, caulker, sail-maker, carpenters' mates, armourer, captains of main and fore-tops, serjeant of marines —10 shares each.

6th Class. To captains of masts and afterguard, yeomen of signals, coxswain of pinnace, sail-makers', caulkers', and armourers' mates, cooper, rope-maker, volunteers of 1st class, ship's cook, corporals of marines—8 shares each.

7th Class. To seamen, gunners, gunners' crew, carpenters, coopers' and sail-makers' crews, able seamen, yeomen of store-room, private and fifer of marines, above 7 years—5 shares each.

8th Class. To cook's mate, barber, ordinary seamen, captains' and pursers' and ward-room stewards, captains' and ward-room cooks, private and fifer of marines, under 7 years, and admiral's steward, cook and domestics—3 shares each.

9th Class. To landsmen, stewards' mates, and others not described, including supernumeraries for victuals only, boys of 1st class—2 shares each.

10th Class. To boys of the 2nd class—half a share each.

When land forces are embarked to serve as marines, they are to share according to their respective ranks as marines.

2ndly. In the cases of prizes captured from the enemy, and all other captures and seizures as aforesaid, made by the officers and men of cutters, schooners, brigs, and other armed vessels of war commanded by lieutenants, when not in company with other ships commanded by captains or commanders, the said lieutenants to share as captains; and where more small vessels than one shall be together, the lieutenants shall have equal shares of the *one-sixth* part.

But a lieutenant or lieutenants commanding small vessels when in company with captains or commanders, shall share only

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as commanders doing duty as 1st lieutenants, or 1st lieutenants of 1st to 5th rates inclusive, namely:—they shall have 55 shares.

The remainder to be shared as in the foregoing scale, with the exception of the clerk in charge, who is to share as purser, but if a ship or vessel bearing a purser be present, he is to share only as a clerk.

3rdly. In all cases in which supernumeraries, whether officers or men, shall be borne by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or by other proper authority, they shall share with the respective ranks in which they may be acting; save and except, that no flag-officer or other person, not actually present at the capture or destruction of any *pirate* vessel, shall be entitled to share in any distribution of the proceeds or bounty in respect of the crews of such *piratical* ships, vessels, and boats; and also save and except, that no flag-officer or other person, who shall not have been actually on board of any of your Majesty's ships, or ships of war, at the actual taking, sinking, burning, or otherwise destroying any ship or ships of war, or privateers, belonging to the enemy, shall be entitled to share in the distribution of any head or bounty-money granted as a reward for the taking, sinking, burning, or otherwise destroying any such ship or vessel.

4thly. The following regulations to be established with respect to the share before mentioned, to be given to the flag-officer or officers under whose command the capturing ship may be.

That a captain, commander, or commanding officer of a ship or vessel shall be deemed to be under the command of a flag when he shall have actually received some order from, or be acting in execution of some order issued by, a flag-officer; and in the event of his being directed to join a flag-officer on any station, he shall be deemed to be under the command of such flag-officer from the time when he arrives within the limits of the station, and shall be considered to continue under the command of the flag-officer of such station, until he shall have received some order directly from, or be acting in execution of some order issued by, some other flag-officer duly

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authorized, or by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being.

That a flag-officer, commander-in-chief, where there is but one flag-officer upon service, shall have to his own use the *one-sixteenth* part of the proceeds of all prizes captured from the enemy, and of all other captures and seizures as aforesaid, made by ships and vessels under his command, and of the rewards conferred for the same, save and except as aforesaid.

That when ships or vessels under the command of several flags which belong to separate stations shall happen to be joint captors, each flag-officer under whose orders the ships or vessels are, shall receive such proportion of the flag share to which he shall be entitled, according to the number of ships belonging to each respectively.

Captains or commanders, or commanding officers, of such ships or vessels as shall be under orders from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, being joint captors with other ships or vessels, under a flag or flags, the flag-officer is only to have his proportion of the flag share according to the number of ships belonging to his squadron.

That if a flag-officer be sent to command in the ports of the United Kingdom, he shall have no share in the prizes captured from the enemy, nor in the other captures or seizures as aforesaid, made by ships or vessels which have sailed, or shall sail, from that port by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, nor in the rewards conferred for the same.

That when more flag-officers than one shall be serving together, the *one-sixteenth* part of the net proceeds of prizes captured from the enemy, and of the other captures or seizures as aforesaid, made by any ships or vessels of the fleet or squadron, and of the rewards conferred for the same, shall be divided in the following proportions, namely:

If there be but 2 flag-officers, the chief shall have *two third* parts of the said *one-sixteenth*, and the other shall have the remaining *third* part; but if the number of flag-officers be more than 2, the chief shall have only *one-half*, and the

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other *half* shall be equally divided amongst the junior flag-officers.

That commodores of the 1st class and captains of the fleet shall be esteemed as flag-officers.

With regard to the preparation of the lists for the distribution of captures or seizures, and the rewards conferred for the same, we beg leave, most humbly, to propose, that the captains and commanders of your Majesty's ships and vessels of war shall, on making any capture or seizure, transmit, as soon as may be, or cause to be transmitted, to the secretary of the Admiralty, a true and perfect list of all the officers, seamen, marines and soldiers, and others, who were actually on board your Majesty's ships and vessels of war under their command at the time of the said capture or seizure, and also of those who were absent on duty at such time; which list shall contain the quality of the service of each person on board, together with the description of the men, taken from the description books of the capturing ships or vessels, and their several ratings, and be subscribed by the captain or commanding officer and 3 or more of the chief officers on board.

And when such lists shall have been duly examined with the muster books of such ships or vessels, and lists annexed thereto, in order to see that such lists agree with such muster books and annexed lists, as to the names, qualities, or ratings of the officers, seamen, marines, soldiers, and others, belonging to such ships and vessels, and, upon request, the Accountant-General of the navy, or examining officer, shall forthwith grant a certificate, signed by such officer, of the truth of any lists so transmitted to the agents nominated and appointed by the captors or seizors; and also, upon application, the said Accountant-General, or examining officer, shall give, or cause to be given, to the said agents all such lists from the muster books of any such ships and vessels, and annexed lists, as the said agents shall find requisite for their direction in making distribution to the parties entitled to share in the produce of such captures and seizures, and the rewards conferred for the same, and shall otherwise be aiding and assisting to the said agents in all such matters as shall be necessary.

Lastly. In case any difficulty shall arise in respect to any

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of the regulations hereby proposed, and not herein sufficiently provided for, the same shall be referred to the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, and their directions thereupon shall be final, and have the same force and effect as if specially provided for in your Majesty's Royal Proclamation."

His Majesty, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve thereof, and also of the scheme for future distribution therein submitted; and His Majesty, by and with the advice aforesaid, is hereby pleased to direct, that the aforesaid Proclamation of the 29th of June, 1815, for granting the distribution of the proceeds of prizes captured from the enemy, and the said Order in Council of the 30th of June, 1827, for the distribution of the proceeds and rewards arising from the several other captures and seizures before-mentioned, be annulled, and the same are hereby annulled accordingly, save and except in so far as the said Proclamation or Order may have revoked any former Proclamation or Proclamations, Order or Orders respectively, and also save and except as to any captures or seizures which have been made before the day of the date of this Order, and any captures or seizures which shall be made after that day, and which shall be condemned or adjudged in any of His Majesty's Courts of Vice-Admiralty, before notice of this Order shall have been received by the Court of Vice-Admiralty in which such condemnation or adjudication shall pass, and that the proceeds of all such last-mentioned captures and seizures, together with all rewards conferred for the same, shall continue to be distributed in the proportions and manner directed in and by the said former Proclamation and Order respectively.

C. C. GREVILLE.

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PROCLAMATION *of the King, directing a new Distribution of the Rewards for Prizes captured from the Enemy, and for Revenue, Slave Trade, and Piratical Seizures made by His Majesty's Navy.* 19*th March*, 1834.

By the KING.

A PROCLAMATION.

WILLIAM, R.

WHEREAS by our Order in Council of this day's date, we were graciously pleased, for the reasons therein contained, to annul our Royal Proclamation of the 29th of June, 1815, for granting the distribution of the net proceeds of prizes captured from the enemy, and also our Order in Council of the 30th of June, 1827, for the distribution of the net proceeds of captures and seizures made by our ships and vessels of war, under the several Acts passed for the prevention of smuggling, and other Acts relating to our revenue of customs and to trade and navigation, for the abolition of the *slave trade*, and for the capture and destruction of *piratical* vessels, and of the rewards which have been conferred for the same; and it is expedient that provision should be made by us for the future distribution of such proceeds and rewards; we do now make known to all our loving subjects, and all others whom it may concern, by this our Proclamation, by and with the advice and consent of our Privy Council, that our will and pleasure is, and we do hereby direct, that the distribution of such proceeds and rewards shall be made in the following manner, viz.

That the Flag-officer or officers shall have *one sixteenth* part of the whole net proceeds arising from prizes captured from the enemy, and from all other captures and seizures as aforesaid, made by the ships and vessels under his command, and of the rewards conferred for the same, save and except as hereinafter provided and directed.

That the captain or captains, or commanders of any of our ships or sloops of war, or the officer or officers respectively commanding such ships or sloops of war, who shall have been actually on board at the time of any such capture or seizure,

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shall have *one sixth* part of the remainder, and where there is no flag-officer, *one sixth* part of the whole.

That the remainder shall be distributed into shares according to the annexed scale.

1*st Class.* To the senior lieutenant, from 1st to 5th rates inclusive, or the commander acting as 1st lieutenant (where there is one), the master of the fleet, and field officer of marine (if embarked)—55 shares each.

2*nd Class.* To the other lieutenants, captain of marines, master, physician of the fleet, and secretary to the commander-in-chief—45 shares each.

3*rd Class.* To the chaplain, surgeon, and other flag-officers, secretaries, purser, lieutenants of marines, boatswain, gunner, and carpenter—25 shares each.

4*th Class.* To mates, second master, assistant surgeon, schoolmaster, clerks, master at arms—18 shares each.

5*th Class.* To midshipmen, master's assistant, admiral's coxswain, ship's corporal, captain's coxwain, quartermaster, gunners' and boatswains' mates, captains of forecastle and hold, coxswain of launch, caulker, sail-maker, carpenters' mates, armourer, captains of main and fore tops, serjeant of marines—10 shares each.

6*th Class.* To captains of masts and afterguard, yeoman of signals, coxswain of pinnace, sail-makers', caulkers', and armourers' mates, cooper, rope-maker, volunteers of 1st class, ship's cook, corporals of marines—8 shares each.

7*th Class.* To seamen, gunners, gunners' crew, carpenters', cooks', and sail-makers' crews, able seamen, yeomen of store room, private and fifer of marines, above 7 years—5 shares each.

8*th Class.* To cook's mate, barber, ordinary seamen, captain's and purser's and ward-room stewards, captain's and ward-room cooks, private and fifer of marines, under 7 years, and admiral's steward, cook, and domestics—3 shares each.

9*th Class.* To landsmen, stewards' mates, and others not described, including supernumeraries for victuals only, boys of 1st class—2 shares each.

10*th Class.* To boys of the 2nd class—half a share each.

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When land forces are embarked to serve as marines—they are to share accordingly to their respective ranks as marines.

2ndly. In the cases of prizes captured from the enemy, and all other captures and seizures as aforesaid, made by the officers and men of cutters, schooners, brigs, and other armed vessels of war, commanded by lieutenants, when not in company with other ships commanded by captains or commanders, the said lieutenants to share as captains, and where more small vessels than one shall be together, the lieutenants shall have equal shares of *one sixth* part.

But a lieutenant or lieutenants commanding small vessels, when in company with captains or commanders, shall share only as commanders doing duty as 1st lieutenants, or 1st lieutenants of 1st to 5th rates inclusive, namely, they shall have 55 shares.

The remainder to be shared as in the foregoing scale, with the exception of the clerk in charge, who is to share as purser, but if a ship or vessel bearing a purser be present, he is to share only as a clerk.

3rdly. In all cases in which supernumeraries, whether officers or men, shall be borne by order of the Lord High Admiral, or our Commissioners for executing the office of Lord High Admiral, or by other proper authority, they shall share with the respective ranks in which they may be acting: Provided always, and we do hereby direct, that no flag-officer or other person not actually present at the capture or destruction of any *pirate* vessel, shall be entitled to share in any distribution of the proceeds or bounty in respect of the crews of such *piratical* ships, vessels, and boats; and also that no flag-officer or other person who shall not have been actually on board of any of our ships, or ships of war, at the actual taking, sinking, burning, or otherwise destroying any ship or ships of war, or privateers, belonging to the enemy, shall be entitled to share in the distribution of any head or bounty-money granted as a reward for the taking, sinking, burning, or otherwise destroying any such ship or vessel.

4thly. The following regulations are to be established with respect to the share before mentioned, to be given to the flag-officer or officers under whose command the capturing ship may be.

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That a captain, commander, or commanding officer of a ship or vessel, shall be deemed to be under the command of a flag when he shall have actually received some order from, or be acting in execution of some order issued by a flag-officer; and in the event of his being directed to join a flag-officer on any station, he shall be deemed to be under the command of such flag-officer from the time when he arrives within the limits of the station, and shall be considered to continue under the command of the flag-officer of such station, until he shall have received some order directly from, or be acting in execution of some order issued by, some other flag-officer duly authorized, or by the Lord High Admiral, or our Commissioners for executing the office of Lord High Admiral for the time being.

That a flag-officer, commander-in-chief, where there is but one flag-officer upon service, shall have to his own use the *one-sixteenth* part of the proceeds of all prizes captured from the enemy, and of all other captures and seizures as aforesaid, made by ships and vessels under his command, and of the rewards conferred for the same, save and except as hereinbefore provided and directed.

That when ships or vessels under the command of several flags which belong to separate stations, shall happen to be joint captors, each flag-officer under whose orders the ships or vessels are shall receive such proportion of the flag share to which he shall be entitled, according to the number of ships belonging to each respectively.

Captains or commanders, or commanding officers of such ships or vessels as shall be under orders from the Lord High Admiral, or our Commissioners for executing the office of Lord High Admiral, being joint captors with other ships or vessels under a flag or flags, the flag-officer is only to have his proportion of the flag share according to the number of ships belonging to his squadron.

That if a flag-officer be sent to command in the ports of the United Kingdom, he shall have no share in the prizes captured from the enemy, nor in the other captures or seizures as aforesaid, made by ships or vessels which have sailed, or shall sail, from that port by order of the Lord High Admiral, or our

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Commissioners for executing the office of Lord High Admiral, nor in the rewards conferred for the same.

That when more flag-officers than one shall be serving together, the *one sixteenth* part of the net proceeds of prizes captured from the enemy, and of the other captures or seizures as aforesaid, made by any ships or vessels of the fleet or squadron, and of the rewards conferred for the same, shall be divided in the following proportions, namely:

If there be but 2 flag-officers, the chief shall have *two third* parts of the said *one sixteenth*, and the other shall have the remaining *third* part; but if the number of flag-officers be more than 2, the chief shall have only *one half*, and the other *half* shall be equally divided amongst the junior flag-officers.

That commodores of the first class and captains of the fleet shall be esteemed as flag-officers.

And we do hereby further direct, that the captains and commanders of our ships and vessels of war shall, on making any capture or seizure, transmit, as soon as may be, or cause to be transmitted, to the Secretary of the Admiralty, a true and perfect list of all the officers, seamen, marines, and soldiers, and others, who were actually on board our ships and vessels of war under their command, at the time of the said capture or seizure, and also of those who were absent on duty at such time; which list shall contain the quality of the service of each person on board, together with the description of the men, taken from the description books of the capturing ships or vessels, and their several ratings, and be subscribed by the captain or commanding officer, and 3 or more of the chief officers on board:

And we do hereby further direct, that when such lists shall have been duly examined with the muster books of such ships or vessels, and lists annexed thereto, in order to see that such lists agree with such muster books, and annexed lists, as to the names, qualities, or ratings of the officers, seamen, marines, soldiers, and others, belonging to such ships and vessels, and, upon request, the Accountant-General of our navy, or examining-officer, shall forthwith grant a certificate, signed by such officer, of the truth of any lists so transmitted to the agents nominated and appointed by the captors or seizors; and also, upon application, the said Accountant-General, or examining

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officer, shall give, or cause to be given, to the said agents all such lists from the muster books of any such ships and vessels, and annexed lists, as the said agents shall find requisite for their direction in making distribution to the parties entitled to share in the produce of such captures and seizures, and the rewards conferred for the same, and shall otherwise be aiding and assisting to the said agents in all such matters as shall be necessary.

And we do direct that in case any difficulty shall arise in respect to any of the regulations hereby proposed, and not herein sufficiently provided for, the same shall be referred to our Lord High Admiral, or our Commissioners for executing the office of Lord High Admiral for the time being, and their directions thereupon shall be final and have the same force and effect as if specially provided for in this our Royal Proclamation:

Provided always, and we do hereby direct, that the distribution hereinbefore made, or directed to be made, shall not be construed to affect any captures or seizures made before the day of the date of this our Royal Proclamation, nor any captures or seizures which shall be made after that day, and which shall be condemned or adjudged in any of our Courts of Vice Admiralty, before notice of this our Proclamation shall have been received by the Court of Vice Admiralty in which such condemnation or adjudication shall pass; and we do hereby, lastly, direct, that the proceeds of all such captures and seizures made before the date of this our Royal Proclamation, or which will be made after that day, and shall be condemned or adjudged in any of our Courts of Vice Admiralty antecedent to the notice of this our Royal Proclamation having been received in such Courts, together with all rewards aforesaid, shall continue to be distributed in the proportions and manner directed in and by our said former Proclamation and Order respectively.

Given at our Court at St. James's, the 19th day of March, 1834, and in the 4th year of our reign.

God save the King.

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BRITISH ORDER IN COUNCIL, *relative to the Duty payable to the Corporation of Trinity House by British and Foreign Vessels, for the Buoys in the River Exe.* 2nd *July*, 1834.

At the Court at St. James's, the 2nd day of July, 1834.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS in the 3rd year of the reign of His late Majesty King George the IVth, an Act was passed, intituled "An Act for further continuing, altering, and amending several Acts for the better regulation of lastage and ballastage in the river Thames; and for enabling the corporation of *Trinity-house* of Deptford Strond to reduce, alter, modify, relinquish, or abolish dues payable to the said corporation; and for other purposes connected therewith;" whereby, after reciting, among other things, that "under the authority and by virtue of the several Acts of Parliament, therein recited, as well as of other Acts of Parliament, and of divers charters, grants, and letters patent of Kings and Queens of this realm, and also by prescriptive right, the masters, wardens, and assistants for the time being of the *Trinity-house* of Deptford Strond aforesaid have collected, taken, levied, and received, from or in respect of ships and vessels requiring ballast, the several rates and prices specified in the said Act of the 45th year of the reign of his said late Majesty King George the IIIrd, and certain dues or duties, rates or tolls of various denominations from or in respect of all *British* ships and vessels, and from or in respect of all *Foreign* ships and vessels entering or departing from the ports, harbours, or roadsteads of the *United Kingdom* of *Great Britain* and *Ireland;* and that the masters, wardens, and assistants of the *Trinity-house* of Deptford Strond aforesaid have not by the terms of the said several Acts of Parliament, charters, grants, and letters patent, or any of them, any power to reduce, modify, alter, relinquish, or abolish any of the rates, prices, dues, duties, and tolls imposed or granted, collected, taken, levied, and received as aforesaid; and that it is

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expedient that the said master, wardens, and assistants should be empowered (under the regulations thereinafter contained) to reduce, alter, modify, relinquish, or abolish, and at any time or times thereafter to revive and re-establish, any of the rates, prices, dues, duties, and tolls aforesaid, or any part or parts thereof, from time to time as to them the said master, wardens, and assistants should seem meet, just, and reasonable;" it is, amongst other things, enacted that the master, wardens, and assistants for the time being of the corporation of *Trinity-house* of Deptford Strond aforesaid, shall be, and they are thereby, authorized and empowered from time to time, and at any time or times thereafter, upon the requisition or with the consent of His Majesty, his heirs and successors, in his or their Most Honourable Privy Council, to reduce, relinquish, abolish, alter, or modify, all or any or either of the rates, prices, dues, duties, or tolls imposed or granted by the said several grants, charters, or Acts of Parliament, or any of them, or collected, taken, levied, and received under the authority thereof respectively, or by ancient usage, custom, or prescription, or any part or parts thereof, so far as may be consistent with the charitable and other uses, purposes, and intents for which the said corporation has been established and maintained; and that it shall also be lawful for the master, wardens, and assistants for the time being of the said corporation of *Trinity-house* of Deptford Strond, at any time or times after the passing thereof, to revive and re-establish any rates, prices, dues, duties, or tolls which may have been relinquished or abolished, or to increase, or otherwise alter or modify any rates, prices, dues, duties or tolls which may have been reduced, altered, or modified under the authority of the said Act, and so from time to time to relinquish or abolish, and revive or re-establish, and reduce or increase, alter or modify, all or any of such rates, prices, dues, duties, or tolls as occasion may require, so as, nevertheless, that no such rates, prices, dues, duties, or tolls shall at any time be increased beyond the amount which might be collected, taken, levied, or received by the said corporation in respect thereof before the passing of the said Act; and it is thereby provided, that no such relinquishment, abolition, reduction, alteration, or modification, or subsequent revival, re-establishment, increase, alteration, or modification, of

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any such rates, prices, dues, duties, or tolls, or any or either of them, or any part or parts thereof, shall at any time be deemed valid or take effect until the same shall have been submitted by the said master, wardens, and assistants to, and shall have been assented to and confirmed by, His Majesty, his heirs or successors, in his or their Most Honourable Privy Council, and such assent and confirmation shall have been signified in writing, unto the said master, wardens, and assistants; and that it shall be lawful for the said master, wardens, and assistants to fix and determine the period (so that the same do not exceed 3 calendar months, from the receipt by them of such assent or confirmation as aforesaid), from and after which, all and every the rates, prices, dues, duties, or tolls so relinquished or abolished, shall be discontinued and no longer collected, taken, levied, or received, or from and after which, all and every the rates, prices, dues, duties, or tolls so received or re-established, reduced, increased, altered, or modified respectively as aforesaid, shall and may be collected, received, levied, or taken:

And whereas the said master, wardens, and assistants have submitted to His Majesty in his Most Honourable Privy Council, that the rates of duty now payable for the buoys in the *River Exe*, be reduced as follows, that is to say:

	Present Rates.	Proposed Rates.
British vessels and *Foreign* vessels privileged, in respect of charges . . .	One penny per ton per voyage.	One halfpenny per ton per voyage.
Foreign vessels not privileged	Two pence. . .	One penny.
Stone boats . .	Five shillings each per annum, as at present.	

Now, therefore, in pursuance of the said Act of Parliament, and in exercise of the authority thereby vested in His Majesty in Council in that behalf, His Majesty, with the advice of his Privy Council, doth assent to and confirm the said proposed reduction, and it is hereby ordered that such assent and confirmation be signified in writing unto the said master, wardens, and assistants, by the clerk of His Majesty's Council in waiting, to the intent that in further pursuance of the said Act, the said master, wardens, and assistants, do affix and determine

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the period not exceeding 3 calendar months, from the receipt by them of such assent or confirmation, from and after which the rates and duties so reduced, may be collected, received, levied, and taken.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

WM. L. BATHURST.

ACT *of the British Parliament, "to regulate the Conveyance of printed Newspapers by Post between Great Britain and Foreign Parts," &c.*

[4 & 5 Will. 4. cap. 44.] [13th August, 1834.]

IV. AND be it further enacted, that from and after the said 1st day of October, 1834, it shall and may be lawful for His Majesty's Postmaster General for the time being, and his deputy and deputies in *Great Britain* and *Ireland*, to receive at any General Post Office printed Newspapers liable to the stamp duty, and duly stamped for conveyance by packet boats from *Great Britain* and *Ireland* to any port out of the United Kingdom, other than His Majesty's colonies and possessions, and to forward the same accordingly free of the duty of postage, and that Newspapers printed in any kingdom or state beyond the seas, other than His Majesty's colonies and possessions, and brought into the United Kingdom by packet boats, shall and may (if printed in the language of the *Foreign* kingdom or state from which the same shall be forwarded, but not otherwise) be delivered by the General Post within the United Kingdom free of the duty of postage: provided always, that before any Newspapers to or from any *Foreign* port shall be permitted to be conveyed or delivered free of postage, under the provisions of this clause, satisfactory proof shall have been laid before the Postmaster General for the time being that printed Newspapers sent from *Great*

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Britain or *Ireland*, addressed to any person or place in any *Foreign* kingdom or state, are allowed to pass by the post within any such *Foreign* kingdom or state free of postage, and also that Newspapers addressed to any person or place in *Great Britain* or *Ireland* from any such *Foreign* kingdom or state are allowed to pass by the post within such *Foreign* kingdom or state free of postage; and it is hereby further declared, that as to every Newspaper put into any General Post Office within *Great Britain* or *Ireland* for conveyance by packet boat, addressed to any person or place in any *Foreign* kingdom or state in which printed Newspapers from *Great Britain* or *Ireland* shall not be allowed to pass by the post free of postage, it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for the conveyance of every such printed Newspaper to any *Foreign* port the sum of 2*d.*, to be paid when the same shall be put into the post office; and as to every Newspaper addressed to *Great Britain* or *Ireland*, and brought into the United Kingdom from any *Foreign* kingdom or state in which such printed Newspapers shall not be allowed to pass by the post free of postage, it is hereby declared that it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for the conveyance of every such Newspaper by the General Post the sum of 2*d.*, on the delivery thereof by such post to the person to whom the same shall be addressed, over and above and in addition to any postage charged thereon by any *Foreign* Post Office, provided every such paper be printed and published in the language of the kingdom or state from which the same shall be forwarded.

V. And whereas circumstances may arise which may render it expedient again to impose and demand the said respective rates of 2*d.* by the said lastly hereinbefore mentioned clause granted, after the same shall have ceased to be de-

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manded by reason of such satisfactory proof having been laid before the Postmaster General for the time being as aforesaid; now be it further enacted, that it shall be lawful for His Majesty's Postmaster General for the time being, by and with the consent of the Lords Commissioners of His Majesty's Treasury, or any 3 or more of them, at any time after such satisfactory proof shall have been laid before His Majesty's Post Master General for the time being as aforesaid, again to impose, demand, and receive the said respective rates of 2*d.* for the conveyance of any such printed Newspaper to any *Foreign* port, and on the delivery of any such printed Newspaper from any *Foreign* kingdom or state, whenever it shall be deemed expedient so to do.

VI. And be it further enacted, that no Newspaper shall be sent by the post under the provisions of this present Act, unless every such paper be sent without a cover, or in a cover open at the sides, and that there be no words or communication printed on such paper after the same shall have been published, nor any writing or marks upon such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, and so that there be no paper or thing enclosed or concealed in or with such printed paper or the cover thereof, nor any printed words or communication on the cover thereof.

VII. And be it further enacted, that every printed Newspaper to be sent out of the *United Kingdom* under the provisions of this Act shall in all cases be put into a post office or receiving office in Great Britain or Ireland within 7 days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper; and in case any such paper shall be put into any post office at any time after the expiration of such 7 days, it shall and may be lawful for His Majesty's Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or to forward the same by the post, charged with the full duty of letter postage according to the rates now established by law.

VIII. And be it further enacted, that in case any person to whom any printed Newspaper brought into the United King-

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dom under the provisions of this Act shall be directed shall have removed from or quitted the place to which such Newspaper shall be addressed prior to the delivery thereof at such place, any such Newspaper, on arriving or delivery at the place of its address, shall and may (provided the same shall not have been opened or used, but not otherwise) be re-directed, and forwarded by the post to such person at any other place within the *United Kingdom*, free of any charge for such extra conveyance; but if any such Newspaper shall have been opened or used, the same shall, on re-direction, be charged and chargeable with the rate of a single letter, from the place at which such Newspaper, shall be re-directed or re-posted to the place at which it shall be ultimately delivered.

X. And be it further enacted, that it shall be lawful for His Majesty's Postmaster General and his deputy and deputies, or any of the officers employed under him or them respectively, to examine and search any printed paper or packet which under the provisions of this present Act shall be sent by the post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such paper after the same was published, or whether there is any writing or mark upon such printed paper, or the cover thereof, other than the name and address of the person to whom it is sent, or whether there is any paper or thing enclosed or concealed in or with such printed paper or the cover thereof, or whether there are any printed words or communications on the cover thereof, or whether the papers brought into the *United Kingdom from* any *Foreign* kingdom or state shall be printed and published in the language of the kingdom or state from which they shall have been forwarded; and also, in order to discover whether the Newspapers printed and posted in the *United Kingdom* shall be duly stamped, and in case any words or communication shall be found to have been printed on any such paper after the same was published, or any writing or mark shall be found on any such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be enclosed or concealed in or with such printed paper or the cover thereof as aforesaid, or any printed words or com-

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munications shall be found upon the cover thereof, or in case any Newspaper brought into the *United Kingdom* from any *Foreign* kingdom or state shall not be printed and published in the language of the kingdom or state from which the same shall have been forwarded, the whole of every such packet addressed and delivered to any person within the *United Kingdom* shall be charged with treble the duty of letter postage according to the rates now established by law; and as to every such paper or packet going out of the *United Kingdom*, it shall be lawful for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or packet or to forward the same by the post, charged with the duty of letter postage; and in case any Newspaper printed and posted in the *United Kingdom*, and sent by the post under the provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at London or Dublin, as the case may be.

XI. And be it further enacted, that all printed papers to be conveyed by the post under the provisions of this Act shall be delivered to the Postmaster General, or his deputy or deputies, at such hours in the day and under all such regulations as the Postmaster General for the time being shall in his discretion from time to time appoint.

XII. And be it further enacted, that nothing herein contained shall be construed to oblige any person or persons to send any printed Newspapers to or from places beyond the seas through His Majesty's post office, but that it shall and may be lawful for all persons to send such printed Newspapers to and from places beyond the seas in any manner they may find practicable or convenient.

XIII. And be it further enacted, that in all cases in which any dispute, controversy, or question shall arise whether any printed paper sent or offered to be sent by the post, under the provisions of this Act or any other Act relating or referring to the post office, is to be considered and deemed a Newspaper within the intent and meaning of this Act or any other Act relating or referring to the post office, or whether any such printed paper is entitled to the exemptions and privileges of a Newspaper so far as to authorise the transmission of the same

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by the post free of postage, the question shall be referred to the judgment and determination of the Postmaster General for the time being, whose decision, with the concurrence of any 3 or more of the Lords Commissioners of His Majesty's Treasury, shall be final and conclusive on all persons whomsoever.

ACT *of the British Parliament, "relative to British Merchant Seamen;" so far as it relates to Certificates of their being disabled, &c., Abroad.*

[4 & 5 Will. 4, cap. 52.] [13th August, 1834.]

WHEREAS by an Act passed in the 20th year of the reign of His Majesty King George the IInd, [cap. 38.] intituled "An Act for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned in the merchant service," a body corporate and politic was created by the name of "The President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service," and divers powers and privileges were thereby granted to the said corporation, and regulations made for the management thereof; and various provisions were by the said Act made for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned as aforesaid; and whereas another Act was passed in the 37th year of the reign of His Majesty King George the IIIrd, [cap. 73.] intituled "An Act for preventing the desertion of seamen from *British* merchant ships trading to His Majesty's colonies and plantations Abroad:" * and whereas it is expedient to repeal some, and to extend and comprise in one Act of Parliament others of the provisions of the said 2 recited Acts: 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

* Repealed by 5 & 6 Will. 4, cap. 19.

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Parliament assembled, and by the authority of the same, that from and after the 31st day of December, 1834, from which day (except as hereinafter is expressly provided) this Act shall commence and take effect, the whole of the said recited Act of the 20th year of the reign of His said late Majesty King George the IInd, except so far as the same relates to the incorporation and perpetual succession of the said body corporate and politic, or to the powers and authorities thereby vested in the said President and Governors for receiving, possessing, and applying such sums of money as should be contributed, devised or bequeathed to it, and for purchasing and holding lands and erecting an hospital, or to the rules and method thereby provided for supplying the places of the president and assistants or committees and governors or members thereof, so often as vacancies shall occur, and making and altering the bye-laws, constitutions, and ordinances of the said corporation; and so much of the said recited Act of the 37th year of the reign of His said late Majesty King George the IIIrd, as relates to the payment and appropriation to and for the uses and purposes therein mentioned of the wages of deceased seamen and other persons engaged in *British* merchant ships trading to the *West Indies*, and to the penalties and forfeitures thereby imposed, so far as the same are payable or recoverable on account of any infraction of the provisions of the said Act respecting the payment and appropriation of such wages as aforesaid; be and the same are hereby declared to be repealed: provided always, that all offences which shall have been committed, and all penalties and forfeitures which shall have been incurred, and all payments and duties to which any party shall have become liable, previous to the commencement of this Act, against the provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed, although such payments and duties shall not in consequence of such liability have become actually receivable by the said president and governors until after the said 31st day of December.

II. And be it further enacted, that the said president and governors and their successors shall and may, and they are hereby authorized and empowered to provide, in such their

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hospital as aforesaid, for the reception of such seamen as shall be rendered incapable of present or future services by sickness, wounds, or other accidental misfortunes, and those who shall become decrepit or worn-out by age, or shall provide for such seamen by allowing them certain pensions, or otherwise as to the said president and governors and their successors shall seem meet and most for the advantage of the said charity; and also to relieve the widows and children of such seamen as shall be killed, slain, or drowned in the said service; and also to relieve the widows and children of such seamen as shall die, after having contributed during a term of 21 years to the funds of this corporation, provided such children are not of the age of 14 years, or if of that age or upwards, not capable of getting a livelihood by reason of lameness, blindness, or other infirmities, and are proper objects of charity; and also to relieve the widows and children (such children being proper objects of charity as aforesaid) of such seamen as at the time of their death shall have been receiving or have been entitled to receive pensions, under and by virtue of this Act, from the fund hereby to be created, as decrepit or worn-out seamen: Provided that no widow shall be entitled to any benefit under this Act who shall not have been the wife of such seaman or pensioner before he became entitled to relief under the provisions of this Act: Provided nevertheless, that no seaman in the said service shall be entitled to any of the provisions or benefits of this Act, on account of any hurt or damage he may have received on board any ship or vessel, unless he shall produce or cause to be produced a *Certificate* to the said president, assistants, and committees, of the hurt or damage he hath received, from the master, mate, boatswain, and surgeon, or so many of them as were in the ship or vessel to which such seaman belonged at the time of his receiving such hurt or damage, or of the master and 2 of the seamen if there be no other officer, or in case the master shall die, or be killed or drowned, then of the person who shall take upon him the care of the ship or vessel, and 2 of the seamen on board the same, under their hands and seals, thereby signifying how and in what manner such seaman received such hurt or damage, whether in fighting, defending, working, loading, or unloading, the said ship or

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vessel, where and when he entered, and how long he had served on board the same; and the parties so signing and sealing such *Certificate* shall, and are hereby required to make oath of the truth of the contents thereof, before some one of His Majesty's Justices of the Peace, if given in *Great Britain* or *Ireland*, or other His Majesty's dominions, or the chief officer of the customs of the port or place where there is no Justice of the Peace, or before the *British Consul*, or *Resident*, in any *Foreign country* where such *Certificate* is executed (who are hereby respectively authorized and required to administer the same without fee or reward); and in case of sickness, whereby such seaman shall be rendered incapable of service, a *Certificate*, signed, sealed, and authenticated, in like manner, signifying that he was healthy when he entered on board such ship or vessel, and that such sickness was contracted on board the same, or on shore in doing his duty in the service of the ship, and not otherwise, and expressing the time and place he entered on board such ship or vessel, and how long he had served therein; and that no widow, child or children of any seaman killed, slain, or drowned in the said service, shall be relieved or entitled to any allowance by virtue of this Act unless she or they, or some person on her or their behalf, shall produce a *Certificate*, signed, sealed, and authenticated in like manner, signifying how and in what manner such seaman lost his life in the service of the said ship or vessel, the time and place he entered on board, and how long he had served therein; and that no widow, child, or children of any seaman in the said service shall be entitled to any relief by virtue of this Act unless she or they shall produce or cause to be produced a *Certificate* under the hands and seals of the minister and churchwardens and overseers of the poor of the parish, township, or place, or any 2 of them, or under the hands and seals of the minister and overseers of the poor of the parish, township, or place, or any 2 of them, where there are no churchwardens, or if in *Scotland* by the minister and elders, or if in *Ireland* by a Justice of the Peace for the parish, township, or place where such widow, child, or children shall at the time reside, and if such widow, child, or children are some of the people called Quakers, then by any 2 reputable persons of that persuasion of the parish, township, or place

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where such widow, child, or children have a legal settlement or do inhabit and reside, to be attested by two or more credible witnesses, that such widow was the lawful wife and real widow, and that such child or children was or were the lawful child or children of such deceased seaman as aforesaid, and that such child or children is and are under the age of 14 years, or if of that age or upwards, not capable of getting a livelihood by reason of lameness, blindness, or other infirmities, and is or are proper objects of charity; and that no seaman shall be provided for by a pension or otherwise, as decrepit or worn-out, unless such seaman shall have served in the merchant service for the space of 5 years, and shall have during that time contributed and paid the monthly duty out of his wages, in and by the Act of the 20th year of the reign of King George the IInd hereinbefore recited, or in and by this Act, required to be henceforward paid and deducted as the case may happen, for the uses and purposes in and by this Act provided.

III. Provided always, and be it further enacted, that if any person shall forge, counterfeit, erase, or alter, or shall procure to be forged, counterfeited, erased, or altered, or shall unfairly or unduly obtain any *Certificate* in order to entitle him or her to any of the pensions, allowances, or benefits of this Act, and shall produce or cause such *Certificate* to be produced for that purpose, such *Certificate* shall, upon discovery thereof, be null and void, and such person so applying for relief or provision shall be for ever incapable of receiving any of the benefits of this Act, and shall be subject and liable to the like punishment as an incorrigible rogue is subject and liable to, and shall be punished accordingly as such.

ACT *of the British Parliament "to amend the Laws relating to the Customs;" so far as it relates to certain Orders in Council.*

[4 & 5 Will. 4. cap. 89.] [15th August, 1834.]

XXIX. And whereas, in and by the several Acts repealed as aforesaid by the said first-mentioned Act of the 3rd and 4th year of His Majesty's reign, [cap. 50.] or in and by some of

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them, His Majesty, with the advice of his Privy Council, was authorized to make orders for the various purposes in such Acts respectively in that behalf mentioned: And whereas in pursuance and exercise of the powers in the said repealed Acts, or some of them, so contained, His Majesty and His late Majesty King George the IVth did, by the advice of their respective Privy Councils, make divers Orders, which Orders in Council, or some of them, were in force at or immediately before the time at which the said recited Act of the 3rd and 4th year of His Majesty's reign took effect and came into operation: And whereas doubts may arise whether in consequence of the repeal of the several Acts aforesaid, the said Orders in Council have not ceased to be binding and in force: And whereas it is expedient that such doubts as aforesaid should be removed; be it therefore enacted and declared, that all Orders made by His Majesty, or by His late Majesty King George the IVth, with the advice of their respective Privy Councils, in pursuance of any of the Acts so repealed as aforesaid, so far as the same or any of them were or was in force at or immediately before the time when the said Act of the 3rd and 4th year of His Majesty's reign came into operation, did, notwithstanding that Act, continue in full force as though that Act had not been made, and shall hereafter continue in full force, unless and until the same or any of them shall be either in whole or in part rescinded and revoked by His Majesty, with the advice of his Privy Council.

BRITISH ORDER IN COUNCIL, *exempting certain British and Foreign Vessels from Light and other Duties payable to to the Corporation of the Trinity-house. 7th February*, 1835.

At the Court at Brighton, the 7th day of February, 1835.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 3rd year of the reign of His late Majesty King George the IVth, intituled "An Act

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for further continuing, altering, and amending several Acts for the better regulation of lastage and ballastage in the river Thames, and for enabling the corporation of *Trinity-house* of Deptford Strond to reduce, alter, modify, relinquish, or abolish dues payable to the said corporation; and for other purposes connected therewith;" after reciting, amongst other things, that under the authority and by virtue of the several Acts of Parliament and grants thereinbefore recited, as well as of other Acts of Parliament, and of divers charters, grants, and letters patent of Kings and Queens of this realm, and also by prescriptive right, the master, wardens, and assistants for the time being of the *Trinity-house* of Deptford Strond aforesaid, had collected, taken, levied, and received from or in respect of ships and vessels requiring ballast, the several rates and prices specified in an Act therein mentioned, of the 45th year of the reign of His late Majesty King George the IIIrd, and certain dues or duties, rates, or tolls of various denominations from or in respect of all *British* ships and vessels, and from or in respect of all *Foreign* ships and vessels entering or departing from the ports, harbours, or roadsteads of the *United Kingdom* of Great Britain and Ireland; and that the master, wardens, and assistants of the *Trinity-house* of Deptford Strond aforesaid had not by the terms of the several Acts of Parliament, charters, grants, and letters patent, or any of them, any power to reduce, modify, alter, relinquish, or abolish any of the rates, prices, dues, duties, and tolls imposed or granted, collected, taken, levied, and received as aforesaid; and that it was expedient that the said master, wardens, and assistants should be empowered (under the regulations thereinafter contained) to reduce, alter, modify, relinquish, or abolish, and at any time or times thereafter to revive and re-establish any of the rates, prices, dues, duties and tolls aforesaid, or any part or parts thereof, from time to time as to them the said master, wardens, and assistants should seem meet, just, and reasonable; it is, amongst other things, enacted that the master, wardens, and assistants for the time being of the corporation of *Trinity-house* of Deptford Strond aforesaid shall be, and they are thereby, authorized and empowered from time to time, and at any time or times thereafter, upon the requisition or with the

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consent of His Majesty, his heirs and successors, in his or their Most Honourable Privy Council, to reduce, relinquish, abolish, alter, or modify all or any or either of the rates, prices, dues, duties, or tolls imposed or granted by the said several grants, charters, or Acts of Parliament, or any of them, or collected, taken, levied, and received under the authority thereof respectively, or by ancient usage, custom, or prescription, or any part or parts thereof, so far as may be consistent with the charitable and other uses, purposes, and intents for which the said corporation has been established and maintained; and that it shall also be lawful for the master, wardens, and assistants for the time being of the said corporation of *Trinity-house* of Deptford Strond, at any time or times after the passing thereof, to revive and re-establish any rates, prices, dues, duties, or tolls which may have been relinquished or abolished, or to increase, or otherwise alter or modify, any rates, prices, dues, duties, or tolls which may have been reduced, altered, or modified under the authority of the said Act, and so from time to time to relinquish or abolish, and revive or re-establish, and reduce or increase, alter or modify, all or any of such rates, prices, dues, duties, or tolls as occasion may require, so as, nevertheless, that no such rates, prices, dues, duties, or tolls shall at any time be increased beyond the amount which might be collected, taken, levied, or received by the said corporation in respect thereof before the passing of the said Act; and it is thereby provided that no such relinquishment, abolition, reduction, alteration, or modification, or subsequent revival, re-establishment, increase, alteration, or modification, of any such rates, prices, dues, duties, or tolls, or any or either of them, or any part or parts thereof, shall at any time be deemed valid or take effect until the same shall have been submitted by the said master, wardens, and assistants to, and shall have been assented to, and confirmed by, His Majesty, his heirs, or successors, in his or their Most Honourable Privy Council, and such assent and confirmation shall have been signified in writing unto the said master, wardens, and assistants; and that it shall be lawful for the said master, wardens, and assistants to fix and determine the period (so that the same do not exceed 3 calendar months, from the

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receipt by them of such assent or confirmation as aforesaid) from and after which, all and every the rates, prices, dues, duties, or tolls so relinquished or abolished, shall be discontinued and no longer collected, taken, levied, or received, or from and after which, all and every the rates, prices, dues, duties, or tolls so revived or re-established, reduced, increased, altered, or modified respectively as aforesaid, shall and may be collected, received, levied, or taken:

And whereas the said master, wardens, and assistants have submitted to His Majesty in Council the proposals, of which a copy is contained in the schedule subjoined to this present Order; and whereas it hath appeared to His Majesty in Council expedient, that the said proposals should be confirmed;

Now, therefore, in pursuance of the said Act of Parliament, and in exercise of the powers thereby in His Majesty in that behalf vested, His Majesty doth, by and with the advice of his Privy Council, assent to and confirm the said proposals; and it is hereby ordered that such assent and confirmation shall be signified in writing to the said master, wardens, and assistants, to the intent that, in further pursuance of the said Act of Parliament, the said master, wardens, and assistants do fix and determine the period, so that the same do not exceed 3 calendar months from the receipt by them of such assent or confirmation, from and after which all and every the rates, dues, duties, or tolls relinquished or abolished, as in the said subjoined proposals is mentioned, shall be discontinued and no longer collected, taken, levied, or received:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to givet he necessary directions herein accordingly.

WM. L. BATHURST.

Schedule to which the preceding Order refers.

1*st*. That vessels belonging to the *United Kingdom*, and also all *Foreign* vessels, which may be driven by stress of weather to seek shelter in any *British* or *Irish* port (excepting such as shall break bulk or take in cargo at such port, and excepting

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also such as shall remain in port longer than the state of the weather or the reparation of damage may render unavoidable) shall not be chargeable with any light or other duties payable to the corporation of *Trinity-house* of Deptford Strond; and no vessel shall be chargeable with the duty for any light (such duty being payable to that corporation) which such vessel may pass or receive benefit by when driven out of her course by stress of weather.

2nd. That all vessels, smacks, and boats, belonging to the *United Kingdom*, while actually employed in catching fish within soundings, shall be exempt from light and other duties payable to the corporation of *Trinity-house* aforesaid; but which exemption shall not extend to vessels which are employed in carrying to port fish caught by other vessels, or otherwise procured.

BRITISH ORDER IN COUNCIL, *appointing Welch Pool, in New Brunswick, to be a free Port, and a Free Warehousing Port.* 1*st April*, 1835.

At the Court at St. James's, the 1*st day of April*, 1835.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 3rd and 4th year of His Majesty's reign, [cap. 59.] intituled "An Act to regulate the Trade of the *British* Possessions Abroad," it is amongst other things enacted, that no goods shall be imported into, nor shall any goods, except the produce of fisheries in *British* ships, be exported from, any of the *British* possessions in *America* by sea, from or to any place other than the *United Kingdom*, or some other of such possessions, excepting to or from the several ports in such possessions called *Free ports*, enumerated or described in the table in the said Act contained; and it is thereby further enacted, that if any goods shall be imported into any port or place in any of the said possessions contrary

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to the said Act, such goods shall be forfeited; and it is thereby provided, that if His Majesty shall deem it expedient to extend the provisions of the said Act to any port or ports not enumerated in the said table, it shall be lawful for His Majesty, by Order in Council, to extend the provisions of the said Act to such port or ports, and that from and after the day mentioned in such Order in Council, all the privileges and advantages of the said Act, and all the provisions, penalties, and forfeitures therein contained, subject, nevertheless, to the limitations and restrictions thereinafter provided, shall extend and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said table at the time of passing the said Act: and whereas it is by the said Act further enacted, that the several ports therein in that behalf mentioned shall be *Free warehousing* ports for all the purposes of the said Act; and it is thereby further enacted, that it shall be lawful for His Majesty, by Order in Council, from time to time to appoint any port in His Majesty's possessions in *America* to be a *Free warehousing port* for all or any of the purposes of the said Act; and that every such port, so appointed by His Majesty, shall be, for all the purposes expressed in such Order, a *Free warehousing port* under the said Act, as if appointed by the same:

And whereas His Majesty doth deem it expedient to extend the before-mentioned provisions of the said Act, respecting such *Free ports* and such *Free warehousing ports* as aforesaid, to the port of *Welch Pool*, in the island of *Campo Bello*, in the province of *New Brunswick*:

Now, therefore, under and by virtue of the said Act of Parliament, and in exercise of the powers thereby in His Majesty in Council in that behalf vested, His Majesty, by and with the advice of his Privy Council, doth order, and it is hereby ordered accordingly, that the provisions of the said Act, as far as the same relate to the *Free ports* and the *Free warehousing ports* respectively therein mentioned, shall be, and the same are hereby extended to *Welch Pool*, in the island of *Campo Bello*, in the province of *New Brunswick*; and that, from and after the 1st day of June next, all the privileges and advantages by the said Act conferred upon the *Free ports* therein mentioned,

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and all the provisions, penalties, and forfeitures in the said Act contained, subject to the limitations and restrictions therein provided, shall extend to the said port of *Welch Pool;* and that the said port shall, from and after the time aforesaid, for all the purposes of the said Act, be a *Free warehousing port* under the said Act as if appointed by the same.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

WM. L. BATHURST.

BRITISH ORDER IN COUNCIL, *relative to the Trade of British and Foreign Vessels with the Cape of Good Hope.* 1*st April,* 1835.

At the Court at St. James's, the 1*st day of April,* 1853.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament, passed in the 6th year of the reign of His late Majesty King George the IVth, [cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad," it was amongst other things enacted, that it should be lawful for His Majesty, by and with the advice of his Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any *British* possessions on or near the continent of *Europe,* or within the *Mediterranean* Sea, or in *Africa,* or within the limits of the *East India Company's* Charter, excepting the possessions of the said Company, as to His Majesty in Council should appear most expedient and salutary; and whereas, in pursuance of the said Act of Parliament, His Majesty, by and with the advice of his Privy Council, did on the 22nd February, 1832, make a certain Order in Council for regulating the trade of the colony of the *Cape of Good Hope,* by which Order the importation of *Tea*

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into the said colony, except from the *United Kingdom*, or from some other *British* possession in *America*, or by the *East India Company* or with their licence, was prohibited; and whereas the said recited Act of Parliament hath been subsequently repealed:

And whereas, by a certain other Act of Parliament, passed in the 3rd and 4th year of His present Majesty's reign, [cap. 59.] intituled "An Act to regulate the Trade of the *British* Possessions Abroad," it is, amongst other things, enacted, that it shall be lawful for His Majesty, by and with the advice of his Privy Council, by any Order or Orders in Council to be issued from time to time, to give such directions and make such regulations, touching the trade and commerce to and from the *British* possessions on or near the continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the limits of the East India Company's Charter, excepting the possessions of the said Company, as to His Majesty in Council shall appear most expedient and salutary, anything in that Act to the contrary notwithstanding:

And whereas doubts had arisen whether, in consequence of the repeal of several of the laws relating to the Customs, divers Orders of His Majesty in Council, issued in pursuance of such laws, had not ceased to be binding and in force, and, amongst others, the before in part recited Order in Council of 22nd February, 1832:

And whereas, by a certain Act, passed in the 4th and 5th years of His present Majesty's reign, [cap. 89.] intituled "An Act to amend the laws relating to the Customs," it is declared to be expedient that such doubts as aforesaid should be removed; and it is thereby enacted and declared, that all Orders made by His Majesty, or by His late Majesty King George the IVth, with the advice of their respective Privy Councils, in pursuance of any of the Acts so repealed as aforesaid, so far as the same, or any of them, were or was in force at or immediately before the time when the Act of the 3rd and 4th year of His Majesty's reign, by which the same were so repealed, came into operation, did, notwithstanding that Act, continue in full force, as though that Act had not been made; and should thereafter continue in full force, unless and until

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the same, or any of them, should be, either in whole or in part, rescinded or revoked by His Majesty, with the advice of his Privy Council:

And whereas by the effect of the said several recited Acts of Parliament and of the said Order in Council, so much of the said Order as relates to the importation of *Tea* into the colony of the *Cape of Good Hope* remains in force:

Now, therefore, His Majesty doth, by and with the advice of his Privy Council, and in pursuance and exercise of the powers in His Majesty in Council in that behalf vested by the several Acts of Parliament so made as aforesaid in the 3rd and 4th year, and in the 4th and 5th year of His Majesty's reign, order, and it is hereby ordered, that so much of the said recited Order in Council of the 22nd day of February, 1832, as prohibits the importation of *Tea* into the colony of the *Cape of Good Hope*, except from the *United Kingdom*, or from some other *British* possession in *America*, unless by the *East India Company* or with their licence, shall be, and the same is hereby, rescinded and revoked:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly. WM. L. BATHURST.

ACT *of the British Parliament, "to amend and consolidate the Laws relating to the Merchant Seamen of The United Kingdom," &c., so far as it relates to Seamen in the British Merchant Service, when in Foreign Countries.*

[5 & 6 Will. 4. cap. 19.] [30th July, 1835.]

WHEREAS the prosperity, strength, and safety of this United Kingdom and of His Majesty's dominions do principally depend on a large, constant, and ready supply of seamen, as well for carrying on the commerce as for the defence thereof; and it is therefore necessary to aid by all practicable means the increase of the number of such seamen, and to give them all due encouragement and protection, and to this end to amend and consolidate the laws relating to their regulation and government; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the

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Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the 31st day of July, 1835, from which day this Act shall commence and take effect, an Act passed in the 2nd year of the reign of Her late Majesty Queen Anne, &c. &c., shall be and the same are hereby declared to be repealed:* provided always, that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previous to the commencement of this Act, against the provisions of the said Acts, shall and may be punishable and recoverable under the said Acts, as if the same had not been repealed.

II. And be it further enacted, that it shall not be lawful for any master of any ship or vessel belonging to any subject of His Majesty of this United Kingdom trading to parts beyond the seas, or of any *British* registered ship of the burthen of 80 tons or upwards employed in any of the fisheries of the United Kingdom, or in trading coastwise or otherwise, to carry to sea on any voyage, either from this Kingdom or from any other place, any seaman or other person as one of his crew or complement (apprentices excepted), without first entering into an Agreement in writing with every such seaman, specifying what monthly or other wages each such seaman is to be paid, the capacity in which he is to act, and the nature of the voyage in which the ship is intended to be employed, so that the seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the day of the month and year in which the same shall be made, and shall be signed by the master in the first instance, and by the seamen respectively at the port or place where such seamen shall be respectively shipped, and the master shall cause the same to be, by or in the presence of the party who is to attest their respective signatures thereto, truly and distinctly read over to every such seaman before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is bound.

* See List of Acts repealed by this Act. Page 286.

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XVII. And be it further enacted, that whenever any ship whatever belonging to any subject of the *United Kingdom*, except in cases of wreck or condemnation, shall be sold at any port out of His Majesty's dominions, the master in all such cases (unless the crew in the presence of the *British Consul* or *Vice-Consul*, or in case of there not being any such *Consul* or *Vice-Consul*, then in the presence of one or more *British* resident merchants at such port, shall signify their consent in writing to be there discharged,) shall and he is hereby required, besides paying them the wages to which they shall be entitled under the Agreement, either to provide them with adequate employment on board some other *British* vessel homeward bound, or to furnish the means of sending them back to the port in His Majesty's dominions at which they were originally shipped, or to some port in the United Kingdom, as shall be agreed upon, by providing them with a passage home, or depositing with the *Consul* or *Vice-Consul* such a sum of money as shall be by him deemed reasonably sufficient to defray the expenses of their subsistence and passage; and if the master shall refuse or neglect to do so, such expenses when defrayed shall be a charge upon the owner whose ship shall be so sold, except in cases of barratry, wreck, or condemnation, and may be recovered against such owner as so much money paid and expended on his account, together with full costs, at the suit of the *Consul* or other person defraying such expenses, or of His Majesty's Attorney General on behalf of His Majesty, in case the same shall have been allowed to the *Consul* out of the public monies.

XXV. And in order that due care may be taken of the effects of *British* seamen dying in *Foreign* parts, and that a proper disposition may be made thereof, be it further enacted, that whenever a *British* seaman being abroad shall die elsewhere than on board a *British* ship, leaving any money or effects within the limits of any *British Consulate*, it shall be lawful for His Majesty's *Consul* there and he is hereby required to claim and take charge of all such money and effects, and to dispose of the said effects for the benefit of the next of kin of the deceased or other person who may be by law entitled to the same; and in case no claim shall be made to the

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same within 3 calendar months after the death of such seaman, the said *Consul* shall, after abating the amount of any expenses which shall have been incurred in getting in the assets of the deceased, remit the balance of all such monies which either have already arisen or shall hereafter arise by the means aforesaid to the president and governors of the corporation "for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned in the merchant service," to be by such president and governors paid over and disposed of in the same manner and under the same regulations as are provided by the said recited Act of the last Session of Parliament with respect to the wages of seamen dying on board merchant ships; and in case any seaman so dying as last mentioned shall leave on board the ship to which he shall belong any monies, clothes or other effects, and the same shall not be claimed within one month after the ship's return to the *United Kingdom* by the executor or administrator of the deceased, then the master of the said ship shall and he is hereby required to deposit the same or the proceeds arising therefrom with the president and governors aforesaid, to be by them disposed of in the same manner as is provided by the said Act with respect to the wages of deceased seamen.

XLI. And be it further enacted, that no such master shall discharge any individual person of his crew, whether British subject or *Foreigner*, at any of His Majesty's colonies or plantations, without the previous sanction in writing of the governor, lieutenant-governor, secretary, or other officer appointed in that behalf by the Government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place *Abroad* without the like previous sanction in writing of His Majesty's *Minister*, *Consul*, or *Vice-Consul* there, or in the absence of any such *Functionary*, then of two respectable merchants resident there; all which said *Functionaries* respectively are hereby authorized and required, and all which said merchants are hereby authorixed, in a sum-

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mary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

XLII. And be it further enacted, that no such master shall be at liberty to leave behind at any place *Abroad*, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from the ship, or otherwise disappeared, unless upon a previous Certificate in writing of one of such *Functionaries* or merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought back; and all such *Functionaries* as aforesaid are hereby authorized and required, on the application of any such master, to inquire by examination on oath into the circumstances, and to give or refuse such certificate according to the result of such examination.

XLIII. And be it further enacted, that if any such master shall leave behind any one of his crew as aforesaid, contrary to this Act, in any indictment or proceeding the proof of his having obtained such sanction or certificate as aforesaid shall be upon him, it being the intention hereof that, except in the case of entering into His Majesty's naval service, no person of the crew shall be discharged, either with or without his consent, in any place Abroad where such *Functionary* can be found, unless he shall have given such sanction thereto.

XLIV. And be it further enacted, that every such master who shall leave any person of his crew as aforesaid on shore at any place Abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said *Functionaries*, or if there be none such, to any 2 respectable merchants there, or if there be but one, then to such one merchant, a just and true account of the wages due to such person, and pay the same to the seamen either in money or by a bill drawn upon the owner of his ship; and if by bill, then such *Functionary* or merchant, according to the case, is hereby autho-

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rized and required by certificate indorsed on such bill to testify that the same is drawn according to this Act for money due on account of wages of a seaman, or to that effect; and any such master who shall deliver a false account, or refuse or neglect to deliver a just and true account of the wages due to such person, and to pay the amount thereof in money or by bill as aforesaid, shall, for every such offence, forfeit and pay, in addition to the wages due, the penal sum of £25.

XLV. Provided always, and be it further enacted, that nothing in this Act or in any Agreement contained shall be deemed to extend to prevent any seaman or person belonging to any merchant ship whatever from entering or being received into the naval service of His Majesty, nor shall any such entry be deemed a desertion from the merchant ship, nor incur any penalty or forfeiture whatever, either of wages, clothes, or effects, or other matter or thing, notwithstanding any Agreement made to the contrary hereof; and all masters and owners of ships are strictly prohibited from introducing into any ship's Articles or Agreement with the crew, any clause or matter by which any penalty or forfeiture of any kind is agreed to be incurred by a seaman upon his entry into His Majesty's service.

XLVII. And be it further enacted, that in all cases where any master shall have forced on shore or left behind any person against the provisions of this Act, and such person shall become distressed and be relieved under the provisions of an Act passed in the 11th year of the reign of His late Majesty King George the IVth, for amending and consolidating the laws relating to the pay of the Royal Navy, or under any Act hereafter to be passed, then, in addition to the wages due from and the penalties imposed on such master, His Majesty shall be entitled to sue such master or the owner of the ship, at the option of the Commissioners for executing the office of Lord High Admiral of the *United Kingdom*, for all the charges and expenses which shall have been incurred on the subsistence, necessary clothing, and conveyance home of any such person, as so much money paid, laid out, and expended to the use of the defendant, which, together with full costs of suit, may be recovered in the same manner as other debts due to His Ma-

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jesty are recoverable in any court having jurisdiction in cases of debts due to the crown; and in any proceeding for that purpose proof of the account furnished to the said commissioners by any one of such *Functionaries*, or by such two merchants or one merchant, according to the case, as provided by the said Act of the 11th year of the reign of King George the IVth,* shall, together with proof of payment by the said commissioners or by the Treasurer of the Navy of the charges incurred on account of any such person, be sufficient evidence that such person was relieved and conveyed home, according to the intent of the said Act, at His Majesty's expense; and the court in which any proceeding for the recovery of the said money shall be instituted is hereby authorized to issue a commission or commissions for the examination of witnesses Abroad, and the depositions taken under such commission or commissions shall be received as evidence.

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* *Act XI. Geo. 4. cap.* 20. § 82.

LXXXII. And whereas by the said Act of the 31st year of King George the IInd, and the said first-mentioned Act of the 32nd year of King George the IIIrd, hereby repealed, certain provisions were established for the care and maintenance of *British* seamen who, by shipwreck, capture, or otherwise, might be left in distress in *foreign* parts; and it is expedient that other provisions should be substituted for the due care and subsistence of seafaring persons thus circumstanced; be it therefore enacted, that the Governors, *Ministers, Consuls,* and other officers of His Majesty in *foreign* parts, and in places where there shall be no such, then any 2 *British* merchants there residing, shall and they are hereby authorized, directed, and required to send for and provide for all such seafaring men and boys, being subjects of the *United Kingdom*, who shall by shipwreck, or by any other means, or from any cause whatever, be driven to or cast away or left or be in distress at any such *foreign* parts or places, or who shall have been discharged from any of His Majesty's ships, and they and every of them are hereby required to provide for and subsist all such seafaring men and boys, and for so doing they shall be allowed so much per day as hath been or shall be in this respect authorized by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid, for the amount of which disbursements they shall send bills, together with proper vouchers, to the Commissioners of the Navy, in order that, after due examination of such vouchers, payment of the amount thereof may be made to them; and the said Governors, *Ministers, Consuls*, other officers, and merchants shall cause such men and boys to be put or sent on board the first or any ship or vessel belonging to any subjects of His Majesty which shall be bound from thence or from the neighbourhood to any part of the *United Kingdom*, and shall be in want of men to make up their complement; and if

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XLVIII. And in order the more effectually to secure a compliance with the provisions of this Act, be it further enacted, that every master of a ship belonging to any subject of His Majesty, on his arrival at any foreign port where there shall be a *British Consul* or *Vice-Consul*, shall deliver to such *Consul* or *Vice-Consul* the Agreement with his ship's crew,* to be by such *Consul* or *Vice-Consul* preserved during the ship's stay there, and to be returned to the master before his leaving the port, without any fee or charge being made for the same; and if any such master shall refuse or neglect to deliver any such Agreement to the *Consul* or *Vice-Consul*, as is hereby required,

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there shall be no such ship in want of men within a convenient time, then they shall provide and order passage home for such seafaring men and boys in the first ship or vessel of His Majesty's subjects bound to any part of the said *United Kingdom*; and every master or other person having the charge of any such ship or vessel shall and he is hereby required to receive and afford a passage, and subsistence during the voyage, to all such seafaring men and boys as shall be so sent on board his ship, not exceeding 4 for every 100 tons of his ship's burthen; and every such master, on the production to the Commissioners of the Navy of a certificate under the hands of any such Governors, *Ministers*, *Consuls*, other officers, or merchants, specifying the number and names of the men and boys, and the time when they were so received on board, and upon making oath as to the number of days they were subsisted, and that he did not during that period want of his own complement of men, or if he did want any, then the number he so wanted of his complement, and for what time he shall be entitled to receive from the said Commissioners an allowance in respect of the subsistence and passage of each such man and boy (exceeding the number so wanting of his complement), according to such rate per day as in that behalf hath been or shall be authorized by the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid; and in case any master or other person having charge of any such ship shall neglect or refuse to receive on board his ship, and to subsist and give a passage to any such seafaring man or boy, in breach of this enactment, every person so offending shall be liable to a penalty of £100 for each man or boy he shall so neglect or refuse to receive, subsist, or give a passage to, which penalty shall and may be recovered by information at the suit of His Majesty's Attorney General in His Majesty's Court of King's Bench or Exchequer at Westminster, and that in such information the offence or offences shall and may be alleged to have been committed at Westminster, in the county of *Middlesex*; and the court in which any such information shall be prosecuted shall be and is hereby authorized to issue a commission or commissions for the examination of witnesses *abroad*, the depositions taken under which shall be received in evidence on the trial of such information.

* See Forms of Agreement, A. and B. annexed.

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he shall for every such offence forfeit and pay the sum of £25.

XLIX. And be it also enacted, that during the ship's stay at any such *Foreign* port no seaman shall be shipped by any such master except with the privity of such *Consul* or *Vice-Consul*, to be indorsed or certified on the Agreement, under a penalty of £25 to be forfeited by any such master for every seaman who shall be so shipped in breach of this Act.

LII. And to avoid doubts in the construction of this Act, be it further enacted, that every person having the charge or command of any ship belonging to any subject of the *United Kingdom* shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall in like manner be deemed and taken to be a seamen within the meaning and for the purposes of this Act; and that the term "ship," as used in this Act, shall be taken and understood to comprehend every description of vessel navigating on the sea: and that the term "owner," as applied to a ship, shall be understood to comprehend all the several persons, if more than one, to whom the ship shall belong; and that all steam and other vessels employed in carrying passengers or goods shall be deemed trading ships within the meaning and for the purposes of this Act.

List of Acts repealed by this Act: viz:

2 & 3 Anne, Cap. 6. Increase of Seamen, &c.
2 Geo. 2. Cap. 36. Regulation of Seamen, &c.
2 Geo. 3. Cap. 31. Extension of ditto to America.
31 Geo. 3. Cap. 39. Regulation of Seamen, Coasting Trade.
45 Geo. 3. Cap. 81. Amendment of ditto.
37 Geo. 3. Cap. 73. Prevention of Desertion, West Indies.
58 Geo. 3. Cap. 38. Regulations for Seafaring Men and Boys.
59 Geo. 3. Cap. 58. Recovery of Seamen's Wages.
4 Geo. 4. Cap. 25. Regulation of Apprentices, &c.
3 & 4 Will. 4. Cap. 88. Recovery of Seamen's Wages.

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(A.)—*Form of Agreement for "Ships bound to Parts beyond the Seas."*

An AGREEMENT made, pursuant to the directions of an Act of Parliament passed in the 5th and 6th year of the reign of His Majesty King William the IVth, between the master of the ship of the port of and of the burthen of tons, and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally hereby engage, to serve on board the said ship in the several capacities against their respective names expressed, on a voyage from the port of to [*here the intended voyage is to be described as nearly as can be done, and the places at which it is intended the ship shall touch, or if that cannot be done, the nature of the voyage in which she is to be employed,*] and back to the port of and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master in everything relating to the said ship, and the materials, stores, and cargo thereof, whether on board such ship, in boats, or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement, provided that the same be not contrary to, or inconsistent with, the provisions and spirit of this Act.*] In consideration of which services, to be duly, honestly, carefully, and faithfully performed, the said master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed. In witness whereof, the said parties have hereto subscribed their names, on the days against their respective signatures mentioned.

Place and Time of Entry.				Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Witness to Signature.	Name of Ship in which the Seaman last served.
	Day.	Month.	Year.							

Note.—Any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores may be made good to the owner out of the wages (so far as they will extend) of the seaman guilty of the same; and if any seaman shall enter himself as qualified for a duty to which he shall prove to be not competent, he will be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency.

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(B.)—*Form of Agreement, for "Ships regularly trading or making regular voyages to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any Port on the Continent of Europe, between the river Elbe, inclusive, and Brest."*

AN AGREEMENT made, pursuant to the directions of an Act of Parliament passed in the 5th and 6th year of the reign of His Majesty King William the IVth, between the master of the ship of the port of and of the burthen of tons, and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally hereby engage, to serve on board the said ship in the said several capacities against their respective names expressed, which ship is to be employed in [*here the nature of the ship's employment is to be described, whether in the fisheries, on the coast, or in trading from one part of the United Kingdom to another, or to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any port on the Continent of Europe, between the river Elbe, inclusive, and Brest;*] and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master in everything relating to the said ship, and the materials, stores, and cargo thereof, whether on board such ship, in boats, or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement, provided that the same be not contrary to, or inconsistent with, the provisions and spirit of this Act.*] In consideration of which services, to be duly, honestly, carefully, and faithfully performed, the said master doth hereby promise to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed: Provided always, and it is hereby declared, that no seaman shall be entitled to his discharge from the ship during any voyage in which she may be engaged, nor at any other than a port in the United Kingdom. In witness whereof, the said parties have hereto subscribed their names on the days against their respective signatures mentioned.

Place and Time of Entry.				Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.			Witness to Signature.	Name of Ship in which the Seaman last served.
Day.	Month.	Year.										

See *Note*, Form (A). Page 287.

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ACT *of the British Parliament, relative to the conveyance of Letters, Newspapers, &c., by Post, to and from Foreign Countries.*

[5 & 6 Will. 4, cap. 25.] [21st August, 1835.]

WHEREAS by virtue of divers Acts of Parliament, His Majesty's Postmaster General is authorized, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take certain rates of postage for the conveyance of Letters and Packets by the post between the United Kingdom and *Foreign* parts; and whereas, in addition to the said rates, such Letters and Packets are subject to rates of postage for their conveyance within *Foreign* kingdoms and states: and whereas it is expedient, for the purpose of facilitating the intercourse with *Foreign* countries, that the postage, as well *British* as *Foreign*, on such letters and packets, should be payable in whole or in part either by the sender or receiver: 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 His Majesty's Postmaster General for the time being, and his deputies, and he and they are hereby authorized and empowered, to receive and take, upon any Letters or Packets addressed to any *Foreign* kingdom or state, from the person sending the same, the postage both *British* and *Foreign* in one entire sum, for the conveyance of such Letters and Packets by the post to the places to which the same shall be respectively addressed, and also to demand, receive, and take, upon Letters and Packets coming from *Foreign* parts addressed to any place within His Majesty's dominions, in addition to the *British* rates of postage to which the same may be liable, the rates of *Foreign* postage which may be due or payable in respect thereof, and to account for or pay over to any *Foreign* kingdom or state, kingdoms or states, entitled to receive the same, the amount of such *Foreign* postage.

II. And be it further enacted, that from and after the Postmaster General for the time being shall have made and entered into any Treaty or Agreement with the post office of any

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Foreign kingdom or state for collecting and accounting for the *British* postage on Letters and Packets sent by the post from the *United Kingdom* to any such *Foreign* kingdom or state, or to any other *Foreign* kingdom or state, and so long as any such Treaty or Agreement shall continue in force, it shall be optional with every person sending any Letter or Packet by the post from the *United Kingdom* to any *Foreign* kingdom or state which shall be included in any such Treaty or Agreement, or to which the same shall extend, to pay the *British* and *Foreign* postage thereof in one entire sum as aforesaid, or to send the same without payment of any part of such entire sum, to the intent that the whole thereof may be paid by the person or persons to whom the same shall be addressed, or otherwise to pay the *British* postage only (as heretofore) on any such Letter or Packet.

III. And be it further enacted, that the rates of *Foreign* postage marked on any Letters or Packets brought into *Great Britain* or *Ireland* shall, in all courts of justice and other places, be deemed, received, and taken as conclusive evidence of the amount of *Foreign* postage payable in respect of any such Letter or Packet, in addition to the rates of *British* postage payable for the conveyance of the same; and such *Foreign* postage shall be recoverable in *Great Britain* and *Ireland*, and other His Majesty's dominions, as postage due and payable to His Majesty, his heirs and successors.

IV. Provided always, and be it further enacted, that nothing herein or in any other Act or Acts contained shall be construed to entitle any person or persons to send or receive by the post, free from the duties of postage, any Letters or Packets which are or may be liable to any *Foreign* rates of postage (the public dispatches to and from His Majesty's Secretaries of State and the *British Embassies* and *Legations* at *Foreign* courts, being *bonâ fide* on the public service, only excepted).

VI. And whereas Letters and Packets sent by the post between *Dovor* and *Calais* are now chargeable with the same rates of postages as Letters sent between *London* and *Calais*; and it is expedient to reduce the same; be it therefore further enacted, that from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General, and his deputy

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and deputies by him thereunto authorised, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for the port and conveyance of all Letters and Packets which shall be carried or conveyed by packet boats from or to the port of *Dovor*, or any other port in *Great Britain*, to or from the port of *Calais*, or any other port in *France*, and not sent to or from *London* (over and above any inland rates payable on such Letters and Packets), a packet postage according to the rates and sums hereinafter mentioned; (that is to say,) for the port and conveyance of every single Letter, a rate of *6d.*; for every double Letter, 1*s.*; for every treble Letter, 1*s.* 6*d.*; and for every ounce weight, 2*s.*, and so in proportion for any greater weight, reckoning every quarter of an ounce equal to a single letter: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to alter or repeal an Act passed in the 4th and 5th year of the reign of King William the IVth, [cap. 44,] intituled, "An Act to regulate the conveyance of printed Newspapers by post between the *United Kingdom*, the *British* colonies, and *Foreign* parts."

VII. And be it further enacted, that it shall be lawful for the Postmaster General for the time being, at any time hereafter, to lower or reduce all or any of the *British* rates of postage which are or shall be payable on Letters and Packets sent by the post to and from *Foreign* parts, to such respective amounts or extent as the Lords Commissioners of His Majesty's Treasury, or any 3 or more of them, signified by writing under their hands, or under the hand of any one of the secretaries or assistant secretaries to the Treasury for the time being, shall from time to time direct or appoint, and thenceforth it shall be lawful for the Postmaster General and his deputies to demand, receive, and take such reduced rates accordingly.

VIII. And whereas by an Act passed in the 39th year of the reign of King George the IIIrd [cap. 76,] intituled "An Act for the more secure conveyance of Ship Letters, and for granting to His Majesty certain rates of postage thereon," the Postmaster General is authorized to collect and receive Letters and Packets of Letters, directed to places within His Majesty's

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Dominions, also to any the *Kingdoms* and *Countries* beyond the seas, and to forward the same by any ships or vessels that he in his discretion shall think fit, although not packet boats, and to demand and receive, to and for the use of His Majesty, his heirs and successors, for every Letter and Packet which shall be delivered to him and his deputies for conveyance in the manner thereinbefore specified, a sum not less than one-half part of the rates and duties payable by law for such respective Letters and Packets if the same were conveyed by packet boats, and in cases where no rate of postage is already established, then to demand and receive for such Letters and Packets rates, as near as the same can be ascertained, equal to one half of what is paid for Letters sent beyond the seas: and whereas it is expedient that the rates of postage imposed by the said Act should be reduced; be it therefore enacted, that the rates of postage granted by the said last-recited Act for the conveyance of Letters and Packets through the post, by ships or vessels not being packet boats, shall be and the same are hereby repealed, and that in lieu thereof it shall and may be lawful to and for His Majesty's Postmaster General for the time being, and his deputy and deputies by him thereunto authorized, in his and their discretion, to collect and receive Letters and Packets of Letters, directed to places within His Majesty's Dominions, also to any the *Kingdoms* and *Countries* beyond the seas, and to forward the same by any ships or vessels that he in his discretion shall think fit, although not packet boats or ships or vessels by which the Postmaster General shall have contracted for the conveyance of mails of Letters pursuant to an Act passed in the 2nd year of the reign of King William the IVth, [cap. 15,] intituled "An Act to enable His Majesty's Postmaster General to extend the accommodation by post, and to regulate the privilege of franking, in *Ireland;* and for other purposes relating to the Post Office;" and that it shall be lawful for His said Majesty's Postmaster General, and his deputy and deputies by him thereunto authorized, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for every Letter and Packet which shall be delivered to him or his deputies for conveyance in manner

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lastly hereinbefore mentioned (except Letters and Packets sent by private ships from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, or between any ports or places in *Great Britain* or *Ireland*,) the rates of postage hereinafter mentioned; (that is to say,) if such Letter or Packet be posted at the port from which such ship or vessel shall sail, or at which such ship or vessel may touch, a rate of 8*d.* for every single Letter, and so in proportion for Packets; and if such Letter or Packet shall be posted at any other part of the United Kingdom than the port from which such ship or vessel shall sail, or at which such ship or vessel may touch, a rate of 1*s.* for every single Letter, and so in proportion for Packets; and for every Letter or Packet which shall be delivered to the Postmaster General or his deputies for conveyance in manner lastly hereinbefore mentioned, from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, or from any port or place in *Great Britain* or *Ireland* to any other port or place within the same, or either of them, a rate of 8*d.* on every single Letter, and so in proportion as aforesaid for Packets, over and above and in addition to any rates which may arise on the inland conveyance of such last mentioned Letters or Packets within *Great Britain* and *Ireland*: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the rates which the Postmaster General and his deputy and deputies are authorized to demand, have, receive, and take for Letters and Packets delivered to him or them for conveyance to *Ceylon*, the *Mauritius*, the *East Indies*, or the *Cape of Good Hope*, by an Act passed in the 59th year of the reign of King George the IIIrd, [cap. 111.] intituled "An Act to repeal so much of an Act passed in the 55th year of the reign of His present Majesty as relates to the postage and conveyance of Letters to and from the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, and the *East Indies*; and to make other regulations respecting the postage of such Letters and Packets, and other Letters and Packets sent by the post;" but the provisions of this clause shall nevertheless be deemed and construed to extend to and include Letters and Packets directed to *China*.

IX. And for the encouragement of the masters of such

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ships or vessels, be it further enacted, that it shall be lawful to and for the said Postmaster General to allow all such masters the sum of 2*d.* a Letter or Packet upon all such Letters or Packets as they shall respectively have or take on board such ship or vessel, provided such Letters and Packets shall have been delivered to them from the Post Office.

X. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to prevent any person or persons, at his or their discretion, from sending any Letters or Packets by any ship or vessel (not being a packet boat or ship or vessel by which the Postmaster General shall have contracted for the conveyance of Mails of Letters pursuant to the said Act passed in the 2nd year of the reign of King William the IVth), from any port to any place out of *Great Britain* or *Ireland*, otherwise than through the Post Office: provided always, that nothing herein contained shall extend in anywise to authorize or empower any person or persons to make any collection of Letters contrary to the laws now in force relating to the Post Office.

XI. And whereas it is expedient that the rates on Letters brought into that part of the *United Kingdom* called *Ireland* by ships other than packet boats should be assimilated to the rates on Ship Letters brought into *Great Britain;* be it therefore further enacted, that from and after the passing of this Act it shall and may be lawful to and for the Postmaster General and his deputies to demand, have, receive, and take for every Letter which shall be brought into *Ireland* by ships and vessels other than packet boats from places within His Majesty's dominions, and any the *Kingdoms* and *Countries* beyond the seas, other than and except from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, and the *East Indies*, (in lieu of the rates of sea postage now payable thereon,) the same rates of sea postage (over and above any inland rates) as under or by virtue of an Act passed in the 55th year of the reign of King George the IIIrd, [cap. 153.] intituled "An Act for granting certain rates on the postage of Letters to and from *Great Britain*, the *Cape of Good Hope*, the *Mauritius*, and the *East Indies;* and for making certain regulations respecting the postage of ship Letters, and of Letters in

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Great Britain," would be payable on such Letters and Packets if brought by such ships or vessels into *Great Britain.*

XII. See CHINA.

XIII. And be it further enacted, that it shall be lawful for His Majesty's Postmaster General and his deputies to demand, have, receive, and take for every Letter or Packet which shall be brought into *Ireland* by any ship or vessel arriving from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies*, the like rates of sea postage (over and above any inland rates) as under or by virtue of the said Act passed in the 59th year of the reign of King George the IIIrd, would be payable on such Letters and Packets if brought by such ships or vessels into *Great Britain*, and to make to the commander or master of every such ship or vessel the like allowances in respect of such Letters and Packets as would by law be allowable in case such Letters and Packets had been brought into *Great Britain.*

XVIII. And whereas *Foreign* Newspapers brought into the *United Kingdom* by ships or vessels other than packet boats, and Newspapers printed within the *United Kingdom*, and sent from thence by ships and vessels other than packet boats to *Foreign* parts, are now liable, on conveyance by the post, to the same rates and duties of postage as Letters; and it is expedient that the rates on all such Newspapers should be reduced; be it therefore further enacted, that from and after the passing of this Act, it shall be lawful for His Majesty's Postmaster General, and his deputy and deputies in *Great Britain* and *Ireland*, to receive at any Post Office printed Newspapers liable to the stamp duty and duly stamped, directed to any kingdom or country beyond the seas (other than His Majesty's colonies and possessions,) and to forward the same to any *Foreign* port by any ships or vessels that he in his discretion may think fit (not being packet boats,) and to demand, have, receive, and take, for the use of His Majesty, his heirs and successors, for every Newspaper which shall be delivered to him or his deputies for conveyance in manner last aforesaid the sum of 1*d.*; and for every Newspaper printed in any *Kingdom* or *State* beyond the seas (other than His Majesty's colonies and possessions,) and brought into the *United Kingdom* by any ship or vessel

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(other than a packet boat,) and delivered by the commander of any such ship or vessel at any Post Office, (if printed in the language of the *Foreign* kingdom or state from which the same shall be forwarded, but not otherwise,) it shall be lawful for His Majesty's Postmaster General and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand and receive the sum of 1*d.* on delivery thereof within the *United Kingdom* to the person or persons to whom the same shall be addressed: Provided always, that before any Newspapers to or from any *Foreign* kingdom or state shall be permitted to be conveyed or delivered under the provisions of this clause, satisfactory proof shall have been laid before the Postmaster General for the time being, that printed Newspapers sent from *Great Britain* and *Ireland*, addressed to any person or place in any such *Foreign* kingdom or state, are allowed to pass by the post within any such *Foreign* kingdom or state free of postage, and also that Newspapers addressed to any person or place in *Great Britain* or *Ireland* from any such *Foreign* kingdom or state are allowed to pass by the post within such *Foreign* kingdom or state free of postage; and it is hereby declared, that as to every Newspaper put into any Post Office within *Great Britain* or *Ireland*, for conveyance by ships or vessels other than packet boats, addressed to any person or place in any *Foreign* kingdom or state in which printed Newspapers from *Great Britain* or *Ireland* shall not be allowed to pass by the post free of postage, it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid,) and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every such printed Newspaper to any *Foreign* port, the sum of 2*d.*; and as to every Newspaper addressed to *Great Britain* or *Ireland*, and brought into the *United Kingdom* by any ship or vessel other than a packet boat from any *Foreign* kingdom or state in which such printed Newspapers shall not be allowed to pass by the post free of postage, it is hereby declared, that it shall be lawful for His Majesty's Postmaster General for the time being (until

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such satisfactory proof shall be laid before him as aforesaid,) and his deputy and deputies, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every such Newspaper by the post, the sum of 2*d.* on delivery thereof to the person to whom the same shall be addressed, over and above and in addition to any postage charged thereon by any *Foreign* Post Office, provided every such paper be printed and published in the language of the kingdom or state from which the same shall be forwarded

XIX. And whereas circumstances may arise which may render it expedient again to impose and demand the said respective rates of 2*d.* by the said last-mentioned clause granted, after the same shall have ceased to be demanded by reason of such satisfactory proof having been laid before the Postmaster General for the time being as aforesaid; now be it further enacted, that it shall be lawful for His Majesty's Postmaster General for the time being, by and with the consent of the Lords Commissioners of His Majesty's Treasury, or any 3 or more of them, at any time after such satisfactory proof shall have been laid before His Majesty's Postmaster General for the time being as aforesaid, again to impose, demand, and receive the said respective rates of 2*d.* for the conveyance of any such printed Newspaper to any *Foreign* port, and on the delivery of any such printed Newspaper from any *Foreign* kingdom or state, whenever it shall be deemed expedient so to do.

XX. And be it further enacted, that it shall be lawful for the Postmaster General to allow and pay the masters and commanders of ships and vessels the sum of 1*d.* on every printed Newspaper which shall be brought into the United Kingdom under the provisions of this Act, and be delivered by them at the Post Office of the post town at which they shall touch or arrive, and the like sum of 1*d.* on every printed Newspaper which shall be delivered by the Postmaster General or his deputies to any such masters or commanders for conveyance under the provisions of this present Act.

XXI. Provided always, and be it further enacted, that nothing herein contained shall extend, or be deemed, or construed to extend, to alter or repeal any of the rates which the

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Postmaster General and his deputy and deputies are authorised to demand, have, receive, and take by the said Act passed in the 59th year of the reign of King George the IIIrd, for printed Newspapers delivered to him or them for conveyance to the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, or the *East Indies*, which Act it is hereby declared shall be deemed and construed to extend to Newspapers posted in *Ireland* for conveyance to any of the said last-mentioned places; but the provisions of this Act shall nevertheless be deemed to extend to and include Newspapers brought into the United Kingdom from the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, the *East Indies*, and *China*, and also Newspapers delivered to the Postmaster General or his deputies directed to *China*.

XXII. And be it further enacted, that no Newspaper shall be sent by the post under the provisions of this present Act unless every such paper be sent without a cover, or in a cover open at the sides, and that there be no words or communication printed on such paper after the same shall have been published, nor any writing or marks upon such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, and so that there be no paper or thing enclosed or concealed in or with such printed paper or the cover thereof, nor any printed words or communication on the cover thereof.

XXIII. And be it further enacted, that every printed Newspaper to be sent out of the United Kingdom under the provisions of this Act shall in all cases be put into a Post Office or Receiving Office in *Great Britain* or *Ireland* within 7 days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper; and in case any such paper shall be put into any Post Office at any time after the expiration of such 7 days, it shall and may be lawful for His Majesty's Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper, or to forward the same by the post charged with the full duty of letter postage according to the rates now established by law.

XXIV. And be it further enacted, that it shall be lawful for His Majesty's Postmaster General, and his deputy and

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deputies, or any of the officers employed under him or them respectively, to examine and search any printed Newspaper which under the provisions of this Act shall be sent by the post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such paper after the same was published, or whether there is any writing or mark upon such printed paper, or the cover thereof, other than the name and address of the person to whom it is sent, or whether there is any paper or thing enclosed or concealed in or with such printed Newspaper or the cover thereof, or whether there are any printed words or communication on the cover thereof, or whether the papers brought into the *United Kingdom* from any *Foreign* kingdom or state shall be printed and published in the language of the kingdom or state from which they shall have been forwarded, and also in order to discover whether Newspapers printed and posted in the *United Kingdom* are duly stamped; and in case any words or communication shall be found to have been printed on any such paper after the same was published, or any writing or mark shall be found on any such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be enclosed or concealed in or with such printed paper or the cover thereof as aforesaid, or any printed words or communication shall be found upon the cover thereof, or in case any Newspaper brought into the *United Kingdom* from any *Foreign* kingdom or state shall not be printed and published in the language of the kingdom or state from which the same shall have been forwarded, the whole of every such packet addressed and delivered to any person within the *United Kingdom* shall be charged with treble the duty of letter postage, according to the rates now established by law; and as to every such paper or packet going out of the *United Kingdom*, it shall be lawful for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or packet, or to forward the same by the post charged with the duty of letter postage; and in case any Newspaper printed and posted in the *United Kingdom*, and sent by the post under the provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped, and

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sent to the Commissioners of Stamps, either at London or Dublin, as the case may be.

XXV. And be it further enacted, that all printed papers to be conveyed by the post, under the provisions of this Act, shall be delivered to the Postmaster General, or his deputy or deputies, at such hours in the day and under all such regulations as the Postmaster General for the time being shall in his discretion from time to time appoint.

GREECE.

PROTOCOL *of Conference between the British and Russian Plenipotentiaries, relative to the affairs of Greece. Signed at St. Petersburgh, 4th April,* 1826.

Sa Majesté Britannique ayant été invitée par les Grecs à interposer ses bons offices, afin de les réconcilier avec la Porte Ottomane,—ayant conséquemment offert sa médiation à cette Puissance, et désirant se concerter, à cet égard, avec Sa Majesté l'Empereur de toutes les Russies ;—

D'un autre côté, Sa Majesté Impériale étant également animée du désir de faire cesser, par un arrangement conforme aux vœux de la religion, de la justice, et de l'humanité, la lutte dont la Grèce et l'Archipel sont aujourd'hui le théatre ;

Les soussignés sont convenus :

1. Que l'arrangement à proposer à la Porte, si elle accepte la médiation qui lui a été offerte, placeroit les Grecs dans les relations suivantes envers l'Empire Ottoman :

Les Grecs relèveroient de cet Empire, et lui payeroient un

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tribut annuel, dont le montant seroit fixé, une fois pour toutes, d'un commun accord.

Ils seroient gouvernés par des autorités qu'ils choisiroient et nommeroient eux-mêmes, mais à la nomination desquelles la Porte aurait une certaine part ;—

Dans ce mode d'existence, ils jouiroient d'une entière liberté de conscience et de *commerce*, et gèreroient exclusivement eux-mêmes leur administration intérieure.

Pour opérer une séparation entière entre les individus des 2 nations, et pour prévenir des collisions, suite nécessaire d'une lutte aussi longue, les Grecs feroient l'acquisition des propriétés Turcques qui pourroient être situées, ou sur le continent, ou dans les îles de la Grèce.

2. Que si le principe d'une médiation à interposer entre la Turquie et la Grèce avoit été admis, à la suite des démarches déjà faites, dans cette vue, par l'Ambassadeur de Sa Majesté Britannique à Constantinople, la Russie feroit, dans tous les cas, servir son influence au succès de la dite médiation. Le mode d'après lequel elle s'associeroit aux négociations ultérieures que cette médiation amèneroit avec la Porte Ottomane, et l'époque où elle y prendroit part, seroient déterminés ultérieurement, d'un commun accord, entre le cabinet de Londres et celui de St. Pétersbourg.

3. Que dans le cas où la médiation offerte par Sa Majesté Britannique à la Porte Ottomane n'auroit pas été acceptée par cette Puissance, et quel que soit d'ailleurs l'état des relations de Sa Majesté Impériale avec le Gouvernement Turc, la Grande Bretagne et la Russie regarderont toujours les termes de l'arrangement mentionné au 1^er^ Article du présent Protocole, comme la base de la réconciliation à effectuer par leur entremise, soit en commun, soit séparément, entre la Porte et les Grecs ; et ils saisiront toutes les occasions favorables de faire valoir leur influencè, auprès des 2 parties, afin d'opérer cette même réconciliation sur la dite base.

4. Que la Grande Bretagne et la Russie se réservent d'adopter, par la suite, les mesures nécessaires pour déterminer les détails de l'arrangement en question, ainsi que les limites du territoire, et les noms des îles de l'Archipel auxquelles il

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sera applicable, et qu'il sera proposé à la Porte de comprendre sous la dénomination de Grèce.

5. Que de plus, dans ce même arrangement, Sa Majesté Britannique et Sa Majesté Impériale ne chercheront, ni l'une ni l'autre, aucune augmentation de territoire, aucune influence exclusive, aucun avantage de *commerce* pour leurs sujets, que ceux de toute autre nation ne puissent également obtenir.

6. Que Sa Majesté Britannique, et Sa Majesté Impériale, désirant que leurs alliés puissent participer aux arrangemens définitifs dont le présent Protocole renferme une première esquisse, porteront le dit Protocole, confidentiellement, à la connaissance des Cours de Vienne, de Paris, et de Berlin, et leur proposeront de garantir, de concert avec la Russie, la transaction finale que réconciliera la Turquie et la Grèce, cette transaction ne pouvant être garantie par Sa Majesté Britannique.

Fait à St. Pétersbourg, le $\frac{23 \text{ Mars,}}{4 \text{ Avril,}}$ 1826.

(L.S.) WELLINGTON. (L.S.) NESSELRODE. (L.S.) LIEVEN.

(*Translation.*)

His Britannic Majesty having been requested by the Greeks to interpose his good offices, in order to obtain their reconciliation with the Ottoman Porte, having in consequence offered his mediation to that Power, and being desirous of concerting the measures of his Government, upon this subject, with His Majesty the Emperor of all the Russias; and His Imperial Majesty, on the other hand, being equally animated by the desire of putting an end to the contest of which Greece and the Archipelago are the theatre, by an arrangement, which shall be consistent with the principles of religion, justice, and humanity.

The undersigned have agreed:

1. That the arrangement to be proposed to the Porte, if that Government should acept the proffered meditation, should have for its object, to place the Greeks towards the Ottoman Porte, in the relation hereafter mentioned:

Greece should be a dependency of that Empire, and the Greeks should pay to the Porte an annual tribute, the amount

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of which should be permanently fixed by common consent. They should be exclusively governed by authorities to be chosen and named by themselves, but in the nomination of which authorities the Porte should have a certain influence.

In this state, the Greeks should enjoy a complete liberty of conscience, entire freedom of *commerce*, and should, exclusively, conduct their own internal government.

In order to effect a complete separation between individuals of the 2 nations, and to prevent the collisions which must be the necessary consequences of a contest of such duration, the Greeks should purchase the property of Turks, whether situated on the continent of Greece, or in the islands.

2. In case the principle of a mediation between Turks and Greeks should have been admitted, in consequence of the steps taken, with that view, by His Britannic Majesty's Ambassador at Constantinople, His Imperial Majesty would exert, in every case, his influence to forward the object of that mediation. The mode in which, and the time at which His Imperial Majesty should take part in the ulterior negotiations with the Ottoman Porte, which may be the consequence of that mediation, should be determined hereafter by the common consent of the Government of His Britannic Majesty and His Imperial Majesty.

3. If the mediation offered by His Britannic Majesty should not have been accepted by the Porte, and whatever may be the nature of the relations between His Imperial Majesty and the Turkish Government, His Britannic Majesty and His Imperial Majesty will still consider the terms of the arrangement specified in Article 1 of this Protocol, as the basis of any reconciliation to be effected by their intervention, whether in concert or separately, between the Porte and the Greeks; and they will avail themselves of every favourable opportunity to exert their influence with both parties, in order to effect this reconciliation on the above-mentioned basis.

4. That His Britannic Majesty and His Imperial Majesty should reserve to themselves to adopt, hereafter, the measures necessary for the settlement of the details of the arrangement in question, as well as the limits of the territory, and the names of the islands of the Archipelago to which it shall be appli-

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cable, and which it shall be proposed to the Porte to comprise under the denomination of Greece.

5. That, moreover, His Britannic Majesty and His Imperial Majesty will not seek, in this arrangement, any increase of territory, nor any exclusive influence, nor advantage in *commerce* for their subjects, which shall not be equally attainable by all other nations.

6. That His Britannic Majesty and His Imperial Majesty, being desirous that their allies should become parties to the definitive arrangements of which this Protocol contains the outline, will communicate this Instrument, confidentially, to the Courts of *Vienna*, *Paris*, and *Berlin*, and will propose to them that they should, in concert with the Emperor of *Russia*, guarantee the Treaty by which the reconciliation of Turks and Greeks shall be effected, as His Britannic Majesty cannot guarantee such a Treaty.

Done at St. Petersburgh, $\frac{\text{April 4,}}{\text{March 23,}}$ 1826.

(L.S.) WELLINGTON. (L.S.) NESSELRODE. (L.S.) LIEVEN.

TREATY *between His Majesty, His Most Christian Majesty, and the Emperor of all the Russias, for the Pacification of Greece. Signed at London, 6th July,* 1827.

AU NOM DE LA TRES SAINTE ET INDIVISIBLE TRINITE.

SA MAJESTE le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi de France et de Navarre, et Sa Majesté l'Empereur de toutes les Russies, pénétrées de la nécessité de mettre un terme à la lutte sanglante, qui, en livrant les provinces Grecques et les îles de l'Archipel à tous les désordres de l'anarchie, apporte chaque jour de nouvelles entraves au *commerce* des Etats Européens, et donne lieu à des pirateries, qui non seulement exposent les sujets des Hautes Parties Contractantes à des pertes considérables, mais exigent, en outre, des mesures onéreuses de surveillance et de répression;—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de France et de

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Navarre, ayant d'ailleurs reçu, de la part des Grecs, l'invitation pressante d'interposer leur médiation auprès de la Porte Ottomane, et étant, ainsi que Sa Majesté l'Empereur de toutes les Russies, animées du désir d'arrêter l'effusion du sang, et de prévenir les maux de tout genre que peut entrainer la prolongation d'un tel état de choses;

Ont résolu de combiner leurs efforts, et d'en régler l'action par un Traité formel, dans le but de rétablir la paix entre les Parties Contendantes, au moyen d'un arrangement, réclamé, autant par un sentiment d'humanité, que par l'intérêt du repos de l'Europe.

A ces fins, elles ont nommés leurs Plénipotentiaires pour discuter, arrêter, et signer le dit Traité, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Jean Guillaume Vicomte Dudley, Pair du Royaume Uni de la Grande Bretagne et d'Irlande, Conseiller de Sa Majesté Britannique et son Conseil Privé, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères:—

Sa Majesté le Roi de France et de Navarre, le Sieur Prince Jules, Comte de Polignac, Pair de France, Chevalier des Ordres de Sa Majesté Très Chrétienne, Maréchal de Camp de ses Armées, Grand' Croix de l'Ordre de St. Maurice de Sardaigne, &c., &c., et son Ambassadeur à Londres:—

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe Prince de Lieven, Général d'Infanterie des Armées de Sa Majesté Impériale, son Aide-de-Camp Général, Chevalier des Ordres de Russie, de ceux de l'Aigle Noir et de l'Aigle Rouge de Prusse, de celui des Guelphes de Hanovre, Commandeur Grand' Croix de l'Ordre de l'Epée de Suède, et de celui de St. Jean de Jérusalem, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique:—

Lesquels, après s'être communiqué leurs Plein-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:—

Art. I. Les Puissances Contractantes offriront à la Porte

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Ottomane leur médiation, dans la vue d'amener une réconciliation entr'elle et les Grecs.

Cette offre de médiation sera faite à cette Puissance immédiatement après la ratification du Traité, au moyen d'une déclaration collective, signée par les Plénipotentiaires des Cours Alliées à Constantinople ; et il sera fait, en même temps, aux 2 Parties Contendantes, la demande d'un armistice immédiat entre'elles, comme condition préliminaire indispensable, à l'ouverture de toute négociation.

II. L'arrangement à proposer à la Porte Ottomane reposera sur les bases suivantes :—

Les Grecs relèveront du Sultan comme d'un Seigneur Suzerain ; et en conséquence de cette Suzeraineté, ils payeront à l'Empire Ottoman une redevance annuelle, dont le montant sera fixé, une fois pour toutes, d'un commun accord. Ils seront gouvernés par des autorités qu'ils choisiront et nommeront eux-mêmes, mais à la nomination desquelles la Porte aura une part déterminée.

Pour opérer une séparation entière entre les individus des 2 nations, et pour prévenir des collisions, suite inévitable d'une lutte aussi longue, les Grecs entreront en possession des propriétés Turques situées ou sur le continent, ou dans les îles de la Grèce, à la charge d'indemniser les anciens propriétaires, soit moyennant une somme annuelle à joindre à la redevance qu'ils payeront à la Porte, soit à l'aide de quelqu'autre transaction de la même nature.

III. Les détails de cet arrangement, ainsi que les limites du territoire sur le continent, et la désignation des îles de l'Archipel auxquelles il sera applicable, seront déterminés dans une négociation à établir ultérieurement entre les Hautes Puissances et les 2 Parties Contendantes.

IV. Les Puissances Contractantes s'engagent à poursuivre l'œuvre salutaire de la pacification de la Grèce, sur les bases posées dans les Articles précédens, et à munir, sans le moindre délai, leurs représentans à Constantinople de toutes les Instructions que réclame l'exécution du Traité qu'elles signent.

V. Les Puissances Contractantes ne chercheront dans ces arrangemens aucune augmentation de territoire, aucune in-

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fluence exclusive, aucun avantage de *commerce* pour leurs sujets, que ceux de toute autre nation ne puissent également obtenir.

VI. Les arrangemens de réconciliation et de paix qui seront définitivement convenus entre les Parties Contendantes, seront garantis par celles des Puissances signataires qui jugeront utile ou possible de contracter cette obligation. L'action et les effets de cette garantie deviendront l'objet de stipulations ultérieures entre les Hautes Puissances.

VII. Le présent Traité sera ratifié, et les ratifications en seront échangées dans le terme de 2 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 6 Juillet, l'an de grace 1827.

(L.S.) DUDLEY.
(L.S.) LE PRINCE DE POLIGNAC.
(L.S.) LIEVEN.

(*Translation.*)

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of France and Navarre, and His Majesty the Emperor of all the Russias, penetrated with the necessity of putting an end to the sanguinary struggle, which, while it abandons the Greek provinces and the islands of the Archipelago to all the disorders of anarchy, daily causes fresh impediments to the *commerce* of the States of Europe, and gives opportunity for acts of piracy which not only expose the subjects of the High Contracting Parties to grievous losses, but also render necessary measures which are burthensome for their observation and suppression :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of France and Navarre, having moreover received from the Greeks an earnest invitation to interpose their mediation with the Ottoman Porte; and, together with His Majesty the Emperor of all the Russias, being animated with the desire of putting a stop to the effusion of blood, and of preventing the evils of every

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kind which the continuance of such a state of affairs may produce.

They have resolved to combine their efforts, and to regulate the operation thereof, by a formal Treaty, for the object of re-establishing peace between the Contending Parties, by means of an arrangement called for, no less by sentiments of humanity, than by interests for the tranquillity of Europe.

For these purposes, they have named their Plenipotentiaries to discuss, conclude, and sign the said Treaty, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable John William Viscount Dudley, a Peer of the United Kingdom of Great Britain and Ireland, a member of His said Majesty's Most Honourable Privy Council, and his Principal Secretary of State for Foreign Affairs:—

His Majesty the King of France and Navarre, the Prince Jules, Count de Polignac, a Peer of France, Knight of the Orders of His Most Christian Majesty, Maréchal-de-Camp of his Forces, Grand Cross of the Order of St. Maurice of Sardinia, &c. &c. and his Ambassador at London:—

And His Majesty the Emperor of all the Russias, the Sieur Christopher Prince de Lieven, General of Infantry of His Imperial Majesty's forces, his Aide-de-Camp General, Knight of the Orders of Russia, of those of the Black Eagle and of the Red Eagle of Prussia, of that of the Guelphs of Hanover, Commander Grand Cross of the Order of the Sword of Sweden, and of that of St. John of Jerusalem, his Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty:—

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon the following Articles:

Art. I. The Contracting Powers shall offer their mediation to the Ottoman Porte, with the view of obtaining a reconciliation between it and the Greeks.

This offer of mediation shall be made to that Power immediately after the ratification of the present Treaty, by means of a joint Declaration, signed by Plenipotentiaries of the Allied

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Courts at Constantinople; and, at the same time, a demand for an immediate armistice shall be made to the 2 Contending Parties, as a preliminary and indispensable condition to the opening of any negociation.

II. The arrangement to be proposed to the Ottoman Porte shall rest upon the following bases:—

The Greeks shall hold under the Sultan as under a Lord paramount; and, in consequence thereof, they shall pay to the Ottoman Empire an annual tribute, the amount of which shall be fixed, once for all, by common agreement. They shall be governed by authorities whom they shall choose and appoint themselves, but in the nomination of whom the Porte shall have a defined right.

In order to effect a complete separation between the individuals of the 2 nations, and to prevent the collisions which would be the inevitable consequence of so protracted a struggle, the Greeks shall become possessors of all Turkish property situated either upon the continent, or in the islands of Greece, on condition of indemnifying the former proprietors, either by an annual sum to be added to the tribute which they shall pay to the Porte, or by some other arrangement of the same nature.

III. The details of this arrangement, as well as the limits of the territory upon the continent, and the designation of the islands of the Archipelago to which it shall be applicable, shall be settled by a negociation to be hereafter entered into between the High Powers and the 2 Contending Parties.

IV. The Contracting Powers engage to pursue the salutary work of the pacification of Greece, upon the bases laid down in the preceding Articles, and to furnish, without the least delay, their representatives at Constantinople with all the Instructions which are required for the execution of the Treaty which they now sign.

V. The Contracting Powers will not seek, in these arrangements, any augmentation of territory, any exclusive influence, or any *commercial* advantage for their subjects, which those of every other nation may not equally obtain.

VI. The arrangements for reconciliation and peace which shall be definitively agreed upon between the Contending Parties, shall be guaranteed by those of the signing Powers who

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may judge it expedient or possible to contract that obligation. The operation and the effects of such guarantee shall become the subject of future stipulation between the High Powers.

VII. The present Treaty shall be ratified, and the ratifications shall be exchanged in 2 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 6th day of July, in the year of our Lord, 1827.

(L.S.) DUDLEY.
(L.S.) THE PRINCE DE POLIGNAC.
(L.S.) LIEVEN.

ADDITIONAL ARTICLE *to the Treaty between His Majesty, His Most Christian Majesty, and the Emperor of all the Russias, for the pacification of Greece. Signed at London, 6 July,* 1827.

ARTICLE ADDITIONNEL.

DANS le cas où la Porte Ottomane n'accepterait pas, dans le terme d'un mois, la médiation qui lui sera proposée, les Hautes Parties Contractantes conviennent des mesures suivantes:—

I. Il sera déclaré à la Porte, par leurs Représentans à Constantinople, que les inconvéniens et les maux signalés dans le Traité patent comme inséparables de l'état de choses qui subsiste dans l'orient depuis 6 ans, et dont la cessation, par les moyens à la disposition de la Sublime Porte Ottomane, parait encore éloignée, imposent aux Hautes Parties Contractantes la nécessité de prendre des mesures immédiates pour se rapprocher des Grecs.

Il est entendu que ce rapprochement s'opèrera en établissant avec les Grecs de relations *commerciales*, en leur envoyant, à cet effet, et recevant d'eux, des *Agens Consulaires*, en tant qu'il existera chez eux des autorités capables de maintenir de telles relations.

II. Si, dans ce même terme d'un mois, la Porte n'acceptait

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pas l'armistice proposé dans l'Article I. du Traité patent, ou si les Grecs se refusaient à son exécution, les Hautes Puissances Contractantes déclareront à celle des 2 Parties Contendantes qui voudrait continuer les hostilités, ou à toutes deux, s'il devenait nécessaire, que les dites Hautes Puissances vont s'efforcer, par tous les moyens que les circonstances suggèreront à leur prudence, d'obtenir les effets immédiats de l'armistice dont elles désirent l'exécution, en prévenant, autant qu'il sera en leur pouvoir, toute collision entre les Parties Contendantes; et en effet, aussitôt après la susdite déclaration, les Hautes Puissances employeront conjointement tous leurs moyens pour en accomplir l'objet, sans toutefois prendre part aux hostilités entre les 2 Parties Contendantes.

En conséquence, les Hautes Puissances Contractantes, immédiatement après la signature du présent Article Additionnel, transmettront des Instructions éventuelles, conformes aux dispositions énoncées ci-dessus, aux Amiraux commandans leurs escadres respectives dans les mers du Levant.

III. Enfin, si, contre toute attente, ces mesures ne suffisent point encore pour faire adopter les propositions des Hautes Parties Contractantes par la Porte Ottomane, ou si, de l'autre côté, les Grecs renoncent aux conditions stipulées en leur faveur dans le Traité de ce jour, les Hautes Puissances Contractantes n'en continueront pas moins à poursuivre l'œuvre de la pacification, sur les bases dont elles sont convenus entr'elles; et en conséquence, elles autorisent, dès à présent, leurs Représentans à Londres, à discuter et arrêter les moyens ultérieurs dont l'emploi pourrait devenir nécessaire.

Le présent Article Additionnel aura la même force et valeur que s'il était inséré mot à mot au Traité de ce jour. Il sera ratifié, et les ratifications en seront échangées en même tems que celles du dit Traité.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 6 Julliet, l'an de grace 1827.

(L.S.) DUDLEY.
(L.S.) LE PRINCE DE POLIGNAC.
(L.S.) LIEVEN.

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(*Translation.*)

ADDITIONAL ARTICLE.

In case the Ottoman Porte should not, within the space of 1 month, accept the mediation which is to be proposed to it, the High Contracting Parties agree upon the following measures:

I. It shall be declared to the Porte, by their Representatives at Constantinople, that the inconveniences and evils described in the patent Treaty as inseparable from the state of things which has, for 6 years, existed in the East, and the termination of which, by the means at the command of the Sublime Ottoman Porte, appears to be still distant, impose upon the High Contracting Parties the necessity of taking immediate measures for forming a connection with the Greeks.

It is understood that this shall be effected by establishing *commercial* relations with the Greeks, and by sending to and receiving from them, for this purpose, *Consular Agents*, provided there shall exist in Greece authorities capable of supporting such relations.

II. If, within the said term of 1 month, the Porte does not accept the armistice proposed in the 1st Article of the patent Treaty, or if the Greeks refuse to carry it into execution, the High Contracting Powers shall declare to either of the Contending Parties which may be disposed to continue hostilities, or to both of them, if necessary, that the said High Powers intend to exert all the means which circumstances may suggest to their prudence, for the purpose of obtaining the immediate effects of the armistice of which they desire the execution, by preventing, as far as possible, all collision between the Contending Parties; and in consequence, immediately after the abovementioned declaration, the High Powers will, jointly, exert all their efforts to accomplish the object of such armistice, without, however, taking any part in the hostilities between the 2 Contending Parties.

Immediately after the signature of the present Additional Article, the High Contracting Powers will, consequently, transmit to the Admirals commanding their respective squa-

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drons in the Levant, conditional Instructions in conformity to the arrangements above declared.

III. Finally, if contrary to all expectation, these measures do not prove sufficient to procure the adoption of the propositions of the High Contracting Parties by the Ottoman Porte; or if, on the other hand, the Greeks decline the conditions stipulated in their favour, by the Treaty of this date, the High Contracting Powers will, nevertheless, continue to pursue the work of pacification, on the bases upon which they have agreed; and, in consequence, they authorise from the present moment, their Representatives at London to discuss and determine the future measures which it may become necessary to employ.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Treaty of this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the said Treaty.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 6th day of July, in the year of our Lord 1827.

(L. S.) DUDLEY.
(L. S.) THE PRINCE DE POLIGNAC.
(L. S.) LIEVEN.

CONVENTION *between His Majesty, His Most Christian Majesty, and the Emperor of all the Russias, and His Majesty the King of Bavaria; relative to the Sovereignty of Greece. Signed at London, 7th May,* 1832.

LES Cours de la Grande Bretagne, de France, et de Russie, exerçant le pouvoir qui leur a été déféré par la nation Grecque, de choisir un Souverain pour la Grèce érigée en Etat indépendant, et voulant donner à ce pays une nouvelle preuve de leurs

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dispositions bienveillantes, par l'élection d'un Prince issu d'une maison royale, dont l'alliance ne peut qu'être essentiellement utile à la Grèce, et qui déjà s'est acquis des titres à son affection et à sa gratitude, ont résolu d'offrir la couronne du nouvel Etat Grec au Prince Frédéric Othon de Bavière, fils puiné de Sa Majesté le Roi de Bavière.

De son côté, Sa Majesté le Roi de Bavière, agissant en qualité de tuteur du dit Prince Othon pendant sa minorité, entrant dans les vues des 3 Cours, et appréciant les motifs qui les ont engagées à faire tomber leur choix sur un Prince de sa maison, s'est décidé à accepter la couronne Grecque pour son fils puiné, le Prince Frédéric Othon de Bavière.

En conséquence, et à l'effet de convenir des arrangemens que cette acceptation rend nécessaires, leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Roi des Français, et l'Empereur de toutes les Russies, d'une part; et Sa Majesté le Roi de Bavière, de l'autre; ont nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en son Conseil Privé, Membre du Parlement, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères;

Sa Majesté le Roi des Français, le Sieur Charles Maurice de Talleyrand-Périgord, Prince-Duc de Talleyrand, Pair de France, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de sa dite Majesté près Sa Majesté Britannique, Grand' Croix de la Légion d'Honneur, Chevalier de l'Ordre de la Toison d'Or, Grand' Croix de l'Ordre de St. Etienne de Hongrie, de l'Ordre de St. André, de l'Ordre de l'Aigle Noire, &c. &c. &c.

Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe, Prince de Lieven, Général d'Infanterie de ses Armées, son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand' Croix de l'Aigle Noire et de l'Aigle Rouge de Prusse, de l'Ordre Royal des Guelphes, Commandeur Grand' Croix de l'Epée de Suède, et Commandeur de l'Ordre de

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St. Jean de Jérusalem: et le Sieur Adam, Comte Matuszewic, Conseiller Privé de Sa dite Majesté, Chevalier de l'Ordre de Ste. Anne de la 1ère Classe, Grand' Croix de l'Ordre de St. Wladimir de la 2nde, Grand' Croix de l'Ordre de l'Aigle Rouge de Prusse de la 1ère, Commandeur de l'Ordre de Léopold d'Autriche, et de plusieurs autres Ordres étrangers;

Et Sa Majesté le Roi de Bavière, le Sieur Auguste, Baron de Cetto, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique; lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvées en bonne et due forme, ont arrêté et signé les Articles qui suivent:—

Art. I. Les Cours de la Grande Bretagne, de France, et de Russie, dûment autorisées à cet acte par la nation Grecque, offrent la souveraineté héréditaire de la Grèce au Prince Frédéric Othon de Bavière, fils puiné de Sa Majesté le Roi de Bavière.

II. Sa Majesté le Roi de Bavière, agissant au nom de son dit fils, encore mineur, accepte pour lui la souveraineté héréditaire de la Grèce, aux conditions déterminées ci-dessous.

III. Le Prince Othon de Bavière portera le titre de Roi de la Grèce.

IV. La Grèce, sous la souveraineté du Prince Othon de Bavière, et la garantie des 3 Cours, formera un Etat monarchique indépendant, ainsi que le porte le Protocole signé entre les dites Cours le 3 Février, 1830,* et accepté tant par la Grèce, que par la Porte Ottomane.

V. Les limites définitives du territoire Grec seront telles qu'elles résulteront des négociations que les Cours de la Grande Bretagne, de France, et de Russie viennent d'ouvrir avec la Porte Ottomane, en exécution du Protocole du 26 Septembre, 1831.*

VI. Les 3 Cours, s'étant réservé de convertir en Traité Définitif le Protocol du 3 Février, 1830, dès que les négociations relatives aux limites de la Grèce seront terminées, et de porter ce Traité à la connaissance de tous les Etats avec lesquels elles se trouvent en relations, il est convenu qu'elles rempliront cet engagement, et que Sa Majesté le Roi de

* See Protocols of Conferences in London, Nos. 23 and 36.

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la Grèce deviendra Partie Contractante au Traité dont il s'agit.

VII. Les 3 Cours s'employeront dès à présent à faire reconnaître le Prince Othon de Bavière en qualité de Roi de la Grèce, par tous les Souverains et Etats avec lesquels elles se trouvent en relations.

VIII. La couronne et la dignité royales, devant être héréditaires en Grèce, passeront aux descendans et héritiers directs et légitimes du Prince Othon de Bavière, par ordre de primogéniture. Si le Prince Othon de Bavière venait à décéder sans postérité directe et légitime, la Couronne Grecque passera à son frère puiné, et à ses descendans et héritiers directs et légitimes, par ordre de primogéniture. Si ce dernier venait à décéder également sans postérité directe et légitime, la couronne Grecque passera au frère puine de celui-ci, et à ses descendans et héritiers directs et légitimes, par ordre de primogéniture.

Dans aucun cas la couronne Grecque et la couronne de Bavière ne pourront se trouver réunies sur la même tête.

IX. La majorité du Prince Othon de Bavière, en sa qualité de Roi de la Grèce, est fixée à 20 ans révolus, c'est-à-dire, au 1er Juin, 1835.

X. Pendant la minorité du Prince Othon de Bavière, Roi de la Grèce, ses droits de souveraineté seront exercés en Grèce dans toute leur plénitude, par une Régence composée de 3 Conseillers qui lui seront adjoints par Sa Majesté le Roi de Bavière.

XI. Le Prince Othon de Bavière conservera la pleine jouissance de ses apanages en Bavière. Sa Majesté le Roi de Bavière s'engage en outre à faciliter, autant qu'il sera en son pouvoir, la position du Prince Othon en Grèce, jusqu'à ce que la dotation de la couronne y soit formée.

XII. En exécution des stipulations du Protocole du 20 Février, 1830,* Sa Majesté l'Empereur de toutes les Russies s'engage à garantir, et leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le Roi des Français s'engagent à recommander, l'un à son Parlement, l'autre à ses Chambres, de les mettre à même de se charger de garantir, aux conditions suivantes, un emprunt qui pourra être con-

* See Protocol of Conferences in London, No. 26.

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tracté par le Prince Othon de Bavière en sa qualité de Roi de la Grèce.

1°. Le principal de l'emprunt à contracter sous la garantie des 3 Cours, pourra s'élever jusqu'à la concurrence de 60,000,000 de francs.

2°. Le dit emprunt sera réalisé par séries de 20,000,000 de francs chacune.

3°. Pour le présent, la 1ère série sera seule réalisée, et les 3 Cours répondront chacune pour un tiers de l'acquittement des intérêts et du fonds d'amortissement annuels de la dite série.

4°. La 2nde et la 3ème séries du dit emprunt pourront être réalisées selon les besoins de l'Etat Grec, à la suite d'un concert préalable entre les 3 Cours et Sa Majesté le Roi de la Grèce.

5°. Dans le cas où, à la suite d'un tel concert, la 2nde et la 3ème séries de l'emprunt mentionné ci-dessus seroient réalisées, les 3 Cours répondront chacune pour un tiers de l'acquittement des intérêts et du fonds d'amortissement annuels de ces 2 séries, ainsi que de la 1ère.

6°. Le Souverain de la Grèce et l'Etat Grec seront tenus d'affecter au payement des intérêts et du fonds d'amortissement annuels de celles des séries de l'emprunt qui auroient été réalisées sous la garantie des 3 Cours, les premiers revenus de l'état, de telle sorte que les recettes effectives du trésor Grec seront consacrées *avant tout* au payement des dits intérêts et du dit fonds d'amortissement, sans pouvoir être employées à aucun autre usage, tant que le service des séries réalisées de l'emprunt sous la garantie des 3 Cours n'aura pas été complettement assuré pour l'année courante.

Les Représentans diplomatiques des 3 Cours en Grèce seront spécialement chargés de veiller à l'accomplissement de cette dernière stipulation.

XIII. Dans le cas où les négociations que les 3 Cours ont déjà entamées à Constantinople pour le réglement définitif des limites de la Grèce donneraient lieu à une compensation pécuniaire en faveur de la Porte Ottomane, il est entendu que le montant de cette compensation sera prélevé sur les produits de l'emprunt dont il a été question dans l'Article précédent.

XIV. Sa Majesté le Roi de Bavière facilitera au Prince

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Othon les moyens d'enrôler en Bavière, pour le prendre à son service, en qualité de Roi de la Grèce, un corps de troupes qui pourra se monter à 3,500 hommes, qui sera armé, équipé, et soldé par l'Etat Grec, et qui y sera envoyé le plutôt possible, afin de relever les troupes d'alliance laissées en Grèce jusqu'à présent. Ces dernières y resteront entièrement à la disposition du Gouvernement de Sa Majesté le Roi de la Grèce, jusqu'a l'arrivée du corps mentionné ci-dessus. Dès que ce corps se trouvera en Grèce, les troupes de l'alliance, dont il vient d'être parlé, se retireront, et évacueront totalement le territoire Grec.

XV. Sa Majesté le Roi de Bavière facilitera également au Prince Othon les moyens d'obtenir l'assistance d'un certain nombre d'officiers Bavarois, lesquels organiseront en Grèce une force militaire nationale.

XVI. Aussitôt que faire se pourra après la signature de la présente Convention, les 3 Conseillers qui doivent être adjoints à Son Altesse Royale le Prince Othon par Sa Majesté le Roi de Bavière, pour composer la Régence de la Grèce, se rendront en Grèce, y entreront dans l'exercice du pouvoir de la dite Régence, et y prépareront toutes les mesures dont sera accompagnée la réception du Souverain, lequel, de son côté, se rendra en Grèce dans le plus bref délai possible.

XVII. Les 3 Cours annonceront à la nation Grecque, par une déclaration commune, le choix qu'elles ont fait de Son Altesse Royale le Prince Othon de Bavière pour Roi de la Grèce, et prêteront à la Régence tout l'appui qui pourra dépendre d'elles.

XVIII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans 6 semaines, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 7 Mai, l'an de grace 1832.

(L.S.) PALMERSTON. (L.S.) A. DE CETTO.
(L.S.) TALLEYRAND.
(L.S.) LIEVEN.
(L.S.) MATUSZEWIC.

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Translation.

The Courts of Great Britain, France, and Russia, exercising the power conveyed to them by the Greek nation, to make choice of a Sovereign for Greece, raised to the rank of an independent State, and being desirous of giving to that country a fresh proof of their friendly disposition, by the election of a Prince descended from a Royal House, the friendship and alliance of which cannot fail to be of essential service to Greece, and which has already acquired claims to her esteem and gratitude, have resolved to offer the crown of the new Greek State to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.

His Majesty the King of Bavaria, on his part, acting in the character of guardian of the said Prince Otho during his minority, participating in the views of the 3 Courts, and duly appreciating the motives which have induced them to fix their choice upon a Prince of his house, has determined to accept the crown of Greece for his second son the Prince Frederick Otho of Bavaria.

In consequence of such acceptance, and for the purpose of agreeing upon the arrangements which it has rendered necessary, their Majesties the King of the United Kingdom of Great Britain and Ireland, the King of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of Bavaria, on the other, have named as their Plenipotentiaries, viz, :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and his Principal Secretary of State for Foreign Affairs :—

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, Peer of France, his said Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Grand Cross of the Legion of Honour, Knight of the Order of the Golden Fleece, Grand Cross of the Order of St. Stephen of Hungary, of the Order of St. Andrew, of the Order of the Black Eagle, &c. &c.

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His Majesty the Emperor of all the Russias, the Sieur Christopher Prince of Lieven, General of Infantry in His Armies, His Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Black Eagle and of the Red Eagle of Prussia, of the Royal Order of the Guelphs, Commander Grand Cross of the Sword of Sweden, and Commander of the Order of St. John of Jerusalem;—And the Sieur Adam, Count Matuszewic, Privy Councillor of His said Majesty, Knight of the Order of St. Anne of the 1st Class, Grand Cross of the Order of St. Wladimir of the 2nd, Grand Cross of the Order of the Red Eagle of Prussia of the 1st, commander of the Order of Leopold of Austria, and of several other Foreign Orders:—

And His Majesty the King of Bavaria, the Sieur Augustus, Baron de Cetto, his Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty:

Who, after having exchanged their Full-Powers, found to be in good and due form, have agreed upon and signed the following Articles:—

Art. I. The Courts of Great Britain, France, and Russia, duly authorized for this purpose by the Greek nation, offer the hereditary sovereignty of Greece to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.

II. His Majesty the King of Bavaria, acting in the name of his said son, a minor, accepts, on his behalf, the hereditary sovereignty of Greece, on the conditions hereinafter settled.

III. The Prince Otho of Bavaria shall bear the title of King of Greece.

IV. Greece, under the sovereignty of the Prince Otho of Bavaria, and under the guarantee of the 3 Courts, shall form a monarchical and independent State, according to the terms of the Protocol, signed between the said Courts, on the 3rd of February, 1830,* and accepted both by Greece and by the Ottoman Porte.

V. The limits of the Greek State shall be such as shall be

* See Protocol of Conferences in London, No. 23,

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definitively settled by the negotiations which the Courts of Great Britain, France, and Russia, have recently opened with the Ottoman Porte, in execution of the Protocol of the 26th of September, 1831.*

VI. The 3 Courts having beforehand determined to convert the Protocol of the 3rd of February, 1830, into a Definitive Treaty, as soon as the negotiations relative to the limits of Greece shall have terminated, and to communicate such Treaty to all the States with which they have relations, it is hereby agreed that they shall fulfil this engagement, and that His Majesty the King of Greece shall become a Contracting Party to the Treaty in question.

VII. The 3 Courts shall, from the present moment, use their influence to procure the recognition of the Prince Otho of Bavaria as King of Greece, by all the Sovereigns and States with whom they have relations.

VIII. The Royal Crown and dignity shall be hereditary in Greece; and shall pass to the direct and lawful descendants and heirs of the Prince Otho of Bavaria, in the order of primogeniture.

In the event of the decease of the Prince Otho of Bavaria, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture. In the event of the decease of the last-mentioned Prince also, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture.

In no case shall the Crown of Greece and the Crown of Bavaria be united upon the same head,

IX. The majority of the Prince Otho of Bavaria, as King of Greece, is fixed at the period when he shall have completed his 20th year: that is to say, on the 1st of June, 1835.

X. During the minority of the Prince Otho of Bavaria, King of Greece, his rights of sovereignty shall be exercised in their full extent, by a Regency, composed of 3 Councillors, who shall be appointed by His Majesty the King of Bavaria.

* See Protocol of Conference in London, No. 36.

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XI. The Prince Otho of Bavaria shall retain the full possession of his appanages in Bavaria. His Majesty the King of Bavaria moreover engages to assist, as far as may be in his power, the Prince Otho in his position in Greece, until a revenue shall have been set apart for the Crown in that State.

XII. In execution of this stipulation of the Protocol of the 20th February, 1830,* His Majesty the Emperor of all the Russias engages to guarantee, and their Majesties the King of the United Kingdom of Great Britain and Ireland and the King of the French engage to recommend, the former to his Parliament, the latter to his Chambers, to enable their Majesties to guarantee, on the following conditions, a loan to be contracted by the Prince Otho of Bavaria, as King of Greece.

1°. The principal of the loan to be contracted under the guarantee of the 3 Powers, shall not exceed a total amount of 60,000,000 of francs.

2°. The said loan shall be raised by instalments of 20,000,000 of francs each.

3°. For the present, the 1st instalment only shall be raised, and the 3 Courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of the said instalment.

4°. The 2nd and the 3rd instalments of the said loan may also be raised, according to the necessities of the Greek State, after previous agreement between the 3 Courts and His Majesty the King of Greece.

5°. In the event of the 2nd and 3rd instalments of the above-mentioned loan being raised in consequence of such an agreement, the 3 Courts shall e ch become responsible for the payment of one-third of the annual amount of the interest and sinking fund of these 2 instalments, as well as of the first.

6°. The Sovereign of Greece and the Greek State shall be bound to appropriate to the payment of the interest and sinking fund of such instalments of the loan as may have been raised under the guarantee of the 3 Courts, the first revenues of the State, in such manner that the actual receipts of the Greek treasury shall be devoted, *first of all*, to the payment

* See Protocol of Conference in London, No. 26.

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of the said interest and sinking fund, and shall not be employed for any other purpose, until those payments on account of the instalments of the loan raised under the guarantee of the 3 Courts, shall have been completely secured for the current year.

The diplomatic Representatives of the 3 Courts in Greece shall be specially charged to watch over the fulfilment of the last-mentioned stipulation.

XIII. In case a pecuniary compensation in favour of the Ottoman Porte should result from the negotiations which the 3 Courts have already opened at Constantinople for the definitive settlement of the limits of Greece, it is understood that the amount of such compensation shall be defrayed out of the proceeds of the loan which forms the subject of the preceding Article.

XIV. His Majesty the King of Bavaria shall lend his assistance to the Prince Otho in raising in Bavaria a body of troops, not exceeding 3,500 men, to be employed in his service as King of Greece, which corps shall be armed, equipped, and paid by the Greek State, and be sent thither as soon as possible, in order to relieve the troops of the alliance hitherto stationed in Greece. The latter shall remain in that country entirely at the disposal of the Government of His Majesty the King of Greece, until the arrival of the body of troops above mentioned. Immediately upon their arrival, the troops of the alliance already referred to shall retire, and altogether evacuate the Greek territory.

XV. His Majesty the King of Bavaria shall also assist the Prince Otho in obtaining the services of a certain number of Bavarian officers, who shall organize a national military force in Greece.

XVI. As soon as possible after the signature of the present Convention, the 3 Councillors who are to be associated with His Royal Highness the Prince Otho, by His Majesty the King of Bavaria, in order to compose the Regency of Greece, shall repair to Greece, shall enter upon the exercise of the functions of the said Regency, and shall prepare all the measures necessary for the reception of the Sovereign, who, on his part, will repair to Greece with as little delay as possible.

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XVII. The 3 Courts shall announce to the Greek nation, by a joint Declaration, the choice which they have made of His Royal Highness the Prince Otho of Bavaria as King of Greece, and shall afford the Regency all the support in their power.

XVIII. The present Convention shall be ratified, and the ratifications shall be exchanged at London in 6 weeks, or sooner if possible

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 7th day of May, in the year of our Lord, 1832.

(L. S.) PALMERSTON. (L. S.) A. DE CETTO.
(L. S.) TALLEYRAND.
(L. S.) LIEVEN.
(L. S.) MATUSZEWIC.

EXPLANATORY ARTICLE, *signed at London, 30th April*, 1833.

LES Cours de la Grande Bretagne, de Bavière, de France, et de Russie, reconnoissant l'utilité de mieux préciser le sens, et de compléter les dispositions de l'Article VIII de la Convention signée entre les dites Cours à Londres, le 7 Mai, 1832, sont convenues de ce qui suit:

La succession à la Couronne et à la dignité Royales en Grèce dans la branche du Prince Othon de Bavière, Roi de la Grèce, comme dans les branches de ses frères puinés, les Princes Luitpold et Adalbert de Bavière, lesquelles ont été éventuellement substituées à la branche du dit Prince Othon de Bavière, par l'Article VIII, de la Convention de Londres du 7 Mai, 1832, aura lieu de *mâle en mâle* par ordre de primogéniture.

Les femmes ne seront habiles à succéder à la Couronne Grecque que dans le cas de l'extinction totale des héritiers légitimes mâles dans toutes les 3 branches de la maison de Bavière, ci-dessus désignées: et il est entendu que, dans ce cas, la Couronne et la dignité Royales en Grèce passeront à la

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Princesse, ou aux descendans légitimes de la Princesse, qui, dans l'ordre de la succession, se trouvera être la plus rapprochée du dernier Roi de la Grèce.

Si la Couronne Grecque vient à passer sur la tête d'une femme, les descendans légitimes mâles de celle-ci obtiendront, à leur tour, la préférence sur les femmes, et monteront sur le Trône de la Grèce par ordre de primogéniture. Dans aucun cas, la Couronne Grecque ne pourra être réunie sur la même tête avec la Couronne d'un pays étranger.

Le présent Article explicatif et complémentaire aura la même force et valeur, que s'il se trouvait inséré mot pour mot dans la Convention du 7 Mai, 1832. Il sera ratifié, et les ratifications en seront échangées le plutôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 30 Avril, l'an de Grace, 1833.

(L. S.) PALMERSTON. (L. S.) A. DE CETTO.
(L. S.) TALLEYRAND.
(L. S.) LIEVEN.

(*Translation.*)

The Courts of Great Britain, Bavaria, France, and Russia, acknowledging the advantage of more exactly defining the sense, and of completing the arrangements of Article VIII of the Convention signed between the said Courts at London, on the 7th May, 1832, have agreed as follows:

The succession to the Royal Crown and dignity in Greece, in the line of the Prince Otho of Bavaria, King of Greece, as also in the lines of his younger brothers, the Prince Luitpold and Adalbert of Bavaria, which lines were contingently substituted for that of the said Prince Otho of Bavaria, by the VIIIth Article of the Convention of London of the 7th May, 1832, shall take place from *male to male*, in the order of primogeniture.

Females shall not be capable of succeeding to the Crown of Greece, except in the event of the entire failure of legitimate male heirs in all the 3 above-mentioned branches of the house of Bavaria: and it is understood that, in such case, the

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Royal Crown and dignity in Greece shall pass to that Princess, or to the legitimate descendants of that Princess, who, in the order of succession, shall be the nearest to the last King of Greece.

If the Crown of Greece shall devolve upon a female, her legitimate male descendants shall, in their turn, be preferred to females, and shall ascend the Throne of Greece in the order of primogeniture. In no case shall the Crown of Greece be united on the same head with the Crown of any foreign country.

The present explanatory and supplementary Article shall have the same force and validity as if it were inserted word for word in the Convention of the 7th May, 1832. It shall be ratified, and the ratifications thereof shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 30th day of April, in the year of our Lord 1833.

(L. S.) PALMERSTON. (L. S.) A. DE CETTO.
(L. S.) TALLEYRAND.
(L. S.) LIEVEN.

ACT *of the British Parliament, "to enable His Majesty to carry into effect a Convention made between His Majesty and the King of the French, and Emperor of all the Russias, and the King of Bavaria."*

[2 & 3 Will. 4. cap. 121.] [16th August, 1832.]

WHEREAS by a Convention made and signed at *London* on the 7th day of May, 1832, between His Majesty and the King of the *French* and the Emperor of all the *Russias* on the one part, and the King of *Bavaria* on the other part, the hereditary sovereignty of *Greece* was offered, by the Courts of *Great Britain*, *France*, and *Russia*, to the Prince

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Frederick Otho of *Bavaria*, second son of His Majesty the King of *Bavaria*, and the same was accepted by His said Majesty the King of *Bavaria*, acting in the character of guardian of the said Prince *Otho* during his minority: and whereas an Article was agreed upon between the said Contracting Parties to the following effect; (that is to say,)

Article XII. [See Page 322.]

And whereas it is expedient that His Majesty should be enabled to carry into effect the said Convention: 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 His Majesty, his heirs and successors, and they are hereby authorized, to guarantee the loan to be contracted by Prince *Otho* of *Bavaria*, as King of *Greece*, upon the terms and conditions specified in the said 12th Article of the said Convention; and that for the purpose of giving effect to the said guarantee, the Lord High Treasurer, or the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any 3 or more of them, for the time being, respectively shall be, and he and they is and are hereby empowered from time to time, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to cause to be issued such sums of money as shall be required for the payment of any interest or sinking fund agreed to be paid by His Majesty under the said Convention, as and when the same may from time to time respectively become payable, and so long as the same should be payable conformably to the tenour of His Majesty's engagements as specified in the said Convention.

II. And be it further enacted, that the said Lord High Treasurer or Commissioners of the Treasury for the time being shall cause to be prepared, and shall lay before both Houses of Parliament within 20 days after the commencement of every Session of Parliament, an account, up to the 31st day of *December* then next preceding, of the total sums, if any, which shall from time to time have been issued and applied by virtue of this Act for paying and satisfying any

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interest on the said part of the said loan so agreed to be guaranteed by His said Majesty, or towards paying and satisfying any principal thereof.

HAMBURGH.

ACT *of the British Parliament, "to declare valid Marriages solemnized at Hamburgh since the Abolition of the British Factory there."*

[3 & 4 Will. 4, cap. 45.] [14th August, 1833.]

WHEREAS the *British* Factory at *Hamburgh* was dissolved, and the privileges thereof abolished, in the year 1808: And whereas divers Marriages of subjects of this realm resident in *Hamburgh* have since the abolition of the said Factory and privileges been solemnized there by the chaplain appointed by the Lord Bishop of *London*, or some minister of the church of *England* officiating instead of such chaplain, in the *British* episcopal chapel, and in private houses in that city, before witnesses, according to the rites of the church of *England*: And whereas it is expedient that no doubts should hereafter arise as to the validity of such Marriages: May it therefore be declared and enacted; and be it declared and 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 all Marriages of parties subjects, or parties one of them being a subject of this realm, which have been solemnized at *Hamburgh* since the abolition of the *British* Factory there, by the chaplain appointed by the Lord Bishop of *London*, or by any ministers of the church of *England* officiating instead of such chaplain, in the episcopal chapel of the said city, or in any other place, before witnesses, according to the rites of the church of *England*, shall be good and valid in law to all intents and purposes as if the same had been solemnized in the *British* Factory at *Hamburgh* before the abolition thereof.

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LICENSE *granted by the Senate to the English Episcopal Congregation, at Hamburgh.* 17*th January,* 1834.

(*Translation.*)

1. The persons belonging to the English Episcopal congregation at present residing or who may hereafter come to reside in our State, have the free exercise of their religion under our protection, according to Article I of the Regulations of the 20th October, 1814.

2. They have the liberty of performing divine service in a proper building within the city, and are authorized to build and arrange, at their own expense, a suitable edifice for that purpose, upon a spot to be approved of and assigned to them on the Zeughausmarkt.

The plan thereof, with the estimate, to be previously given in to the deputation for the ecclesiastical affairs of the Christian non-Lutheran community, for the purpose of obtaining our approval.

3. It is entirely left to the members of the Episcopal congregation, in regard to all cases of disputes which may by any chance happen among them concerning points of religion and doctrine, to apply to the proper ecclesiastical authorities for decision, according to the precepts or rules of their church; but in all other and similar cases, having a reference to this License, the decision is to be left to the constitutional authorities of this city; and in case of the incompetency of the judicial and police authorities, then the existing deputation for the ecclesiastical affairs of the Christian non-Lutheran community is to decide; from whose decision they are at liberty to appeal to our extra-judicial decision only, and not to resort to any court of justice, or any other legal remedy.

4. The chaplains and other clergymen of the English Episcopal Church, being appointed according to the laws and regulations of their own country, are to be presented by the directors or wardens of the community to the above-mentioned deputation, in order to obtain our sanction for the exercise of their official duties. The directors or wardens must also give notice to the deputation, of the election of candidates, schoolmasters, organists, and other servants of the church.

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5. The clergymen of the English Episcopal Church are to conduct themselves peaceably and quietly in their ministry in this place, to refrain from all controversies and offensive expressions, against the Evangelican Lutheran religion; to treat the ministry of this place with love and respect, and to claim no ministerial rights.

6. All the before-mentioned persons, clergymen, candidates, schoolmasters and other servants of the church, are, like all other such persons of other confessions, by virtue of the *jurisdictio ecclesiastica cum jus diœcesarum* belonging to us in our territory, subject to our jurisdiction alone. As regards, however, decisions on their creed and doctrines, Article III remains in force. They must become bound to the city, and also pay those taxes to which the members of the ministry here and the servants of the city churches are liable. Those servants of the church, who carry on trade in the city, are obliged to become citizens, and, like all other citizens, liable to pay contributions.

7. The usual and extraordinary festivals appointed for our State, are also to be celebrated in the church of the English Episcopal congregation, as far as this celebration is not contrary to their religious principles. All orders and notifications to be published in the city churches, not relating to conscience and religion, if required by us, must also be proclaimed in the English Episcopal Church. The prayers for us, (the Senate,) for the burgesses, and for the whole State, are to be arranged according to the prayers appointed in the city churches.

8. The extraordinary collections to be ordered by us in the city churches for particular objects, are also to be appointed in the church of the English Episcopal congregation, and the money collected to be paid to the before-mentioned deputation; but the appointment of ordinary collections for charitable purposes during their divine service, as also the proper distribution and application of the same, are left solely to their directors and wardens.

9. All publications of the banns of marriage, without exception, must be made in the city churches, and in the church of the parish where the bride, on account of her residence,

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is settled. Should the bride be living abroad, then the banns must be published in the church of the parish where the bridegroom resides. But the members of the English Episcopal community are at liberty, besides that, to have the banns published in their church. If one of the parties should belong to the Evangelical Lutheran Church, then the marriage ceremony must be performed by a Lutheran clergyman of the church where the banns were published. If both parties are respectively attached to another religion, they are at liberty to have the ceremony performed by their clergyman, but in every case of a marriage intended to be celebrated here, the license must be applied for at the Wedde, and the regular fees paid for the same, as are generally paid by the Lutheran inhabitants.

10. In regard to christenings, the parents are at liberty to have their children christened by a Lutheran clergyman of the parish where they reside, or by their own clergyman. In the first case, the children are to be registered in the register of christenings of the parish where the parents reside; the parents are at liberty, however, even when the children have been christened by the clergyman of the English Episcopal congregation, to have them registered in the church books of the parish.

11. The clergymen of the English Episcopal congregation have to keep a faithful register in their church books of their christenings and marriages, according to their official duties and in this respect they must observe the existing regulations, and such as may in future be made. In particular, they are referred to those made by a Decree of the Senate and Citizens of the 16th November, 1815, and published on the 30th of the same month, concerning the registering of births, marriages, and deaths.

12. In all cases where the members of the English Episcopal congregation are obliged to, or voluntarily, call in the Lutheran clergymen to perform their office, according to Articles VII and VIII, the usual fees are to be paid to them, as also the lawful fees of the church officials entitled to demand the same. However, persons in good circumstances are at liberty to give more.

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13. The members of the English Episcopal congregation are at liberty to choose their churchwardens from among themselves, and are also authorized to choose and appoint their directors, under the name of a committee for the affairs of the congregation. Notice of the election must each time be given to the deputation for the ecclesiastical affairs of the Christian non-Lutheran community.

The churchwardens, or other persons of the congregation regularly authorized, have, without prejudice to our chief authority, the superintendence over the church, the distribution of the alms collected and ordinary collections, the management of the common property and capital, and they shall certainly be protected by us in their office; but they must not pretend to or claim any further privileges, particularly those connected with the ecclesiastical jurisdiction, which we have reserved to ourselves alone.

We reserve to ourselves besides, an eventual constitutional alteration of this License at our discretion, according to time and circumstances.

In witness whereof, we have caused one of our secretaries to subscribe this License, and to affix to it our official seal.

Done at Hamburgh, the 17th January, 1834.

Ex speciale Commissione Amplissimæ Senatus Hamburgensis.

EDWARD BANKS, D^r^,

(L.S.) *Reipublicæ Hamburgensis Secretarius, subscripsi.*

NOTIFICATION *of the Senate, declaring the validity of the Official Acts performed in the English Episcopal Church, since the Abolition of the "British Court" at Hamburgh. 20th January,* 1834.

(*Translation.*)

THE privileges of an established congregation having now been constitutionally conferred on the professors of the Anglo-Episcopal Church, it has also been deemed expedient to remove every doubt on the subject of the Official Acts hitherto

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performed in this city by the clergyman of that church; it has therefore been constitutionally resolved,

That all the Official Acts performed here since the abolition of the Court by the clergyman of the Anglo-Episcopal Church, who has been tolerated in his functions, shall be considered as if he had been formally confirmed by the State, and shall have the same force.

Which is hereby made known to and recommended to the attention of all.

Given in our Assembly of the Senate, Hamburgh, the 20th of January, 1834.

(L S.)

NETHERLANDS.

DECREE *of the King of the Netherlands, relative to the Commerce and Navigation of the Colonies of Demerara, Essequibo, and Berbice. 21st December,* 1815.

ARRETE.

Nous, Guillaume, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc., etc., etc.

Vu la Convention conclue à Londres, le 12 Août dernier,* entre notre Ambassadeur et le Comte de Bathurst, Secrétaire d'Etat de la Grande Bretagne, au sujet de la navigation et du commerce des colonies de *Demerary, Berbice; Essequebo* et *Berbice;*

Et voulant, en conséquence, arrêter les mesures nécessaires, spécialement à l'égard des dispositions intermédiaires encore en vigueur relativement à la navigation et au commerce avec les colonies des Indes Occidentales en général;

Sur le rapport de notre Ministre des Affaires Etrangères,

* See Vol. 1, Page 369.

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de notre Conseiller d'Etat, Directeur Général du Commerce et des Colonies, et de notre Directeur Général des Douanes;

Notre Conseil d'Etat entendu,

Avons arrêté et arrêtons:

Art. I. La Convention ci-dessus mentionnée sera rendue publique, afin que tous ceux que la chose intéresse soient à même de s'y conformer.

II. D'après les dispositions y contenues, les réglemens établis par la Loi du 9 Juillet, 1814, qui a ouvert aux habitans des Pays-Bas la navigation aux Indes Occidentales, seront censés annullés au 1er Janvier prochain.

III. Ceux de nos sujets qui sont propriétaires fonciers dans les colonies de *Demerary*, *Essequebo* et de *Berbice*, ou qui ont droit d'hypothèque sur les plantations y situées, pourront naviguer vers ces colonies et y trafiquer, à dater du 1er Janvier, 1816, pourvu qu'ils se conduisent conformément à la Convention ci-dessus mentionnée.

IV. Les dispositions des Articles I et II de la Loi du 27 Mai, 1815, sont déclarées applicables au commerce de la navigation des Pays-Bas, tant vers les colonies de *Demerary*, *Essequebo*, *Berbice*, et *vice versâ*, que vers la colonie de *Surinam* et les îles de *Curaçao*, *St. Eustache* et *St. Martin*, avec leurs dépendances, et *vice versâ*, sauf cependant l'exemption de droits de sortie pour les objets qui seront expédiés des ports des *Pays-Bas* pour *Surinam* dans des navires nationaux.

V. En vertu de l'Article X de la Convention, les sujets Belges habitant dans le royaume et possessionnés dans les colonies de *Demerary*, *Essequebo*, et *Berbice*, adresseront au 1er Février, 1816, au plus tard, au Département du Commerce et des colonies, des états contenant leurs noms et demeure et les noms et descriptions des plantations qui leur appartiennent, en tout ou en partie, dans les colonies susdites, en exprimant si ce sont des plantations à sucre ou autres.

VI. Les sujets Belges, porteurs d'hypothèques sur des plantations situées dans les susdites colonies, seront également tenus d'adresser, au 1er Février prochain ou plutôt, au Département du Commerce et des Colonies, le montant de leur dette hypothécaire telle qu'elle existe actuellement, ou telle

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qu'elle doit être réglée aux termes de l'Article IV de la Convention.

VII. Les déclarations, requises par les 2 Articles précédens, devront être renouvelées aunuellement par les intéressés, et ce, avant le 1er Janvier de chaque année.

VIII. Le Département du Commerce et des Colonies fera annuellement former une liste générale des déclarations susmentionnées, et en adressera des copies aux Départemens des Affaires Etrangères et des Douanes.

IX. Le Département des Affaires Etrangères est autorisé à faire communiquer officiellement au Ministère de Sa Majesté Britannique, les changemens que, d'après la Convention du 12 Août dernier, nous avons apportés aux dispositions relatives à la navigation et au commerce des Indes Occidentales, et à transmettre successivement au dit Ministère les listes annuelles qui lui seront adressées en vertu de l'Article précédent par le Département du Commerce et des Colonies, en demandant en même temps communication des listes des Belges, propriétaires de plantations ou porteurs d'hypothèques dans les colonies de *Demerary, Essequebo* et *Berbice;* lesquelles listes, d'après les Articles VIII et X de la Convention, doivent être formées dans les colonies mêmes.

X. Ces dernières listes seront, à mesure qu'elles parviendront au Département des Affaires Etrangères, transmises en copie à ceux du commerce, des colonies et des douanes.

XI. Notre Ministre des Affaires Etrangères, notre Conseiller d'Etat, Directeur Général du Commerce et des Colonies, et le Directeur Général des Douanes sont, chacun en ce qui le concerne, chargés de l'exécution du présent Arrêté, dont copie sera adressée au Conseil d'Etat, et qui sera d'ailleurs publié au moyen du Staatsblad et du Journal Officiel.

Fait à La Haye, le 21 Décembre, 1815, et le 2me de notre règne.

GUILLAUME.

Par Le Roi.,
A. R. FALCK.

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DECREE *of The King, prohibiting the importation of Slaves from Foreign Colonies into the Colonies of the Netherlands.* 16*th April*, 1821.

Arrêté du 16 *Avril*, 1821, *portant défense d'introduire dans les colonies du Royaume, des nègres amenés des colonies Etrangères, où leur introduction directe d'Afrique est permise.*

Nous, Guillaume, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, &c. &c. &c.

Considérant que d'après des avis reçus, il paroîtroit qu'on introduit de temps en temps dans la colonie de Surinam de nègres amenés des colonies Etrangères où la traite directe des nègres d'Afrique n'est point encore prohibée;

Vû le Traité du 4 Mai, 1818,* conclu entre les Pays-Bas et la Grande Bretagne;

Vû aussi la Loi du 20 Novembre, 1818;†

Sur les rapports de nos Ministres des Affaires Etrangères, de la Justice, et pour l'Instruction Publique, l'Industrie Nationale, et les Colonies;

Le Conseil d'Etat entendu, avons statué et statuons:

L'introduction dans les colonies de notre royaume, et spécialement dans la colonie de Surinam, de nègres amenés des colonies Etrangères où il est permis de les introduire directement d'Afrique, est prohibée, sous les peines comminées sur l'importation de marchandises prohibées dans les dites colonies.

Notre Ministre pour l'Instruction Publique, l'Industrie Nationale et les Colonies, est chargé de l'exécution du présent Arrêté, dont il sera donné connoissance à nos Ministres des Affaires Etrangères et de la Justice, ainsi qu'au Conseil d'Etat, et qui sera inséré au Journal Officiel.

Bruxelles, le 16 Avril, 1821.

Par le Roi, GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

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* See Vol. 1, Page 381. † See Vol. 3, Page 272.

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BRITISH ORDER IN COUNCIL, *exempting certain Netherland Vessels from taking Pilots in British Ports.*

At the Court at Windsor, the 21st of July, 1823.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 4th year of His present Majesty's reign [cap. 77.] intituled "An Act to authorize His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in Foreign vessels, and to exempt certain Foreign vessels from pilotage,"* His Majesty is authorized, by and with the advice of his Privy Council, or by any Order or Orders in Council, in all cases in which British vessels, of less burthen than 60 tons, are not required by law to take pilots, to exempt Foreign vessels, being of less burthen than 60 tons, from taking on board a pilot to conduct them into or from any of the ports of the United Kingdom, any law, custom, or usage to the contrary notwithstanding; His Majesty, by virtue of the power vested in him by the said Act; and by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that from and after the date of this Order, all vessels belonging to the subjects of His Majesty the King of the Netherlands, and being of less burthen than 60 tons, which shall enter in or clear out from any of the ports of the United Kingdom, shall be, and they are hereby exempted from taking on board a pilot to conduct them into or from any such port, in all cases where British vessels, being of less burthen than 60 tons, are not required by law to take pilots, any law, custom, or usage to the contrary notwithstanding.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

JAMES BULLER.

* See Vol. 3, Page 145.

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DECREE *of the King of the Netherlands, relative to the Navigation of the Rhine.* 1*st March*, 1827.

Arrêté du 1*er Mars*, 1827, *portant Règlemens Provisoires sur la Navigation du Rhin.*

Nous, Guillaume, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

Sur les propositions faites par nos Ministres des Affaires Etrangères et de l'Intérieur, et par notre Conseiller d'Etat, administrateur des impositions directes, droits d'entrée et de sortie et des accises, en exécution de l'Article VI. dudit Arrêté (Rapports des 14 Décembre, 1826, No. 6, secret, et 30 Janvier, 1827, No. 1, secret);

Vu le Rapport ultérieur de notre Ministre de l'Intérieur et de notre Conseiller d'Etat, administrateur des impositions directes, droits d'entrée et de sortie, et des accises, du 22 Février, 1827, No. 1 *bis;*

Après avoir de nouveau pris l'avis de notre Ministre des Affaires Etrangères (avis du 25 Février, 1827, No. 1, secret);

Avons arrêté et arrêtons:

Art. I. Pour la navigation sur le Rhin des Pays-Bas et pour celle des bateaux du Rhin qui, en venant du Rhin, traversent le territoire maritime des Pays-Bas jusqu'à la pleine mer, ou qui, venant de là avec destination pour le Rhin, empruntent ledit territoire maritime, sont approuvés et établis les règlemens provisoires, cotés A. et B. annexés à la suite de notre présent Arrêté.

II. Ces règlemens régiront la matière et seront en vigueur jusqu'à ce que, conformément à l'Acte de Vienne, on soit convenu à Mayence, d'un règlement définitif pour la navigation sur le Rhin, à partir du point où il devient navigable, jusqu'à la mer, et jusqu'à ce que ce règlement ait obtenu la sanction des Etats riverains du Rhin.

III. Nous nous réservons de faire en attendant aux règlemens approuvés par les présentes, les changemens, modifications ou additions, que l'expérience ou du nouvelles circonstances indiqueront comme convenables.

Nos Ministres des Affaires Etrangères, de l'Intérieur et de

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la Justice, et notre Conseiller d'Etat, administrateur des impositions directes, des droits d'entrée et de sortie et des accises, sont chargés de l'exécution du présent Arrêté, lequel sera inséré au Journal Officiel.

Donné à Bruxelles, le 1er Mars, de l'an 1827, de notre Règne le 14me.

Par le Roi. GUILLAUME.

J. G. DE MEY DE STREEFKERK.

(Litt. A.)—*Règlement Provisoire pour la Navigation sur le Rhin des Pays-Bas, en exécution de l'Arrêté Royal du* 10 *Septembre*, 1826,* *et en conformité des Stipulations de l'Acte du Congrès de Vienne, du* 24 *Mars*, 1815.†

ART. I. On comprend sous le nom de Rhin des Pays-Bas, le Rhin, ainsi que le Lek, comme continuation du Rhin, depuis Lobith du côté de terre, jusqu'à Krimpen vers la mer.

Le cours d'eau compris entre ces deux points sera, sous tous les rapports, assimilé au Rhin Conventionnel et régi d'après les mêmes règles.

II. En conséquence, et en attendant, le règlement définitif à intervenir, le système actuellement établi, pour la perception des droits et le maintien de la police sur le Rhin Conventionnel, sera aussi provisoirement applicable au Rhin des Pays-Bas, conformément à la Convention de 1804,‡ et aux Ordonnances et Règlemens qui en sont résultés.

III. D'après une évaluation provisoire de l'étendue du cours d'eau entre Lobith et Krimpen, il sera perçu pour droit de navigation du Rhin, proportionnément au tarif établi par la Convention de 1804, et déclaré pour l'avenir obligatoire par l'Acte de Vienne, savoir:

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* See Vol. 3. Page 314.

† Act No. 16, annexed to the General Treaty. See Vol. 1. Page 15.

‡ Convention sur l'Octroi de navigation du Rhin, entre la France et l'Allemagne. See Martens, Supplement, Vol. 4. Page 36.

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A la remonte - - - - - *f.* 0,18 fr. 0,39
A la descente - - - - - 0,12 — 0,26

par quintal, ou 50 livres des Pays-Bas. S'il arrive qu'une vérification ultérieure de l'état de la rivière, présente sous le rapport de la longueur, un autre résultat, le tarif ci-dessus sera modifié à proportion.

IV. Le droit de reconnaissance sera perçu conformément au tarif suivant:

Sur chaque bâtiment, de	Quintaux (à raison de 50 kilogrammes ou livres des Pays-Bas par quintal.)	
50- 300 - - - - -	*f.* 0,07	fr. 0,15
300- 600 - - - - -	0,42	0,90
600-1000 - - - - -	0,84	1,80
1000-1500 - - - - -	1,40	3,00
1500-2000 - - - - -	2,10	4,50
2000-2500 - - - - -	2,80½	6,00
2500-3000 - - - - -	3,50½	7,50
3000-3500 - - - - -	4,20½	9,00
3500-4000 - - - - -	4,91	10,50
4000-4500 - - - - -	5,61	12,00
4500-5000 - - - - -	6,31	13,50
5000 et au-delà - - - -	7,01	15,00

V. Les bureaux de perception des droits sont:

1°. Pour la descente.—*a.* à Lobith; *b.* à Vreeswyk.

2°. Pour la remonte.—*a.* à Krimpen; *b.* à Vreeswyk.

VI. Le droit de navigation du Rhin sera perçu à proportion des distances entre les bureaux designés à l'Article précédent; en sorte qu'il sera payé, par quintal, comme suit:

1°. En descendant.—*a.* à Lobith; pour la distance de là à Vreeswyk - - *f.* 0,08 fr. 0,18
b. à Vreeswyk; pour la distance de là à Krimpen - - - - - *f.* 0,04 fr. 0,08
2°. En remontant: *a.* à Krimpen; pour la distance de là à Vreeswyk - - *f.* 0,06 fr. 0,13
b. à Vreeswyk; pour la distance de là à Lobith - - - - - - *f.* 0,12 fr. 0,26

Cependant il est libre aux bateliers qui descendent ou qui remontent, d'acquitter en une fois à Lobith ou à Krimpen, les

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droits pour la totalité de la distance d'un de ces bureaux à l'autre.

VII. Les bâtimens partant d'Arnhem pour le Rhin Conventionnel, et réciproquement, acquitteront les droits au bureau de Lobith, et ce, quant au droit de navigation du Rhin, conformément au tarif suivant, savoir :

1°. En descendant . . . . . *f.* 0,01 fr. 0,03
2°. En remontant . . . . . – 0,02 – 0,04

Pour toutes les autres villes ou places situées sur le Rhin des Pays-Bas, qui maintenant ou à l'avenir prendraient part à la navigation vers le Rhin Conventionnel et réciproquement, on fixera ultérieurement les tarifs nécessaires.

VIII. Les droits devront être acquittés en monnaie des Pays-Bas ; cependant on admettra aussi des monnaies Etrangères d'après un tarif à fixer ultérieurement, lequel sera imprimé et placardé dans les bureaux de perception.

IX. Les exceptions accordées par les Articles CIII, CIV, et CV de la Convention de 1804, en faveur de certaines marchandises, s'appliqueront de même à la navigation le long du Rhin des Pays-Bas.

X. Sans préjudice de ce que la Convention de 1804 et les règlemens prescrivent, au sujet de la responsabilité des bateliers concernant la cargaison, et indépendamment de ce que les règles du droit commun comportent à cet égard, il est en outre établi les mesures de précaution suivantes :

a. Défense est faite au batelier de quitter son bateau et sa cargaison pendant le voyage. En cas de contravention, un batelier de remplacement sera placé, par le percepteur ou en son nom, à bord du bâtiment, et ce pour le compte et aux risques du batelier.

b. Il est défendu de naviguer, tant en remontant qu'en descendant la rivière, avec deux ou plusieurs embarcations amarrées ensemble, ou attachées l'une à la suite de l'autre. Si l'eau venant à baisser oblige d'alléger le bâtiment, les alléges seront conduites et, en cas de remonte, attelées séparément.

c. Toutes les marchandises doivent être placées à l'intérieur du bâtiment ; il n'est pas permis, en naviguant sur le Rhin, d'en charger sur le tillac.

d. Il est défendu de verser les marchandises de bord à bord

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pendant le voyage, sauf le cas mentionné sous la lettre *c.* et les cas de détresse dont il sera parlé ci-après.

e. Les conducteurs de trains de bois devront se faire précéder au moins à la distance d'une lieue, par une nacelle, à l'effet d'avertir les bateliers qui remontent ou ceux dont les bâtimens sont à l'ancre et les autres intéressés; indépendamment de la responsabilité à laquelle continuent d'être assujettis les conducteurs de trains pour tous dommages qu'ils occasionneraient par imprudence, par fausse manœuvre, faute de s'être munis des agrès nécessaires, par vice dans la construction des trains, etc.

XI. A bord de chaque bateau ou embarcation devront se trouver les lettres de voiture ou connaissemens y relatifs; en outre, un manifeste en due forme, lequel servira de base pour fixer la quotité du droit de navigation à payer; le poids y énoncé sera contrôlé au moyen du jaugeage.

XII. Les manifestes devront être rédigés dans la forme du modèle annexé au présent Règlement; ils énoncent en conséquence:

1°. Les noms du propriétaire et du conducteur de l'embarcation;

2°. Le nom, la capacité et le pavillon de l'embarcation;

3°. Le lieu du chargement et de la destination des marchandises;

4. Les lettres de voitures ou connaissemens, par ordre des numéros;

5°. Les noms des chargeurs et des consignataires;

6°. Les marques et le nombre des colis, futailles et ballots, &c.

7°. La désignation des marchandises.

8°. Leur poids;

9°. La signature du batelier.

Le tout indépendamment de ce qui est en outre prescrit par la Convention de 1804, concernant les manifestes et les obligations dont les bateliers sont tenus à cet égard.

XIII. Si un batelier a négligé ou n'a pas eu l'occasion de se pourvoir d'un manifeste en bonne forme au lieu du chargement, il est tenu d'en rédiger un dans ladite forme lors de son arrivée à Lobith, Vreeswyk, ou Krimpen, et de la

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faire vérifier et légaliser par les employés de l'un de ces bureaux.

XIV. Pour les mesurage et jaugeage des bâtimens et la manière de procéder à ce jaugeage, comme aussi pour le mesurage du bois expédié par train, ou de quelque autre manière, et pour l'évaluation des droits dus de ce chef; enfin, pour déterminer le poids des merchandises qu'il n'est pas d'usage de peser ou qui ne sont pas susceptibles de pesage, on se conformera aux dispositions de la Convention de 1804, et aux règlemens et tableaux publiés en conséquence, d'abord par la direction générale et postérieurement par la commission centrale de Mayence.

XV. Pour les bateaux à vapeur, quant aux parties de ces bateaux qui sont convenables, disposées et destinées pour le transport de passagers et de marchandises, on en prendra la mesure cubique, comme cela sa pratique à l'égard des bâtimens à voiles ordinaires; la capacité cube trouvée sera ensuite réduite en quintaux, et d'après cette réduction, on calculera la quotité des droits que chaque bateau à vapeur doit payer comme diligence d'eau, conformément à la Convention de 1804 et la quantité de marchandises qui peut y être chargée. En même tems, le total de la capacité cube servira de base pour fixer le montant du droit de reconnaissance payable à chaque bureau; le tout sauf des dispositions ultérieures, en tant que l'expérience en démontrera la nécessité.

Concernant les cargaisons, la représentation des manifestes, etc., les conducteurs ou patrons des bateaux à vapeur sont tenus des mêmes obligations que celles établies à l'égard du transport par bâtimens à voiles ordinaires; les bateaux à vapeur seront traités, sous ce rapport, exactment sur le même pied que ces bâtimens.

Les employés aux bureaux de preception du droit de navigation du Rhin sont autorisés à s'assurer, au moyen d'une visite convenable, que tout est exactement énoncé dans le manifeste, et qu'aucune autre partie du bateau à vapeur que celles à ce destinées, ne renferme des marchandises pour être transportées, à moins qu'elles ne se trouvent aussi duement portées au manifeste.

XVI. Les bureaux du droit de navigation du Rhin, sur le

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Rhin des Pays-Bas, seront organisées sur le même pied que ceux du Rhine Conventionnel; les instructions á donner aux employés de ces bureaux concernant l'exécution du service, la perception des droits, etc., seront de même conformes à ce qui est prescrit par la Convention de 1804, et par les règlemens ultérieurs qui en découlent. Let canots à placer auprès de ces bureaux, aux fins mentionnés dans la Convention de 1804, porteront, en signe de leur destination, le pavillon des Pays-Bas, avec le mot "Rhenus" à la bande blanche.

XVII. Il y aura près l'administration des impositions directes, droits d'entrée et de sortie et des accises; un Inspecteur pour le droit de navigation du Rhin sur le Rhin des Pays-Bas, chargé des fonctions énoncées à l'Article XLIV de la Convention de 1804, et de telles autres attributions qui seront ultérieurement déterminées par une instruction particulière.

XVIII. Dans le cas de détresse, comme aussi lorsque la baisse des eaux obligera d'alléger les bâtimens, on suivra les dispositions contenus aux Articles XXV jusqu'à XXX, de la Convention de 1804; saul les modifications que comporteront les circonstances locales et la législation en vigueur dans le Royaume des Pays-Bas. A tous autre égards l'intervention des employés des droits d'entrée et de sortie et des accises est exclue et indertite, aussi longtemps que les bâtimens et les marchandises se trouvent sur la rivière; sans préjudice néanmoins de l'établissement de gardiens à bord des bâtimens, et de l'apposition des scellés sur la cargaison ou de la fermeture des écoutilles, à l'effet de prévenir l'introduction clandestine ou l'échange des marchandises ainsi qu'il est dit à l'Article III de l'Arrêté Royale du 10 Septembre, 1826.

XIX. Dans la recherche et la poursuite de toutes contraventions en matière de navigation du Rhin, dans le recouvrement des amendes, et généralement en tout ce qui concerne le maintien de la police, les employés du droit de navigation du Rhin appliqueront les mêmes moyens et exerceront le même pouvoir, et suivront les mêmes règles que prescrit la Convention de 1804.

XX. Les Articles CXXII, CXXIII, et CXXIV, de la Convention de 1804, n'étant pas de nature à recevoir leur exécution

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quant au Rhin des Pays-Bas, sont remplacés par les dispositions suivantes :

a. Toutes les contestations provenant de l'exécution et de l'application de ladite Convention et du présent Règlement, soit qu'elles concernent le mesurage des Bâtimens et des trains de bois, soit qu'elles aient rapport au paiement ou au montant des droits, ainsi qu'aux peines et amendes provoquées; en outre, toutes les contestations entre les bateliers, et les propriétaires des fonds riverains, pour cause de dégradation ou d'entraves; comme aussi toutes réclamations de la part des bateliers et autres particuliers ou autorités publiques contre les conducteurs des trains de bois, pour cause d'avarie ou dommage, seront portées devant les tribunaux ordinaires du lieu où les bureaux sont etablis; ou de l'endroit où se sont passés les faits qui ont donné lieu à la contestation; ou, á défaut, devant ceux qui se trouveront le plus à proximité, pour y être instruites et jugées sommairement. Dans tous les cas non prévus par la Convention de 1804, ou par le présent Règlement, les Juges suivront les règles du droit commun, et en ce qui concerne la prononciation des peines et amendes, ils se conformeront aux dispositions de la Loi du 6 Mars, 1818.

b. Si le batelier ou le conducteur du train ne peut attendre l'issue du procès, ou s'il désire continuer son voyage, il en aura la faculté moyennant une caution dont le montant sera évalué par le Juge.

c. Les parties pourront appeler du jugement rendu en première instance, devant les tribunaux ou cours d'appel à ce compétents d'aprés la législation en vigueur.

XXI. Une copie de la Convention de 1804 sera annexée à la suite du présent Règlement, et seront les employés du droit de navigation du Rhin, les bateliers naviguant sur le Rhin des Pays-Bas, et tous ceux que la chose pourrait concerner, tenus, indépendamment des Articles ci-dessus mentionnés, de se conformer pareillement aux autres Articles qui sont encore actuellement en vigueur et applicables au Rhin des Pays-Bas, de même que s'ils étaient insérés textuellement dans ce Règlement.

XXII. Le présent Règlement n'est pas applicable au transport de personnes ni à celui de chevaux, voitures et autres

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semblables objets d'une rive à l'autre, de même qu'à tout ce qui concerne la communication entre les 2 rives; en outre, aux bateliers et bâtimens qui se bornent à la navigation dans l'intérieur du Royaume; enfin, au bateaux du Rhin qui viennent d'Amsterdam et d'Utrecht avec destination (par la voie du Waal) pour le Rhin, au dessus de Lobit, ou qui, venant de cette partie du Rhin, comme dessus, avec destination pour Utrecht et Amsterdam, n'empruntent la voie du Lek que pour traverser, afin d'atteindre le canal de Zéderick, ou réciproquement, en sortant de ce canal, afin de passer à Vreeswyk: lesquels bateaux, sous ce rapport, demeurent soumis aux dispositions générales actuellement en viguer.

Approuvé par Arrêté Royal du 1er Mars, 1827.

Vu: pour le Secrétaire d'Etat,

STRATENUS.

(Litt. B.) *Règlement Provisoire pour la Navigation des Bateaux du Rhin, depuis Krimpen, jusqu'en Pleine Mer, et depuis la Pleine Mer jusqu'à Krimpen.*

Art. I. Les bateaux du Rhin qui veulent se rendre à la pleine mer, ou qui en viennent, ne pourront prendre d'autre route qu'en allant de Krimpen par Rotterdam, et ensuite le long de la Brielle, et réciproquement le long de la Brielle, et par Rotterdam à Krimpen.

II. Les formalités et obligations à remplir par les bateliers qui naviguent le long de cette route, varieront suivant les 3 cas suivans:—

a. Si les bateaux ne font que passer, sans rompre charge;

b. S'ils passent avec un chargement incomplet, et prennent ensuite des marchandises à bord;

c. Si dans le trajet ils font usage de l'entrepôt, ou rompent charge et débarquent des marchandises dans les Pays-Bas.

III. Les bateaux descendant le Rhin et destinés pour la mer, ou venant de la mer avec destination pour le Rhin, demeureront assujettis sur le territoire entre la rivière et la pleine mer, aux droits et autres frais dus par les bâtimens de mer à l'entrée ou à la sortie des ports des Pays-Bas.

IV. Tout bateau quittant le Rhin des Pays-Bas jusqu'à la mer, et la route indiquée à travers le territoire maritime,

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jusqu'en pleine mer, pour naviguer dans d'autres rivières, canaux, ou parties de la mer territoriale, tombent, quant au chargement et déchargement et à tous autres objets de surveillance, dans le domaine des lois du royaume; en conséquence, ce ne sont plus dès lors les dispositions particulières à la navigation du Rhin, mais celles de ces lois, qui leur sont applicables.

V. Les conducteurs dont il est question à l'Article II, lettre *a*, devront, en descendant, payer au bureau des droits d'entrée et de sortie qui sera établi à Krimpen, les droits de transit, de tonnage et autres charges; indépendamment de la faculté qu'ont les employés des droits d'entrée et de sortie, d'exiger un cautionnement pour l'excédant des droits d'entrée et d'accises sur le droit de transit, s'il y a lieu. Après le paiement des droits et autres frais, il sera placé des gardiens à bord et le scellé sera apposé sur les cargaisons, ainsi qu'il est prescrit pour le Rhin. Si, à l'arrivée des bâtimens à la Brielle, les scellés se trouvent sains et entiers, et s'il constate par le rapport des gardiens que, pendant la traversée il n'a pas été opéré de changement frauduleux dans la cargaison, les cautionnemens, s'il en a été fourni, seront rendus, et les bâtimens seront expédiés pour continuer leur voyage, sans autre retard, jusqu'à la pleine mer. En remontant, la déclaration au premier bureau du côté de la mer devra être faite en la manière accoutumée, par les bateliers venant de la mer, à la Brielle sur le bureau de Rotterdam, en même temps qu'ils remettront un manifeste en la forme prescrite par le règlement pour la navigation sur le Rhin. A la Brielle les gardiens seront établis à bord et les scellés apposés; après quoi les bateliers pourront continuer leur voyage jusqu'à Rotterdam. Là devront avoir lieu la nouvelle déclaration de la cargaison et la paiement des droits de transit, de tonnage, etc.; sauf, de nouveau, l'apposition des scellés, établissement de gardiens et la caution à fournir, s'il y a lieu, pour l'excédant des droits d'entrée et accises; cependant, à l'arrivée à Lobith, le cautionnement sera retiré, ainsi qu'il est dit par rapport aux bateliers qui descendent.

VI. Les droits de transit seront perçus d'après les manifestes et connaissemens ou lettres de voiture et autres décla-

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rations des bateliers. Quant au calcul du droit de tonnage, 20 quintaux compteront pour 1 tonneau des Pays-Bas.

VII. Les patrons des bateaux mentionnés à l'Art. II, lettre *b*, c'est-à-dire, qui relâchent, sur la route prescrite, en un endroit situé entre Krimpen et la Brielle, et où se trouve établi un bureau de perception, à l'effet d'y compléter leur chargement, seront traités à Krimpen en descendant, et à la Brielle en remontant, sur le pied voulu par l'Article V, et ce jusqu'à leur arrivée dans l'endroit où ils se proposent de relâcher et où ils seront soumis, durant leur séjour, aux obligations que les employés des droits d'entrée et de sortie et des accises croiront devoir leur imposer, le tout en se conformant aux dispositions de la loi générale.

Les cautionnemens fournis subsisteront dans tous les cas, jusqu'à ce que les bâtimens quittent de nouveau le territoire des Pays-Bas, à Lobith du côté de terre, à la Brielle du côté de la mer.

Les droits dus par les marchandises chargées seront acquittés, en descendant, au lieu du chargement. En remontant le batelier aura le choix de les acquitter à Rotterdam, conjointement avec les autres droits par lui dus. Lors de la continuation du voyage, jusqu'à l'arrivée à Krimpen ou à la Brielle, les bâtimens seront de nouveau traités sur le pied prescrit à l'Article V.

VIII. Les patrons des bateaux mentionnés à l'Article II. lettre *c*, c'est-à-dire, qui ont l'intention de relâcher en un lieu situé sur la route prescrite par l'Article I, à l'effet d'y mettre en entrepôt les marchandises qu'ils ont à bord, en tant que la faculté en est accordée par la loi générale, seront assimilés, pour le trajet depuis Krimpen ou la Brielle, jusqu'à l'endroit où ils veulent relâcher, à ceux des bâtimens mentionnés à l'Article V.; mais au lieu du déchargement, ils seront traités conformément aux dispositions de la loi générale.

IX. Le batelier descendant, qui pour la première fois va faire un voyage sur mer avec le bateau sous ses ordres, devra se munir, au bureau des droits d'entrée et de sortie établi à Krimpen, d'une déclaration semblable à celle qui, aux termes de l'Article LIV. de ladite loi générale, peut remplacer l'acte

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de décompte au dernier bureau du côté de la mer. Pour les bateaux qui remontent, après que le batelier aura acquitté les droits de transit, de tonnage, etc., l'acte de décompte lui sera délivré à Rotterdam, pour ensuite, et à sa sortie pour un nouveau voyage de mer, servir de preuve qu'il a satisfait à ses obligations.

X. Toute visite des cargaisons, dans les cas où les employés des droits d'entrée et de sortie et des accises y sont autorisés, en vertu de la loi générale ou des dispositions du présent règlement, devra être faite avec toute la discretion et la promptitude possibles. Les bateliers pourront se contenter de mettre les employés à même de prendre sommairement inspection suffisante des marchandises qu'ils ont à bord; sans préjudice néanmoins du droit que la loi attribue aux employés de réquérir, aux frais de la partie qui succombera, le débarquement et la visite ou vérification exacte des objets concernant lesquels ils auraient des soupçons de fraude, sauf la répression des employés qui seraient reconnus avoir réclamé ce droit pour servir de prétexte à des vexations.

XI. Les bateliers descendant le Rhin et venant de la mer, avec la destination pour un lieu situé sur le Rhin des Pays-Bas, ou sur la route à travers le territoire maritime indiqué à l'Article I, et dans lequel se trouve un bureau de perception, pourront, après s'être soumis à Lobith à l'établissement de gardiens et au plombage, poursuivre leur voyage jusqu'à ce bureau, où ensuite les dispositions de ladite loi générale seront applicables et devront être suivies, par rapport au paiement des droits d'entrée, au déchargement, etc.

XII. A l'égard des bateliers qui, en descendant le Rhin, sont destinés pour un lieu de déchargement à l'effet d'importation pour le Rhin, auquel on ne peut atteindre qu'en quittant cette rivière ou la route indiquée à travers le territoire maritime, la même chose devra être observée, sur un des canaux qui s'y rendent, là où sera établi un bureau de recette et d'expédition.

XIII. Les bureaux mentionnés dans les 2 Articles qui précèdent sont, de même que le bureau de Krimpen, derniers bureaux d'exportation sur ces eaux en remontant le Rhin, de manière que les bateliers et bâtimens, arrivant à ces bureaux,

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seront immédiatement dans le cas de l'application du présent règlement. Sont néanmoins exceptés les bateaux du Rhin d'Amsterdam et d'Utrecht, qui, en allant vers le Rhin au-dessus de Lobith ou en venant de là par le Waal, traversent le Lek obliquement pour se rendre de Vreeswyk au canal de Zéderik, ou de ce canal à Vreeswyk.

XIV. Tant que les bâtimens se trouveront sur le Rhin, ou sur le passage indiqué entre Krimpen et la Brielle, sans relâcher à l'une ou à l'autre rive, ou dans un endroit qui y soit situé, ils ne seront soumis à aucune visite de la part des employés des droits d'entrée, de sortie et des accises; pourront toutefois lesdits employés, conformément à la stipulation contenue en l'Article LXXXVIII de la Convention de 1804, en cas de décharges frauduleuses de marchandises, poursuivre les bateliers qui tenteraient de s'enfuir sur la rivière ou sur ledit passage, les arrêter et les citer à se justifier. Généralement, en matière de tentative de contrebande, ou de toute autre espèce de contravention à la loi générale, concernant les droits d'entrée, de sortie et de transit, le batelier ne pourra se prévaloir des dispositions relatives à la liberté de la navigation du Rhin. Dans les cas de détresse, on se conformera à ce qui est prescrit par l'Article XVIII du règlement pour la navigation sur le Rhin des Pays-Bas.

XV. Les bureaux où il sera permis de rompre charge ou de prendre des marchandises à bord, ou bien de quitter, soit le Rhin des Pays-Bas, soit la route à travers la mer territoriale, à l'effet d'importation dans le royaume, lesquels bureaux sont aussi ceux par lesquels devront se faire toutes les exportations, seront ultérieurement désignés, en ayant égard à ce que prescrit la loi générale, et à l'intérêt tant de l'administration que de la navigation et du commerce.

Approuvé par l'Arrêté Royal du 1 Mars, 1827.

Vu: pour le Secrétaire d'Etat,

STRATENUS.

Manifeste

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Manifeste du Batelier Johann Seifert, demeurant à Cologne.

Le bâtiment *Francisca*, conduit par le soussigné et naviguant sous pavillon Prussien, du port de 1,000 quintaux (ou 25 lastre), appartient en propriété au soussigné (ou à N. N., demeurant à Cologne). Le chargement a été pris à Arnhem: les détails en sont indiqués dans l'état ci-dessous.

No. des Lettres de voiture et connaissemens.	Nom des Chargeurs et Consignataires.	Destination des Marchandises.	Caisses, Ballots, Futailles, etc.		Désignation des Marchandises.	Poids des Marchandises.	Montant du droit de Navigation du Rhin.	Amendes, Peines, etc.
			Nombre.	Marques et numeros.				
1.	Gotwald et Comp. à H. Mognus.	Coblentz.	3 Tonneaux.	⋔ 1, 2, 3	Sucre.	19 $\frac{1}{16}$ quintaux.	Fr. 7 88	
2.	Hersch à J. P. Gunther.	Idem.	4 Barils.	$\frac{131}{108}$ 60 61, 62, 63,	Huile.	19 quint.	- 7 60	

Vu et vérifié par moi soussigné Commissaire du Poids, à Arnhem, le 3 Avril, 1826, tirant d'eau du bâtiment à son départ 10 centimètres.

N. N.

Et déclare moi soussigné, que l'état ci-dessus comprend la totalité de la cargaison, et que le contenu de ladite cargaison y est énoncé conformément à la vérité.

Arnhem, le 3 Avril, 1826.

JOHANN SEIFERT.

CONVENTION *between His Majesty and the King of the French, on the one part; and the King of the Netherlands, on the other; together with an Explanatory Article thereunto annexed. Signed at London, 21st May,* 1833.

LEURS Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Roi des Français, et le Roi des Pays-Bas, Grand Duc de Luxembourg, désirant rétablir entre elles les relations telles qu'elles ont existé avant le mois de Novembre,

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1832, ont résolu de conclure à cet effet une Convention, et ont nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean, Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en son Conseil Privé, Chevalier Grand' Croix du Très Honorable Ordre du Bain, Membre du Parlement, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères:

Sa Majesté le Roi des Français, le Sieur Charles Maurice de Talleyrand Perigord, Prince-Duc de Talleyrand, Pair de France, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa dite Majesté près Sa Majesté Britannique, Grand'Croix de la Légion d'Honneur, Chevalier de l'Ordre de la Toison d'Or, Grand' Croix de l'Ordre de St. Etienne de Hongrie, de l'Ordre de St. André, de l'Ordre de l'Aigle Noire, &c., &c., &c.

Et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, le Sieur Salomon Dedel, Commandeur de l'Ordre du Lion Néerlandais:

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles qui suivent:—

Art. I. Aussitôt après l'échange des ratifications de la présente Convention, leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le Roi des Français, leveront l'embargo qu'elles ont mis sur les vaisseaux, bâtimens, et marchandises appartenant aux sujets de Sa Majesté le Roi des Pays-Bas; et tous les bâtimens détenus, avec leurs cargaisons, seront sur le champ relâchés, et restitués à leurs propriétaires respectifs.

Pareillement, Sa Majesté le Roi des Pays-Bas révoquera les mesures prises dans ses Etats, à l'égard du pavillon Anglais et Français.

II. A la même époque, les militaires Néerlandais, tant ceux de la marine que de l'armée royales, actuellement retenus en France, retourneront dans les Etats de Sa Majesté le Roi des Pays-Bas, avec armes, bagages, voitures, chevaux, et autres objets appartenant aux corps et aux individus.

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III. Tant que les relations entre la Hollande et la Belgique ne seront pas réglées par un Traité Définitif, Sa Majesté Néerlandaise s'engage à ne point recommencer les hostilités avec la Belgique, et à laisser la navigation de l'Escaut entièrement libre.

IV. Immédiatement après l'échange des ratifications de la présente Convention, la navigation de la Meuse sera ouverte au *commerce*, et jusqu'à ce qu'un réglement définitif soit arrêté à ce sujet, elle sera assujettie aux dispositions de la Convention signée à Mayence le 31 Mars, 1831,* pour la navigation du Rhin, en autant que ces dispositions pourront s'appliquer à la dite rivière.

Les communications entre la forteresse de Maestricht et la frontière du Brabant Septentrional, et entre la dite forteresse et l'Allemagne, seront libres et sans entraves.

V. Les Hautes Parties Contractantes s'engagent à s'occuper sans délai du Traité Définitif qui doit fixer les relations entre les Etats de Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, et la Belgique. Elles inviteront les Cours d'Autriche, de Prusse, et de Russie, à y concourir.

VI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de 10 jours, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 21 Mai, l'an de grace, 1833.

(L.S.) PALMERSTON. (L.S.) DEDEL.
(L.S.) TALLEYRAND.

ARTICLE EXPLICATIF.

Il est convenu entre les Hautes Parties Contractantes, que la stipulation relative à la cessation complette des hostilités, renfermées dans l'Article III de la Convention de ce jour, comprend le Grand Duché de Luxembourg, et la partie du Limbourg occupé provisoirement par les troupes Belges. Il est également entendu que jusqu'à la conclusion du Traité Définitif dont il est fait mention dans le dit Article III de la Convention

* See Note, Page 19.

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de ce jour, la navigation de l'Escaut aura lieu telle qu'elle existait avant le 1 Novembre, 1832.

Le présent Article Explicatif aura la même force et valeur que s'il était inséré mot à mot dans la Convention de ce jour. Il sera ratifié, et les ratifications en seront échangées en même tems que celles de la dite Convention.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 21 Mai de l'an de grace, 1833.

(L.S.) PALMERSTON. (L.S.) DEDEL.
(L.S.) TALLEYRAND.

(*Translation.*)

Their Majesties the King of the United Kingdom of Great Britain and Ireland, the King of the French, and the King of the Netherlands, Grand Duke of Luxembourg, being desirous of re-establishing the relations between them, as they existed before the month of November, 1832, have for that purpose resolved to conclude a Convention, and have named as their Plenipotentiaries, viz. :—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a member of His Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, and his Principal Secretary of State for Foreign Affairs:

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, a Peer of France, Ambassador Extraordinary and Minister Plenipotentiary from His said Majesty to His Britannic Majesty, Grand Cross of the Legion of Honour, Knight of the Order of the Golden Fleece, Grand Cross of the Order of St. Stephen of Hungary, of the Order of St. Andrew, of the Order of the Black Eagle, &c. &c. &c.

And His Majesty the King of the Netherlands, the Sieur Solomon Dedel, Commander of the Order of the Lion of the Netherlands:

Who, after having exchanged their Full-powers, found to

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be in good and due form, have agreed upon and concluded the following Articles:—

Art. I. Immediately after the exchange of the ratifications of the present Convention, their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, will take off the embargo which they have placed upon the ships, vessels, and goods, belonging to the subjects of His Majesty the King of the Netherlands; and all the vessels detained, together with their cargoes, shall be immediately released, and restored to their respective owners.

In like manner, His Majesty the King of the Netherlands will revoke the measures taken in his states, with respect to the English and French flags.

II. At the same period, the Netherland troops, both of the royal navy and army, at present detained in France, shall return to the States of His Majesty the King of the Netherlands, with their arms, baggage, carriages, horses, and other effects belonging either to the corps or to individuals.

III. So long as the relations between Holland and Belgium shall not be settled by a Definitive Treaty, His Netherland Majesty engages not to recommence hostilities against Belgium, and to leave the navigation of the Scheldt entirely free.

IV. Immediately after the exchange of the ratifications of the present Convention, the navigation of the Meuse shall be opened to *commerce;* and until a definitive arrangement be made in this respect, it shall be subjected to the provisions of the Convention signed at Mayence the 31st of March, 1831,* for the navigation of the Rhine, so far as those provisions may be applicable to the said river.

The communications between the fortress of Maestricht and the frontier of North Brabant, and between the said fortress and Germany, shall be free and without impediment.

V. The High Contracting Parties engage to occupy themselves, without delay, about the Definitive Treaty which is to fix the relations between the States of His Majesty the King of the Netherlands, Grand Duke of Luxemburg, and Belgium.

* See Note, Page 19.

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They will invite the Courts of Austria, Prussia, and Russia, to become parties thereto.

VI. The present Convention shall be ratified, and the ratifications shall be exchanged at London in 10 days, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the 21st day of May, in the year of our Lord, 1833.

(L.S.) PALMERSTON. (L.S.) DEDEL.
(L.S.) TALLEYRAND.

EXPLANATORY ARTICLE.

It is agreed between the High Contracting Parties, that the stipulation relative to the complete cessation of hostilities, contained in Article III. of the Convention of this day, comprehends the Grand Duchy of Luxemburg, and that part of Limburg which is provisionally occupied by the Belgian troops. It is, moreover, understood, that until the conclusion of the Definitive Treaty, of which mention is made in the said Article III, of the Convention of this day, the navigation of the Scheldt shall take place on the same footing as before the 1st of November, 1832.

The present Explanatory Article shall have the same force and validity, as if it were inserted word for word in the Convention of this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the said Convention.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 21st day of May, in the year of our Lord, 1833.

(L.S.) PALMERSTON. (L.S.) DEDEL.
(L.S.) TALLEYRAND.

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ACT *of the British Parliament "to regulate the Trade of the British Possessions Abroad;" so far as it relates to Dutch Proprietors in the colonies of Demerara, Essequibo, and Berbice.*

[3 & 4 Will. 4. cap. 59.] [28th August, 1833.]

LI. And be it further enacted, that it shall be lawful for any of the subjects of the King of the *Netherlands*, being *Dutch* proprietors in the colonies of *Demerara* and *Essequibo* and of *Derbice*, to import in *Dutch* ships, from the *Netherlands* into the said colonies, all the usual articles of supply for their estates therein, and also wine imported for the purposes of medicine only, and which shall be liable to a duty of 10*s*. per ton, and no more; and in case seizure be made of any articles so imported, upon the ground that they are not such supplies, or are for the purpose of trade, the proof to the contrary shall lie on the *Dutch* proprietor importing the same, and not on the seizing officer:

Provided always, that if sufficient security by bond be given in court to abide the decision of the Commissioners of Customs upon such seizure, the goods so seized shall be admitted to entry and released.

LII. And be it further enacted, that it shall not be lawful for such *Dutch* proprietor to export the produce of their estates to the *United Kingdom*, or to any of His Majesty's sugar colonies in *America* except under the conditions hereinafter provided.

LIII. And be it further enacted, that all subjects of His Majesty the King of the *Netherlands* resident in His said Majesty's *European* dominions who were at the date of the signature of the Convention between His late Majesty King George the IIIrd, and the King of the *Netherlands*, dated the 12th day of August, 1815,* proprietors of estates in the said colonies, and all subjects of His said Majesty who may hereafter become possessed of estates then belonging to *Dutch* proprietors therein, and all such proprietors as being then

* See Vol. 1, Page 369.

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resident in the said colonies, and being natives of His said Majesty's dominions in the *Netherlands*, may have declared, within 3 months after the publication of the aforesaid Convention in the said colonies, that they wish to continue to be considered as such, and all subjects of His said Majesty the King of the *Netherlands* who may be the holders of mortgages of estates in the said colonies made prior to the date of the Convention, and who may, under their mortgage deeds, have the right of exporting from the said colonies to the *Netherlands* the produce of such estates, shall be deemed *Dutch* proprietors under the provisions of this Act; provided that where both *Dutch* and *British* subjects have mortgages upon the same property in the said colonies, the produce to be consigned to the different mortgagees shall be in proportion to the debts respectively due to them.

LIV. And whereas it is expedient to permit any of such persons, at their option, to relinquish such character of *Dutch* proprietor; be it therefore enacted, that if any such person shall make and sign a declaration in writing, attested by 2 credible witnesses, setting forth that he is desirous and has elected not to be deemed to be a *Dutch* proprietor within the meaning of the said Act in respect of any such estate or mortgage to be mentioned and named in such declaration, and shall cause such declaration to be delivered to the Commissioners of His Majesty's Customs, such person shall thenceforth be no longer nor again deemed a *Dutch* proprietor within the meaning of the said Act in respect of the estate or mortgage so mentioned in such declaration as aforesaid, and such declaration shall have effect in respect of any goods the produce of any such estate of which such person, so far as relates to those goods, was a *Dutch* proprietor, although such goods may have been exported from the colony before the delivering of such declaraaion as aforesaid.

Mem. The Act, 6 Geo. 4, Cap. 114, relative to the above-mentioned colonies, was repealed by the Act 3 & 4 Will. 4, Cap. 50.

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OLDENBURG.

DECLARATIONS, *relative to the Duties payable on the withdrawal of the Property of Foreigners from Great Britain and Oldenburg. January, April,* 1830.

BRITISH DECLARATION.

THE undersigned, His Britannic Majesty's Principal Secretary of State for Foreign Affairs, certifies, by these presents, that the subjects of His Royal Highness the Grand Duke of Oldenburg are at liberty to withdraw their property from the United Kingdom of Great Britain and Ireland, without being called upon to pay any duty as Aliens on the withdrawal of it, and without paying any other duty than such as the subjects of His Majesty are equally liable to pay.

In witness whereof the undersigned has signed the present Declaration, and has affixed thereto the seal of his arms.

Done at London, the 26th day of January, in the year of our Lord, 1830.

(L. S.) ABERDEEN.

OLDENBURG DECLARATION.

(*Translation.*)

WHEREAS, with respect to a reciprocal abrogation of the duty on the removal of property, by the United Kingdom of Great Britain and Ireland, and the Grand Duchy of Oldenburg, an assurance has been given by the Minister of Foreign Affairs of His Britannic Majesty, that the subjects of the Grand Duchy of Oldenburg are permitted to withdraw their property from the United Kingdom of Great Britain and Ireland, without, in their character of Foreigners, being compelled, on the withdrawal thereof, to pay any duty or tax whatever, to the payment of which the subjects of His Britannic Majesty are not equally liable:

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In return, on the part of the Government of the Grand Ducal State, is hereby declared:

That the subjects of His Britannic Majesty belonging to the United Kingdom of Great Britain and Ireland, shall be permitted to withdraw their property from the Grand Duchy of Oldenburg without, in their character of Foreigners, being compelled, on the withdrawal thereof, to pay any duty or tax whatever, to the payment of which the subjects of the Grand Duchy are not equally liable.

This Declaration, which has been reciprocated on the part of the British Government, shall, in conformity with the gracious Rescript of the 27th of March last, be published for the information of the authorities and subjects of this State; with the express proviso, however, that the said Declaration does not extend to the British colonies out of Europe, which, with respect to such matters, have their particular constitution and legislation, and with regard to which colonies, a reciprocal regulation, in each particular case, will, on the part of this State, be observed.

Oldenburg, 3rd April, 1830.

MENZ. ZEDELIUS.

PORTUGAL.

DECREE *of the Emperor, Regent of Portugal, annulling the Privileges of the Oporto Wine Company. Lisbon, 30th of May,* 1834.

(*Translation.*)

TAKING into consideration the report of the Ministers and Secretaries of State for the Affairs of the Kingdom and of Finance, and after hearing the Council of State, I think proper, in the name of the Queen, to decree as follows:

Art. I. Are extinct all the privileges, authorities, prerogatives, and immunities of every kind or description granted to the company for cultivating the vineyards of the Upper

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Douro, and to the Junta of its administration, which have been conceded to it from the time of its establishment to the present day.*

II. Therefore the peasants of the Upper and Lower Douro, as well as those of every other part of these kingdoms, have restored to them the free disposal of their vineyards and wines.

III. Are extinct all imposts hitherto laid on what were called Oporto wines, with the exception of the literary subsidy, and the duties of consumption in the city of Oporto, and its environs, as well as that of 12,000 reis for each pipe exported from the mouth of the Douro.

IV. The literary subsidy shall be collected, as in every other quarter, by the receiver-general and his delegates, on the returns which shall be transmitted to them by the respective municipal chambers.

V. In the same manner shall be collected the duties of consumption; but the export duties shall be received at the custom-house of the city of Oporto, according to the manifests which shall be presented there by the sellers and exporters, under the penalties established in such cases.

VI. A meeting of the shareholders of the company shall be convened within a month, with a view of arranging the liquidation of its accounts, and the most convenient disposal of its lands and property.

VII. Are repealed, as if they had been expressly mentioned herein, all and every provision opposed to the present Decree.

The Ministers and Secretaries of State for the Affairs of the Kingdom and Finance shall so understand it, and cause it to be carried into execution.

Palace of Necessidades, 30th May, 1834.

DON PEDRO, *Duke of Braganza.*

BENTO PEREIRA DE CARMO.
JOSE DA SILVA CARVALHO.

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* See Art. XXV. Treaty of Commerce, 1810. Vol. 2, Page 57.

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NOTIFICATION *of the Portuguese Government, relative to the suspension of the Treaty of Commerce of* 1810 *with Great Britain. 22nd July,* 1835.

(*Translation.*)

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS.

Her Majesty the Queen orders it to be made known to the Councillor, Supreme Magistrate of Commerce, that an official communication has been sent from this Department of State, announcing to the British Government that, by virtue of Article XXXIII of the Treaty of Commerce between Portugal and Great Britain, of the 19th of February, 1810,* Her Most Faithful Majesty's Government had taken the resolution of declaring that Treaty to be suspended, and without force, from the 31st of January, 1836.

Palace of Necessidades, 22nd July, 1835.

Duque de Palmella.

Senor José Ferreira Borges.

NOTIFICATION *of the Portuguese Government, relative to the exemption of British vessels, under certain circumstances, from Harbour and Light Dues in Portuguese Ports. Lisbon, 5th August,* 1835.

(*Translation.*)

DEPARTMENT OF FINANCE.

His Majesty the King of Great Britain and Ireland having determined, by an Order in Council,† that foreign ships which shall enter any of the ports of those kingdoms, having been forced by stress of weather to take refuge therein, shall not pay Lighthouse or other Dues, provided that they do not break bulk, or take in any cargo in the port in which they take refuge, and that their stay be not longer than is necessary to repair the damage caused by the tempest which obliged them to put into

* See Vol. 2, Page 63. † See this Vol. Page 270.

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port; and I, desiring, as is proper, to answer on my part to this concession, and being animated by the same sentiments of justice and humanity which dictated it, am pleased to order, that so long as the said regulation shall remain in force in the manner in which it is described, British ships, which shall enter the ports of this kingdom, and its dominions, from a real and evidently proved necessity of seeking refuge, shall not be obliged, in cases of the same nature, to pay any Port or Navigation Dues, on the conditions above specified.

The Councillor of State, the Minister and Secretary of State for the Affairs of Finance, will so understand this, and cause it to be executed.

Palace of Necessidades, 5th August, 1835.

THE QUEEN.

JOSE DA SILVA CARVALHO.

ROME.

NOTIFICATION *of the Papal Government, relative to the Maritime Dues payable on Foreign vessels arriving in the Pontifical Ports. 28th February,* 1833.

(*Translation.*)

Peter Francis, by the Grace of God, Bishop of Porto, St. Rufina, and Civita Vecchia, Cardinal Galleffi, Chamberlain of the Holy Roman Chair.

SEVERAL *Foreign* Governments having consented to the proposition of a reciprocity with regard to the maritime dues on vessels, viz., to cause the same duties to be paid by Roman vessels as those exacted from their own ships arriving from any Pontifical port; and it being, moreover, just and fitting, in order to preserve the interests of the Papal trade in their proper equilibrium, that the maritime dues in the Pontifical Ports should be assimilated to the amount of the much higher dues which is paid by Papal vessels in the ports of those countries which have not hitherto thought fit to accede to the proposal

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of reciprocity; His Holiness our Lord Pope Gregory XVIth has, therefore, given to us his personal instructions that the following provisions should be ordained, and published by us, in virtue of our office of Chamberlain:

I. *Austrian*, *Danish*, and *American* vessels, whose governments have accepted the proposal of reciprocity, shall be considered in the Papal Ports as Pontifical Vessels, and be charged with maritime dues accordingly.

II. *English* vessels, freighted with native produce, for the same reason, shall be treated in like manner as Papal vessels in the Pontifical Ports.

III. *Tuscan*, *Ionian*, and *Levant* vessels, whose governments exact nearly the same amount of maritime dues in their Ports as the Papal Government, shall continue to pay the established duty of 6 bajochi per ton, in the Pontifical ports.

IV. The vessels of countries which are not named in the 3 foregoing Articles, shall be subject in the Pontifical ports to the payment of 12 bajochi per ton, until such time as their respective governments shall think fit to admit Papal vessels into their ports upon an equal footing with their own vessels.

V. The excess of the sum which may accrue from this increase of the maritime dues upon Foreign vessels, shall be employed to compensate the greater expences incurred by Papal vessels, in the ports of the countries referred to in Article IV.

VI. The proprietors of Pontifical vessels who may have a claim to the compensation mentioned in Article V, will have to verify in the usual manner, to the inspectors of the ports, the actual performance of the voyage, as well as the amount of the maritime dues which they shall have paid.

VII. The present law shall be enforced in the Papal ports, in 2 months from the date thereof, with respect to vessels arriving from the Mediterranean and the Adriatic, and in 6 months with respect to vessels arriving from more distant parts.

The General Direction of the Customs, the Inspectors, and Lieutenants of the ports, and the Pontifical Consuls-general, Consuls, Vice-consuls, and Consular Agents, at Foreign ports, are charged with the execution of the present law, so far as they are respectively concerned.

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Given in the Apostolical Chamber, at Rome, the 28th February, 1833.

P. F. CARDINAL GALLEFFI.
Chamberlain of the Holy Roman Chair.

G. GROPPELLI UDITORE.

PHILIP APOLLONI, *Secretary and Chancellor of the Holy Apostolic Chair.*

NOTIFICATION *of the Papal Government, relative to the Maritime Dues payable on Foreign Vessels arriving in the Pontifical Ports. 26th June,* 1833.

(*Translation.*)

Peter Francis, by the Grace of God, Bishop of Porto, St. Rufina and Civita Vecchia, Cardinal Galleffi, Chamberlain of the Holy Roman Chair.

THE Government of the United Kingdom of *Great Britain* having made it appear, that vessels of the *Papal* states are permitted by the laws to pay the same maritime dues as national vessels in the ports of that kingdom, whether they are laden with the produce of this country, or are in ballast; and the Ducal Government of *Lucca* having been pleased to decree that Papal vessels shall from henceforward be admitted into the ports of the Duchy upon payment of the same maritime dues which they pay in the ports of the Grand Duchy of *Tuscany:*

His Holiness Pope Gregory XVI being resolved to treat *Foreign* shipping with perfect reciprocity, has ordered to be decreed and published, that which we now decree and publish, through the medium of the Chamberlain's office.

I. Article 2 of our Notification of the 28th February of the present year, being applicable to *English* vessels, which arrive in the Papal ports, whether they are laden with the produce of their country, or are in ballast; the augmentation of the maritime dues which has been exacted from such vessels as have

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arrived in ballast, from the time of the publication of the notice above referred to, will be returned to the parties.

II. Article 3 of our above-mentioned Notification will be applicable henceforward to vessels belonging to the Duchy of *Lucca.*

The General Direction of the Customs, and the Inspectors and Lieutenants of the ports, are charged with the execution of this law, so far as it concerns them, respectively.

Given in the Apostolical Chamber, the 26th June, 1833.

P. F. CARDINAL GALLEFFI,
Chamberlain of the Holy Roman Chair.

G. GROPPELLI UDITORE.

PHILIP APOLLONI, *Secretary and Chancellor of the H.R.C.*

RUSSIA.

ACT *of the British Parliament, "to declare valid certain Marriages that have been solemnized at St. Petersburgh, since the Abolition of the British Factory there."*

[4 Geo. 4. cap. 67.] [10th July, 1823.]

WHEREAS the *British* Factory at *St. Petersburgh* was, by the Manifesto of the Emperor of *Russia*, declared to be abolished from and after the 20th day of June, in the year 1807: And whereas divers Marriages of subjects of this Realm resident at *St. Petersburgh* have, since the said 20th day of June, 1807, been solemnized there by the Chaplain of the *Russia* company in the chapel of the said company, and in private houses, before witnesses, according to the religious ceremonies of the church of *England:* And whereas it is expedient to declare the validity of such Marriages, in order that no doubts or disquietude may hereafter arise thereupon: May it therefore please your Majesty that it may be declared and enacted, and be it declared and enacted by the King's Most Excellent Majesty, by and with the advice and consent

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of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all Marriages (both or one of the parties thereto being subjects or a subject of this realm) that have, since the said 20th day of June, 1807, been solemnized, or that shall hereafter be solemnized at *St. Petersburgh* by the chaplain to the said *Russia* company, or by a minister of the church of *England* officiating instead of such chaplain, in the chapel of the said *Russia* Company, or in any other place, before witnesses, shall be as good and valid in law, and so deemed in the United Kingdom of *Great Britain* and *Ireland*, and in the dominions thereunto belonging, as if the same had been solemnized before the abolition of the said Factory.

CONVENTION *between His Majesty and the Emperor of all the Russias. Signed at London, 16th November*, 1831.

THEIR Majesties the King of the United Kingdom of Great Britain and Ireland, and the Emperor of all the Russias, considering that the events which have occurred in the United Kingdom of the Netherlands, since the year 1830, have rendered it necessary that the Courts of Great Britain and Russia should examine the stipulations of their Convention of the 19th May, 1815,* as well as of the Additional Article annexed thereto;—considering that such examination has led the 2 High Contracting Parties to the conclusion, that complete agreement does not exist between the letter and the spirit of that Convention, when regarded in connection with the circumstances which attended the separation that has taken place between the 2 principal divisions of the United Kingdom of the Netherlands; but that, on referring to the object of the above-mentioned Convention of the 19th of May, 1815, it appears that that object was to afford to Great Britain a guarantee that Russia would, on all questions concerning *Belgium*, identify her policy with that which the Court of London had deemed the best adapted for the maintenance of a just balance of power

* See Page 371.

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in Europe;—and, on the other hand, to secure to Russia the payment of a portion of her old Dutch debt, in consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion,—arrangements which remain in full force: their said Majesties being desirous at the present moment, that the same principles should continue to govern their relations with each other, and that the special tie which the Convention of the 19th May, 1815, had formed between the 2 Courts, should be maintained, have for this purpose named as their Plenipotentiaries, viz.:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, and his Principal Secretary of State for Foreign Affairs:—

And His Majesty the Emperor of all the Russias, the Sieur Christopher Prince of Lieven, General of Infantry in his Armies, his Aide-de-Camp General, Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Black Eagle and of the Red Eagle of Prussia, of the Royal Order of the Guelphs, Commander Grand Cross of the Sword of Sweden, and Commander of the Order of Saint John of Jerusalem: and the Sieur Adam Count Matuszewic, Privy Councillor of His said Majesty, Knight of the Order of St. Anne of the 1st Class, Grand Cross of the Order of St. Wladimir of the 2nd, Grand Cross of the Order of the Red Eagle of Prussia of the 1st, Commander of the Order of Leopold of Austria, and of several other Foreign Orders:—

Who, after having exchanged their Full-powers, found in good and due form, have agreed upon and concluded the following Articles:—

Art. I. In virtue of the considerations above specified, His Britannic Majesty engages to recommend to his Parliament to enable him to undertake to continue, on his part, the payments stipulated in the Convention of the 19th May, 1815, according to the mode, and until the completion of the sum fixed for Great Britain in the said Convention.

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II. In virtue of the same considerations, His Majesty the Emperor of all the Russias engages, that if (which God forbid) the arrangements agreed upon for the independence and the neutrality of Belgium, and to the maintenance of which the 2 High Powers are equally bound, should be endangered by the course of events, he will not contract any other engagement, without a previous agreement with His Britannic Majesty, and his formal assent.

III. The present Convention shall be ratified, and the ratifications shall be exchanged at London, within the space of 6 weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at London, the 16th day of November, in the year of our Lord 1831.

(L. S.) PALMERSTON. (L. S.) LIEVEN.

(L. S.) MATUSZEWIC.

Leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur de toutes les Russies, considérant que les évènemens qui ont eu lieu depuis l'année 1830, dans le Royaume Uni des Pays-Bas, ont rendu nécessaire pour les Cours de la Grande Bretagne et de Russie un examen des stipulations de leur Convention du 19 Mai, 1815,* ainsi que de l'Article Additionnel qui s'y trouve annexé: Considérant que cet examen a conduit les 2 Hautes Puissances Contractantes à reconnoître qu'il n'existe pas un complet accord entre la lettre et l'esprit de cette Convention, envisagée dans sa correlation avec les circonstances qui ont marqué la séparation survenue entre les 2 parties principales du Royaume Uni des Pays-Bas; mais qu'en se reportant au but de la Convention précitée du 19 Mai, 1815, on trouve que ce but était d'offrir à la Grande Bretagne la garantie que la Russie, dans les questions Belges, identifierait sa politique à celle que la Cour de Londres avait jugé la plus utile au systême d'un juste équilibre en Europe, et d'assurer à la Russie le payement d'une portion de son ancienne dette Hollandaise, en considération des arrangemens généraux du Congrès de Vienne, auxquels elle avait donné son adhésion, arrangemens

* See Page 371.

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qui restent en pleine vigueur: Voulant aujourd'hui faire présider les mêmes principes à leurs rapports, et conserver le lien spécial que la Convention du 19 Mai, 1815, avait formé entre les 2 Cours; leurs dites Majestés ont nommé à cet effet pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Henri Jean Vicomte Palmerston, Baron Temple, Pair d'Irlande, Conseiller de Sa Majesté Britannique en son Conseil Privé, Membre du Parlement, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères:—

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe Prince de Lieven, Général d'Infanterie de ses armées, son Aide-de-Camp Général, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand'Croix de l'Aigle Noir et de l'Aigle Rouge de Prusse, de l'Ordre Royal des Guelphes, Commandeur Grand'Croix de l'Epée de Suède, et Commandeur de l'Ordre de St. Jean de Jérusalem: et le Sieur Adam, Comte Matuszewic, Conseiller Privé de Sa dite Majesté, Chevalier de l'Ordre de Ste. Anne de la 1ère Classe, Grand'Croix de l'Ordre de St. Wladimir de la 2nde, Grand'Croix de l'Ordre de l'Aigle Rouge de Prusse de la 1ère, Commandeur de l'Ordre de Léopold d'Autriche, et de plusieurs autres Ordres Etrangers:—

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:

Art. I. Par suite des considérations ci-dessus indiquées, Sa Majesté Britannique s'engage à recommander à son Parlement de la mettre à même de se charger de faire continuer, pour sa part, les payemens stipulés dans la Convention du 19 Mai, 1815, d'après le mode, et jusqu'à la concurrence de la somme fixée pour la Grande Bretagne en la dite Convention.

II. Par suite des mêmes considérations, Sa Majesté l'Empereur de toutes les Russies s'engage, si (ce qu'à Dieu ne plaise) les arrangemens arrêtes pour la neutralité et l'indépendance de la Belgique, et au maintien desquels les 2 Hautes Puissances sont également liées, venaient à être compromis

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par les évènemens, à ne se prêter à aucun autre arrangement, sans concert préalable avec Sa Majesté Britannique, et sans son assentiment formel.

III. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres, dans l'espace de 6 semaines, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Londres, le 16 Novembre, l'an de grâce 1831.

(L. S.) PALMERSTON. (L. S.) LIEVEN.

(L. S.) MATUSZEWIC.

TREATY *between Great Britain and Russia, (and the Netherlands,) signed at London, 19th May,* 1815; (*referred to in the preceding Treaty.*)

AU NOM DE LA TRES SAINTE ET INDIVISIBLE TRINITE.

SA Majesté le Roi des Pays-Bas désirant, depuis la réunion finale des Provinces Belgiques à la Hollande, offrir aux Puissances Alliées, signataires du Traité conclu à Chaumont le 1er Mars 1814, une indemnité proportionnée aux frais considérables que leur a occasionnés la délivrance des dits territoires du pouvoir de l'ennemi, et les dites Puissances étant convenues mutuellement, en considération des arrangemens faits entre elles, de renoncer à leurs diverses prétensions sur ce point en faveur de Sa Majesté l'Empereur de toutes les Russies: Sa dite Majesté le Roi des Pays-Bas a en conséquence résolu de procéder immédiatement à la confection d'une Convention avec Sa Majesté Impériale de la teneur suivante, dont Sa Majesté Britannique consent à devenir une des Parties Contractantes, à la suite d'engagemens pris par Sa dite Majesté avec le Roi des Pays-Bas, dans une Convention signée à Londres, le 13 Août, 1814.*

En conséquence de quoi les 3 dites Hautes Parties Contractantes ont nommé pour leurs Plénipotentiaires, savoir: Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de

* See Vol. 1, Page 359.

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l'Irlande, le Très Honorable Robert Stewart Vicomte Castlereagh, &c. &c. &c.; Sa Majesté l'Empereur de toutes les Russies, le Sieur Christophe Comte de Lieven, &c. &c. &c.; et Sa Majesté le Roi des Pays-Bas, le Sieur Henri Baron Fagel, &c. &c. &c.: lesquels Plénipotentiaires, après avoir mutuellement échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:

Art. I. Sa Majesté le Roi des Pays-Bas s'engage, par la présente, à se charger d'une partie du capital et des arrérages d'intérêts, jusqu'au 1er Janvier, 1816, de l'emprunt de Russie fait en Hollande par l'entremise de la maison Hope et Cie. à Amsterdam, jusqu'à la somme de 25,000,000 de florins courants d'Hollande, l'intérêt annuel de laquelle somme, accompagné d'un payement annuel pour sa liquidation comme spécifié ci-dessous, seront portés par le Royaume des Pays-Bas, et tomberont à sa charge. Et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et de l'Irlande s'engage de son côté à recommander à son Parlement de le mettre à même de se charger d'un capital pareil du dit emprunt de Russie, de 25,000,000 de florins courants d'Hollande; l'intérêt annuel de laquelle somme, accompagné d'un payement annuel pour sa liquidation comme spécifié ci-dessous, seront portés par le Gouvernement de Sa Majesté Britannique, et tomberont à sa charge.

II. Les charges auxquelles dès ce moment leurs dites Majestés Belge et Britannique seront respectivement assujetties en parties égales, pour la dite dette, devant consister en un intérêt annuel de 5 pour cent, sur les dits capitaux, chacun de 25,000,000, accompagné d'un fonds d'amortissement de 1 pour cent pour l'extinction de la dette, le dit fonds d'amortissement étant cependant sujet à être augmenté à la demande du Gouvernement Russe, jusqu'à la concurrence de telle somme annuelle qui n'excéderoit pas 3 pour cent; le tout étant payable jusqu'à ce que le capital de la dite dette soit entièrement acquitté, les charges susmentionnées pour l'intérêt et le fonds d'amortissement devant dès lors cesser complettement d'être portées respectivement par leurs dites Majestés Belge et Britannique.

III. Leurs dites Majestés Belge et Britannique s'engagent

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respectivement, soit avant, soit le jour ou les jours de chaque année auxquels l'intérêt de la dite dette sera dû et payable, à déposer entre les mains de l'agent du Gouvernement Russe en Hollande, leurs quotes parts respectives du dit intérêt et du fonds d'amortissement comme spécifiés ci-dessus ; bien entendu toutefois, qu'avant la remise de chaque payement successif ainsi échu, le dit agent soit autorisé de fournir un certificat à chacune des 2 dites Hautes Parties Contractantes, déclarant que le précédent payement a été duement appliqué à la décharge de l'intérêt et à la réduction du principal de la dite dette, ensemble avec des payemens correspondants, au nom du Gouvernement Russe, pour la partie de la dette qui restera à la charge du dit Gouvernement.

IV. Le Gouvernement Russe continuera d'être, comme par le passé, garant envers les créanciers, du total du dit emprunt et sera chargé d'en gérer l'administration, les Gouvernemens du Roi des Pays-Bas, et de Sa Majesté Britannique restant chacun liés et tenus envers le Gouvernement de Sa Majesté Impériale pour l'exact payement, comme ci-dessus, de leurs quotes parts respectives de la dite charge.

V. Il est par la présente entendu et convenu entre les Hautes Parties Contractantes, que les dits payemens de la part de leurs Majestés le Roi des Pays-Bas et le Roi de la Grande Bretagne cesseront, dans le cas où (ce qu'à Dieu ne plaise) la possession et la souveraineté des provinces Belgiques seraient à une époque quelconque soustraites à la domination de Sa Majesté le Roi des Pays-Bas, avant l'entière liquidation de la dite dette.

Il est également entendu et convenu entre les Hautes Parties Contractantes, que les payemens de la part de leurs susdites Majestés le Roi des Pays-Bas et le Roi de la Grande Bretagne, ne seront pas interrompus dans le cas où (ce qu'à Dieu ne plaise) une guerre vînt à éclater entre l'une ou l'autre des 3 Hautes Parties Contractantes, le Gouvernement de Sa Majesté l'Empereur de toutes les Russies se trouvant de fait lié envers ses créanciers par une stipulation semblable.

VI. La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres dans 6 semaines, ou plutôt si faire se peut.

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En foi de quoi, nous soussignés, en vertu de nos Pleins-pouvoirs, avons signé la présente Convention, et y avons apposé le cachet de nos armes.

Fait à Londres le 19 Mai, de l'an de grâce 1815.

(L. S.) LIEVEN. (L. S.) CASTLEREAGH.
(L. S.) H. FAGEL.

ARTICLE ADDITIONNEL.

AFIN d'écarter tout doute quelconque qui pourroit naître par la suite, quant au sens et à l'application de l'Article V de la Convention signée ce jour, il est entendu et convenu entre les 3 Hautes Parties Contractantes, que dans le cas où une partie des Provinces Belgiques soit à quelque époque future soustraite à la domination de Sa Majesté Belge, il se fera seulement une réduction proportionnée des charges que leurs Majestés le Roi des Pays-Bas et le Roi de la Grande Bretagne sont convenues de prendre sur elles, cette réduction devant être calculée suivant la population des districts ainsi séparés; le résidu des payemens respectifs continuant à être acquitté régulièrement, ainsi qu'il est stipulé dans la dite Convention.

Il est de plus entendu et convenu, que l'invasion ou l'occupation passagère des dites Provinces par un ennemi, ne sera pas considérée comme faisant cesser aucune partie des dits payemens, à moins que la durée n'en excède l'espace d'une année; dans lequel cas, il dépendra de leurs dites Majestés le Roi des Pays-Bas et le Roi de la Grande Bretagne, de suspendre leurs payemens respectifs, avec la réserve d'entrer en compte avec le Gouvernement de Sa Majesté Impériale, lors de l'expulsion ou de l'évacuation des dits Provinces par l'ennemi, pour le total ou telle partie des dits arrérages qui pourra correspondre à l'état de possession dans lequel Sa Majesté le Roi des Pays-Bas pourra se trouver établie à cette époque.

Le présent Article Additionnel sera ratifié le même jour que la Convention signée aujourd'hui, et aura la même force et valeur que s'il étoit inséré mot à mot dans la dite Convention.

En foi de quoi, nous, soussignés, en vertu de nos Pleins-

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pouvoirs, avons signé le présént Article Additionnel, et y avons apposé le cachet de nos armes.

Fait à Londres, le 19 Mai, de l'an de grâce 1815.

(L.S.) LIEVEN. (L.S.) CASTLEREAGH.

(L.S.) H. FAGEL.

ACT *of the British Parliament, "to enable His Majesty to carry into effect a Convention made between His said Majesty and the Emperor of all the Russias."*

[2 & 3 Will. 4. cap. 81.] [3rd August, 1832.]

WHEREAS by a Convention made and signed at *London* on the 16th day of November, in the year 1831, between His Majesty and the Emperor of all the *Russias*, His said Majesty and the said Emperor of all the *Russias*, considering that the events which had occurred in the United Kingdom of the *Netherlands* since the year 1830, had rendered it necessary that the Courts of *Great Britain* and *Russia* should examine the stipulations of their Convention of the 19th day of May, 1815, as well as of the Additional Article annexed thereto, considering that such examination had led the 2 High Contracting Parties to the conclusion that complete agreement did not exist between the letter and spirit of that Convention, when regarded in connection with the circumstances which had attended the separation that had taken place between the 2 principal divisions of the United Kingdom of the *Netherlands*, but that, on referring to the object of the above-mentioned Convention of the 19th day of May, 1815, it appeared that that object was to afford to *Great Britain* a guarantee that *Russia* would on all questions concerning *Belgium* identify her policy with that which the Court of *London* had deemed the best adapted for the maintenance of a just balance of power in *Europe*, and on the other hand to secure to *Russia* the payment of a portion of her old Dutch debt, in consideration of the general arrangements of the Congress of *Vienna*, to which she had given her adhesion, arrangements which remained in full force; their said Majesties, being desirous that the same principles should continue to govern their relations to each other, and that the special tie

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which the Convention of the 19th day of May, 1815, had formed between the 2 Courts should be maintained, agreed upon and concluded the following Articles, among others; that is to say,

[Here follow Articles I and II. See Page 368.]

And whereas the said Convention has been ratified, and the ratifications thereof were exchanged on the 21st day of June last. And whereas by the stipulations of the said Convention of the 19th day of May, in the year 1815, between His Majesty the King of the *Netherlands* and His late Majesty the Emperor of all the *Russias*, to which His late Majesty King George the Third agreed to be a party, mentioned in the said recited Convention of the 16th day of November, 1831, His Majesty the King of the *Netherlands*, by the 1st Article thereof, engaged to take upon himself a part of the capital, and arrears of interest to the 1st day of January, 1816, of the Russian loan made in *Holland* through the intervention of the house of Hope and Company in Amsterdam, to the amount of 25,000,000 of florins, Dutch currency, the annual interest of which sum, together with an annual payment for the liquidation of the same, as thereafter specified, should be borne by and become a charge upon the Kingdom of the *Netherlands;* and His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* engaged on his part to recommend to his Parliament to enable him to take upon himself an equal capital of the said Russian loan, *videlicet*, 25,000,000 of florins, Dutch currency, the annual interest of which sum, together with an annual payment for the liquidation of the same, as thereafter specified, should be borne by and become a charge upon the Government of His Britannic Majesty. And by the IInd Article it was provided, that the future charge to which their said Belgic and Britannic Majesties should be respectively liable in equal shares, on account of the said debt, was to consist of an annual interest of 5 per centum on the said capitals, each of 25,000,000 of florins, together with a sinking fund of 1 per centum for the extinction of the same, the said sinking fund being subject however to be increased, on the demand of the *Russian* Government, to any annual sum not exceeding 3 per centum, the same to be payable till the capital of the said debt should be fully discharged, when the aforesaid

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charge for interest and sinking fund should wholly cease to be borne by their said *Belgic* and *Britannic* Majesties respectively. And by the IIIrd Article their said *Belgic* and *Britannic* Majesties respectively bound themselves, on or before the usual day or days in each year on which the interest on the said debt should be due and payable, to deposit with the agent of the *Russian* Government in *Holland* their respective proportions of the said interest and sinking fund as above specified. Provided always, that previously to the advance of each successive instalment so to be paid, the said agent should be authorized to furnish a certificate to each of the said 2 High Contracting Parties, declaring that the preceding instalment had been duly applied in discharge of the interest and in reduction of the principal of the said debt, together with the corresponding payments on account of the *Russian* Government on that part of the debt which should remain a charge on the said Government: and by the IVth Article it was provided that the *Russian* Government should continue as theretofore to be security to the creditors for the whole of the said loan, and should be charged with the administration of the same, the Governments of the King of the *Netherlands* and of His *Britannic* Majesty remaining liable and bound to the Government of His Imperial Majesty, each for the punctual discharge as above of the respective proportions of the said charge: and by the Vth Article it was thereby understood and agreed between the High Contracting Parties, that the said payments on the part of their Majesties the King of the *Netherlands* and the King of *Great Britain* as aforesaid should cease and determine should the possession and sovereignty (which God forbid) of the *Belgic* provinces at any time pass or be severed from the dominions of His Majesty the King of the *Netherlands* previous to the complete liquidation of the same; and it was also understood and agreed between the High Contracting Parties, that the payments on the part of their Majesties the King of the *Netherlands* and the King of *Great Britain* as aforesaid should not be interrupted in the event (which God forbid) of a war breaking out between any of the 3 High Contracting Parties, the Government of His Majesty the Emperor of all the *Russias* being actually bound to its creditors by a similar agreement:

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and whereas an Act passed in the 55th year of the reign of His late Majesty King George the IIIrd, for carrying into effect the said last-mentioned Convention:* and whereas it is expedient that His Majesty should be enabled to carry into effect the said Convention of the 16th day of November, 1831: 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 His Majesty, his heirs and successors, and they are hereby authorized, considering the circumstances of the separation between the 2 principal divisions of the United Kingdom of the *Netherlands*, to continue the payments stipulated in the said Convention of the 19th day of May, 1815, according to the mode and until the completion of the sum fixed for *Great Britain* in the said last-mentioned Convention, and to complete and carry into effect in all other respects the stipulations of the said last-mentioned Convention, and of the said Convention of the 16th day of November, 1831; and all the powers given by the said recited Act to the Lord High Treasurer, or Commissioners of the Treasury, or any 3 or more of them, for enabling His Majesty to make the payments required, and to defray the expenses which might be incurred in the execution of the said Convention of the 19th day of May, 1815, and all the enactments in the said Act contained, shall be and continue in force, and shall be extended and applied to the completion and carrying into effect the stipulations of the said Convention of the 19th day of May, 1815, and of the said Convention of the 16th day of November, 1831.

ACT *of the British Parliament, "to carry into effect a Convention made between His Majesty and the King of the Netherlands and the Emperor of all the Russias," (referred to in the preceding Act.)*

[55 Geo. 3. cap. 115.] [28th June, 1815.]

WHEREAS by a Convention signed at *London* on the 19th day of May, 1815, between His Majesty on the one part, and

* See the Act which follows.

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the King of the *Netherlands* and the Emperor of all the *Russias* respectively on the other, the following Articles, among others, were agreed upon; that is to say, His Majesty the King of the *Netherlands* thereby engaged to take upon himself a part of the capital, and arrears of interest, to the 1st of January, 1816, of the *Russian* loan made in *Holland* through the intervention of the house of *Hope* and Company, in *Amsterdam*, to the amount of 25,000,000 of florins, *Dutch* currency; the annual interest of which sum, together with an annual payment for the liquidation of the same as thereinafter specified, should be borne by and become a charge upon the Kingdom of the *Netherlands;* and His Majesty engaged on his part to recommend to his Parliament to enable him to take upon himself an equal capital of the said *Russian* loan, *videlicit*, 25,000,000 of florins *Dutch* currency; the annual interest of which sum, together with an annual payment for the liquidation of the same, as thereinafter specified, should be borne by and become a charge upon the Government of His Majesty; and the future charge to which His said *Belgic* Majesty and His Majesty should be respectively liable in equal shares on account of the said debt, was to consist of an annual interest of 5 per centum on the said capitals, each of 25,000,000, together with a sinking fund of 1 per centum for the extinction of the same, the said sinking fund being subject, however, to be increased, on the demand of the *Russian* Government, to any annual sum not exceeding 3 per centum, the same to be payable till the capital of the said debt should be fully discharged, when the aforesaid charge for interest and sinking fund should wholly cease to be borne by His said *Belgic* Majesty and His Majesty respectively; and his said *Belgic* Majesty and His Majesty respectively bound themselves, on or before the usual day or days in each year on which the interest on the said debt should be due and payable, to deposit with the agent of the *Russian* Government in *Holland*, their respective proportions of the said interest and sinking fund, as above specified: Provided always, that previously to the advance of each successive instalment so to be paid, the said agent shall be authorized to furnish a certificate to each of the said 2 High Contracting Parties, declaring that the preceding instalment had been duly applied in discharge of the interest,

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and in reduction of the principal of the said debt, together with the corresponding payments on account of the *Russian* Government, on that part of the debt which should remain a charge on the said Government; and it was further agreed, that the *Russian* Government should continue as heretofore to be security to the creditors for the whole of the said loan, and should be charged with the administration of the same; the Governments of the King of the *Netherlands* and of His *Britannic* Majesty remaining liable and bound to the Government of His Imperial Majesty, and for the punctual discharge as above of their respective proportions of the said charge; and it was thereby understood and agreed between the High Contracting Parties, that the said payments on the part of the King of the *Netherlands*, and of His Majesty as aforesaid, should cease and determine, should the possession and sovereignty (which God forbid) of the *Belgic* Provinces at any time pass or be severed from the dominions of His Majesty the King of the *Netherlands*, previous to the complete liquidation of the same; and it was also understood and agreed between the High Contracting Parties, that the payments on the part of the King of the *Netherlands*, and of His Majesty as aforesaid, should not be interrupted in the event (which God forbid) of a war breaking out between any of the 3 High Contracting Parties; the Government of His Majesty the Emperor of all the *Russias* being actually bound to its creditors by a similar agreement: and whereas the Commons of the United Kingdom have resolved that provision be made for enabling His Majesty to defray the expenses which may be incurred in the execution of the said Convention: may it therefore please your Majesty that it may be enacted, and be it 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 the Lord High Treasurer, or the Commissioners of the Treasury of *Great Britain*, or any 3 or more of them, for the time being respectively, shall be and he and they is and are hereby empowered from time to time, out of the Consolidated Fund of *Great Britain*, to cause to be issued such sums of money as shall be required for the payment of the interest on such part of the

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capital of the said *Russian* loan, as is agreed to be borne by His Majesty as aforesaid, and also for the payment of a Sinking Fund of £1 per centum, or not exceeding £3 per centum, as the case may be, on the said part of the said capital, for the extinction of the same, as and when the same may from time to time respectively become payable, and so long as the same should be payable conformably to the tenour of His Majesty's engagements, as specified in the said Conventions respectively, and also such sums as may be required to pay and satisfy all the expenses attending the execution of this Act.

II. And be it further enacted, that the said Lord High Treasurer or Commissioners of the Treasury for the time being shall cause to be prepared, and shall lay before both houses of Parliament, within 20 days after the commencement of every session, an account up to the 31st day of December then next preceding, of the total sums which shall from time to time have been issued and applied by virtue of this Act for paying and satisfying the interest on the said part of the said loan so agreed to be borne by His said Majesty, on all or any of the said securities, and towards paying and satisfying the principal thereof (in case the principal of any of the said securities shall then have been paid), and also for paying the expenses of carrying this Act into execution, and the sinking fund for the extinction of the same; and such account shall also specify how much of the said part of the said loan has been discharged, and how much remains to be discharged.

III. And be it further enacted, that it shall be lawful for the said Lord High Treasurer or the Commissioners of the Treasury, or any 3 or more of them for the time being, to appoint such officers and clerks as they may deem necessary for carrying this Act into execution; and to grant such salaries and compensations to the said officers and clerks, for their trouble and labour therein, as they may think fit and reasonable in that behalf.

IV. And be it further enacted, that this Act may be altered, varied, or repealed, by any Act to be passed in this Session of Parliament.

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ST. DOMINGO.

DECLARATION *of the Haytian Government respecting the privileges and immunities enjoyed by British Subjects in Hayti.* 1*st June*, 1826.

The Secretary General of Hayti to the British Consul General.

Liberté. *République d'Hayti.* *Egalité.*

B. Inginac, Général de Brigade, Secrétaire Général près son Excellence le Président d'Hayti, à Charles Mackenzie, Ecuyer, Consul Général de Sa Majesté Britannique en Hayti, au Port-au-Prince.

Au Port-au-Prince, le 1 *Juin*, 1826.

MONSIEUR, *An* 23 *de l'Indépendance.*

J'AI reçu la lettre que vous m'avez fait l'honneur de m'écrire sous la date du 31 Mai dernier, pour m'annoncer que vous êtes chargé par Sa Majesté Britannique de reclamer, auprès du Gouvernement d'Haïti, des privilèges civils et des immunités concernant les croyances religieuses, nécessaires à la satisfaction des sujets d'un Etat ami qui résident dans un autre. J'ai soumis cette communication à son Excellence le Président, qui m'a chargé de vous dire que les sujets de Sa Majesté Britannique, résidans en Haïti, ont toujours joui des droits civils, tant pour leurs personnes que pour leurs propriétés, qui leur sont garantis par nos lois, et qu'on est bien éloigné de songer à se départir de la bienveillance que notre Gouvernement a toujours fait éclater à leur égard. Quant aux immunités pour la croyance religieuse, les sujets de Sa Majesté Britannique ont toujours eu entière liberté de conscience, et n'ont jamais été troublé dans leur culte ; à cet égard la Convention d'Amitié et de Commerce à faire entre nos Gouvernemens respectifs, pourra stipuler toutes les garanties raisonnables.

La déclaration que vous faites des sentimens de Sa Ma-

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jesté Britannique sur la conduite que doivent observer ses sujets résidans en Haïti, a été reçue avec un véritable plaisir.

Son Excellence le Président ne doute pas que les Anglois n'aient l'intention de se conformer aux lois et coutumes qui régissent le pays; aussi ils doivent compter, comme par le passé, sur la bienveillante protection du Gouvernement.

Je saisis cette occasion, &c.

Le Consul Général Britannique. B. INGINAC.

ACT *of the British Parliament "to regulate the Trade of the British Possessions Abroad;" so far as it relates to the prohibition of intercourse between Jamaica and St. Domingo.*

[3 & 4. Will. IV. cap. 59.] [28th August, 1833.]

LV. AND be it further enacted, that no British merchant ship or vessel shall sail from any place in the island of *Jamaica* to any place in the island of *Saint Domingo*, nor from any place in the island of *Saint Domingo* to any place in the island of *Jamaica*, under the penalty of the forfeiture of such ship or vessel, together with her cargo; and that no *Foreign ship* or vessel which shall have come from, or shall in the course of her voyage have touched at, any such place in the island of *Saint Domingo*, shall come into any port or harbour in the island of *Jamaica:* and if any such ship or vessel, having come into such port or harbour, shall continue there for 48 hours, after notice shall have been given by the officer of the customs to depart therefrom, such ship or vessel shall be forfeited; and if any person shall be landed in the island of *Jamaica* from on board any ship or vessel which shall have come from, or touched at, the island of *Saint Domingo*, except in case of urgent necessity, or unless licence shall have been given by the Governor of *Jamaica* to land such person, such ship shall be forfeited, together with her cargo.

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SARDINIA.

TREATY *between His Majesty, His Majesty the King of the French, and the King of Sardinia, containing the Accession of His Sardinian Majesty to two Conventions between Great Britain and France, for the more effectual suppression of the Slave Trade. Signed at Turin, 8th August,* 1834; *with an Additional Article thereto, signed at Turin, 8th December,* 1834.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant conclu le 30 Novembre, 1831, et le 22 Mars, 1833,* 2 Conventions destinées à assurer la répression complète de la traite des noirs; les Hautes Parties Contractantes, conformément à l'Article IX de la première de ces Conventions, qui porte que les autres Puissances Maritimes seront invitées à y accéder, ont adressé cette invitation à Sa Majesté le Roi de Sardaigne.

Et Sa dite Majesté, animée des mêmes sentimens, et empressée de concourir avec ses 2 augustes Alliés au même but d'humanité, n'ayant pas hésité à accueillir leur proposition, les 3 Hautes Puissances, dans la vue d'accomplir ce dessein généreux, et pour donner à l'accession de Sa Majesté Sarde, ainsi qu'à son acceptation par Sa Majesté Britannique, et par Sa Majesté le Roi des Français, l'authenticité convenable, et toute la solennité usitée, ont résolu de conclure à cet effet une Convention formelle, et ont en conséquence nommé pour leurs Plénipotentiaires, savoir:—

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Sir Auguste Jean Foster, Baronet du Royaume Uni, Membre du Trés Honorable Conseil Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Turin:

* See Pages 109, 115.

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Sa Majesté le Roi des Français, M. Amable Guillaume Prosper Brugière, Baron de Barante, Pair de France, Conseiller d'Etat, Officier de l'Ordre Royal de la Légion d'Honneur, Ambassadeur de Sa Majesté le Roi des Français près la Cour de Turin :

Et Sa Majesté le Roi de Sardaigne, le Comte Victor Sallier De la Tour, Marquis de Cordon, Chevalier de l'Ordre Suprême de la Très Sainte Annunciade, Grand Cordon de l'Ordre des Saints Maurice et Lazare, Commandeur de l'Ordre Militaire, et Chevalier de l'Ordre Civil de Savoie, Grand' Croix de plusieurs Ordres étrangers, Général de Cavalerie, Ministre et Premier Secrétaire d'Etat au Département des Affaires Etrangères :

Lesquels, après avoir échangé réciproquement leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :—

Art. I. Sa Majesté le Roi de Sardaigne accède aux Conventions conclues et signées le 30 Novembre, 1831, et le 22 Mars, 1833, entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, relativement à la répression de la traite des noirs, ainsi qu'à leurs Annexes, sauf les réserves et modifications exprimées dans les Articles II, III, et IV, ci-après, qui seront considérés comme additionnels aux dites Conventions et à leurs Annexes, et sauf les différences qui résultent nécessairement de la situation de Sa Majesté Sarde, comme partie accédante aux Conventions en question après leur conclusion. Sa Majesté le Roi du Royaume Uni d'Angleterre et d'Irlande, et Sa Majesté le Roi des Français, ayant accepté la dite accession, tous les Articles de ces deux Conventions, et toutes les dispositions de leurs Annexes, seront, en conséquence, censés avoir été conclus et signés, de même que la présente Convention, directement entre Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Français, et Sa Majesté le Roi de Sardaigne.

Leurs dites Majestés s'engagent et promettent réciproquement d'exécuter fidèlement, sauf les réserves et modifications stipulées par les présentes, toutes les clauses, conditions, et obligations qui en résultent; et pour éviter toute incertitude,

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il a été convenu que les susdites Conventions, ainsi que leurs Annexes, seront insérées ici mot à mot, ainsi qu'il suit:—

[Here follow the Conventions of 30th November, 1831, and 22nd March, 1833, and the Annex containing the Instructions to cruizers. See pages 109, 115, 121.]

Instructions portant autorisation de visiter et arrêter les bâtimens marchands Anglais se livrant à la traite des noirs, ou équipés pour ce trafic.

Monsieur,

Une Convention a été conclue à Paris le 30 Novembre, 1831, entre la France et la Grande Bretagne, pour la répression de la traite des noirs. Aux termes de cette Convention, des croiseurs appartenant à l'un ou à l'autre des 2 pays, doivent être autorisés, sous les Instructions spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue des limites particulières, des navires marchands de l'autre nation se livrant à la traite, ou soupçonnés d'être armés pour ce trafic. Une Convention Supplémentaire a été en outre conclue entre les dits pays, le 22 Mars, 1833, dans le but d'expliquer et de développer quelques unes des dispositions de la Convention sus-mentionnée; et à cette Convention Supplémentaire sont annexées des Instructions pour les croiseurs qui doivent être employés au dit service.

J'ai jugé convenable que le bâtiment que vous commandez fût un des croiseurs Français muni des dites Instructions spéciales.

Je vous envoie ci-joint des expéditions de la Convention principale du 30 Novembre, 1831, et des Instructions y annexées, dont il a été fait mention ci-dessus; et je vous autorise en conséquence, et je vous donne pouvoir, en vertu du présent ordre et du mandat ci-joint du Gouvernement de Sa Majesté Britannique, de visiter les navires marchands sous pavillon Anglais soupçonnés de se livrer à la traite des noirs, dans les limites indiquées dans l'Article I. de la Convention du 30 Novembre, 1831, (avec l'extension conditionnelle qui s'y trouve expliquée) et d'agir à l'égard de ceux de ces navires qui se seront livrés à un commerce d'esclaves, ou qui seront soup-

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çonnés d'être armés pour ce trafic, ainsi qu'il est indiqué dans ces divers documens.

Je vous charge de vous conformer très strictement à toutes les dispositions et stipulations qui s'y trouvent contenues, en vous recommandant d'avoir soin d'exercer l'autorité qui vous est ainsi conférée, de la manière la plus douce, et avec tous les égards que se doivent des nations alliées et amies, et de coopérer cordialement avec les commandans de tout bâtiment de guerre Anglais employé au même service.

Recevez, Monsieur, les assurances de ma parfaite considération.

Donné à Paris, le————

Le Ministre Secrétaire d'Etat de la Marine et des Colonies.

Mandat en vertu duquel un bâtiment de guerre Anglais pourra visiter et arrêter un bâtiment de commerce Français engagé dans la traite des noirs, ou équipé pour ce trafic.

Dans une Convention entre la France et la Grande Bretagne, signée à Paris le 30 Novembre, 1831, pour la répression de la traite des noirs, et dans une Convention Supplémentaire relative au même objet, en date du 22 Mars, 1833, il a été stipulé que certains croiseurs seraient autorisés, conformément aux Instructions spéciales qui y sont mentionnées, à visiter et à arrêter, dans l'étendue de limites particulières, des navires marchands de l'autre nation, se livrant à la traite des noirs, ou soupçonnés d'être armés pour ce trafic.

Attendu que le Gouvernement de Sa Majesté Britannique a jugé convenable que le bâtiment que vous commandez fût l'un des croiseurs Anglais pourvu des dites Instructions spéciales, et que vous devez recevoir en conséquence des Instructions du dit Gouvernement pour vous guider dans le dit service, je vous autorise et je vous donne pouvoir, *en vertu de ces Instructions et du présent Mandat*, de visiter des bâtimens marchands sous pavillon Français soupçonnés de se livrer à la traite dans les limites indiquées dans l'Article I. de la Convention du 30 Novembre, 1831, avec l'extension conditionnelle qui s'y trouve indiquée, et d'agir à l'égard des bâtimens qui se seront livrés à la traite, ou qui seront soupçonnés d'être équipé pour ce trafic,

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ainsi qu'il est prescrit dans la dite Convention, et dans la Convention Supplémentaire, ainsi que dans les Instructions qui y sont annexés.

Donné à Paris, le————————

Le Ministre Secrétaire d'Etat au Département de la Marine et des Colonies.

Signaux particuliers qui devront être employés par les bâtimens de guerre Français et Anglais, auxquels auront été donnés des Instructions, en conséquence du Traité conclu le 30 *Novembre,* 1831, *pour la suppression de la Traite des Noirs.*

Secret.

Le bâtiment qui fera le premier signal, devra hisser le pavillon ci-dessous à la tête du mât de misaine.

Le bâtiment auquel le signal aura été fait, y répondra en hissant le pavillon ci-après à la tête du grand mât.

Le bâtiment qui aura fait le premier signal, devra hisser le pavillon suivant à la tête du grand mât.

Le second bâtiment répondra en hissant le pavillon ci-dessous à la tête du mât de misaine.

II. Il est convenu, relativement à l'Article III. de la Convention du 30 Novembre, 1831, ci-dessus transcrite, que Sa Majesté le Roi de Sardaigne fixera suivant sa convenance, le nombre des croiseurs Sardes qui devront être employés au service mentionné dans le dit Article, et les stations oú ils devront établir leurs croisières.

III. Le Gouvernement de Sa Majesté le Roi de Sardaigne fera connaître aux Gouvernemens de la Grande Bretagne et de France, conformément à l'Article IV. de la Convention du 30 Novembre, 1831, les bâtimens de guerre Sardes qui devront être employés à la répression de la traite, afin que les mandats nécessaires à leur commandans soient délivrés. Les mandats qui devront être délivrés par la Sardaigne seront remis après que la notification du nombre des croiseurs Britanniques et Français

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destinés à être employés, aura été faite au Gouvernement Sarde.

IV. Il est convenu, en ce qui concerne l'Article V. des Instructions annexées à la Convention Supplémentaire du 22 Mars, 1833, que tous les navires Sardes, ou portant le pavillon de Sardaigne, qui pourront être arrêtés, en exécution des Conventions ci-dessus transcrites, par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, employés dans les stations d'Amérique, d'Afrique, et de Madagascar, seront conduits et remis dans le port de Gênes.

V. Le présent Traité sera ratifié, et les ratifications en seront échangées à Turin dans le délai de 3 mois, ou plutôt s'il est possible.

En foi de quoi les Plénipotentiaires sus-dénommés ont signé la présente Convention en 3 originaux, et y apposé le cachet de leurs armes.

Fait à Turin, le 8 Août, 1834.

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

(*Translation.*)

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having concluded on the 30th of November, 1831, and the 22nd of March, 1833, two Conventions, intended to insure the complete suppression of the slave trade; the High Contracting Parties, conformably to the IXth Article of the first of these Conventions, which states that the other Maritime Powers shall be invited to accede to it, have addressed this invitation to His Majesty the King of Sardinia.

And His said Majesty, animated with the same sentiments, and earnest to concur with his 2 august allies in the same humane object, having, without hesitation, assented to their proposal, the 3 High Powers, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the accession of His Sardinian Majesty, and to the acceptance thereof by His Britannic Majesty, and by His Majesty the King of the French, have resolved to

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conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Augustus John Foster, a Baronet of the United Kingdom, a Member of His Britannic Majesty's Most Honourable Privy Council, and his Envoy Extraordinary and Minister Plenipotentiary at the Court of Turin:

His Majesty the King of the French, M. Amable Guillaume Prosper Brugière, Baron de Barante, a Peer of France, a Councillor of State, Officer of the Royal Order of the Legion of Honour, Ambassador of His Majesty the King of the French at the Court of Turin:

And His Majesty the King of Sardinia, the Count Victor Sallier De la Tour, Marquis de Cordon, Knight of the Supreme Order of the Most Holy Annunciade, Grand Cordon of the Order of St. Maurice and St. Lazarus, Commander of the Military Order, and Knight of the Civil Order of Savoy, Grand Cross of several Foreign Orders, General of Cavalry, Minister and First Secretary of State for the Department of Foreign Affairs:

Who after having reciprocally exchanged their Full-powers, found to be in good and due form, have agreed upon the following Articles:—

Art. I. His Majesty the King of Sardinia accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, 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 Articles II, III, and IV, hereinafter 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

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French having accepted the said accession, all the Articles of these 2 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 abovementioned Conventions, as well as their Annexes, shall be inserted here word for word, as follows:—

[Here follow the Conventions of November 30, 1831, and March 22, 1833, and the Annex containing the Instructions to cruizers. See Pages 109, 115, 121.]

Instructions authorizing the visit and detention of English Merchant Vessels engaged in the Slave Trade, or fitted out for it.

Sir,

A Convention was concluded at Paris on the 30th of November, 1831, between France and Great Britain, for the suppression of the slave trade. According to the terms of that Convention, cruizers belonging to either of the 2 countries are to be authorized, under the special Instructions which are therein mentioned, to visit and detain, within the extent of certain limits, merchant vessels of the other nation engaged in the trade, or suspected of being fitted out for such trade. A Supplementary Convention was moreover concluded between the 2 countries on the 22nd of March, 1833, for the purpose of explaining and developing some of the provisions of the Convention abovementioned; and to this Supplementary Convention were annexed Instructions for the cruizers which are to be employed on the said service.

I have judged it expedient that the vessel under your command should be one of the French cruizers furnished with the said special Instructions.

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I herewith transmit to you copies of the principal Convention of the 30th November, 1831, and of the Instructions thereto annexed, which are abovementioned; and, in consequence, I authorize you, and confer upon you the power, in virtue of the present order, and of the inclosed warrant from the Government of His Britannic Majesty, to visit merchant vessels under the English flag, suspected of being engaged in the slave trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, (with the conditional extension which is therein explained,) and to act with regard to such of these vessels as may be engaged in a traffic of slaves, or as may be suspected of being fitted out for that traffic, in the manner which is prescribed by those different documents.

I instruct you to conform most strictly to all the provisions and stipulations which are therein contained; and desire that you will be careful to exercise the authority with which you are thus invested, in the mildest manner, and with all the consideration which is due between allied and friendly nations, and to co-operate cordially with the commanders of any English ship of war employed on the same service.

Accept, Sir, the assurances of my perfect consideration.

Given at Paris, the ————————

The Minister Secretary of State for the Marine and Colonies.

Warrant, in virtue of which an English Ship of War may visit and detain a French Merchant Vessel engaged in the Slave-trade, or fitted out for it.

In a Convention between France and Great Britain, signed at Paris, 30th November, 1831, for the suppression of the slave trade, and in a Supplementary Convention relating to the same object, dated the 22nd March, 1833, it was stipulated that certain cruizers should be authorized, conformably with the special Instructions which are therein mentioned, to visit and detain, within the extent of certain limits, merchant vessels of

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the other nation engaged in the slave trade, or suspected of being fitted out for that traffic.

Whereas the Government of His Britannic Majesty has judged it expedient that the vessel under your command should be one of the English cruizers furnished with the said special Instructions; and whereas you will, in consequence, receive from the said Government Instructions for your guidance in the execution of the said service, I authorize you and confer upon you the power, *in virtue of such Instructions and of the present Warrant*, to visit merchant vessels under the French flag, suspected of being engaged in the trade, within the limits described in the 1st Article of the Convention of the 30th November, 1831, with the conditional extension which is therein specified, and to act with regard to such vessels as shall be engaged in the slave trade, or as shall be suspected of being fitted out for that traffic, in the manner prescribed in the said Convention, and in the Supplementary Convention, as well as in the Instructions which are thereto annexed.

Given at Paris, the ————————

The Minister Secretary of State for the Department of the Marine and Colonies.

Private signals which are to be employed by the French and English Ships of War, which may be furnished with Instructions in consequence of the Treaty concluded on the 30th November, 1831, for the suppression of the slave trade.

Secret.

The vessel which shall make the first signal, shall hoist the following flag at the fore-mast head.

The vessel to which the signal shall have been made, shall reply thereto, by hoisting the following flag at the main-mast head.

The vessel which shall have made the first signal shall hoist the following flag at the main-mast head.

The second vessel shall reply by hoisting the following flag at the fore-mast head.

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II. It is agreed, with reference to Article III of the Convention of the 30th November, 1831, 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.

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 IV of the Convention of the 30th of November, 1831, 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.

IV. It is agreed, with reference to the Vth Article of the Instructions annexed to the Supplementary Convention of 22nd March, 1833, 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 into, and delivered at, the port of Genoa.

V. The present Treaty shall be ratified, and the ratifications shall be exchanged at Turin in the space of 3 months, or sooner if possible.

In witness whereof the abovenamed Plenipotentiaries have signed the present Convention in 3 originals, and have affixed thereto the seal of their arms.

Done at Turin, the 8th of August, 1834.

(L. S.) Aug. J. Foster.

(L. S.) Barante.

(L. S.) De la Tour.

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ARTICLE ADDITIONNEL.

Attendu que par l'Article IV du Traité signé à Turin le 8 d'Août, 1834, par lequel Sa Majesté le Roi de Sardaigne accède aux 2 Conventions conclues entre leurs Majestés le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le Roi des Français, le 30 Novembre, 1831, et le 22 Mars, 1833, il est stipulé que tous navires sous pavillon Sarde, qui, en vertu du Traité et des Conventions sus-mentionnées, seraient arrêtés par les croiseurs de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Sa Majesté le Roi des Français, stationnés sur les côtes de l'Amérique, de l'Afrique, ou de Madagascar, seront conduits ou envoyés à Gênes; et attendu que le débarquement à Gênes de nègres qui se trouveraient à bord de ces bâtimens pourrait entrainer de graves inconvéniens, les soussignés Plénipotentiaires des 3 Puissances signataires du susdit Traité d'Accession, à ce spécialement autorisés, et conformément aux Instructions que chacun d'eux a reçues de son Souverain, sont convenus de l'Article suivant additionnel au susdit Traité.

ARTICLE.

Les nègres trouvés à bord des bâtimens sous pavillon Sarde qui seraient ainsi arrêtés, et qui, conformément aux stipulations du dit Traité, doivent être envoyés à Gênes, seront débarqués sur un point plus rapproché que Gênes du lieu où les dits bâtimens négriers auront été rencontrés.

C'est à dire que :

1°. Si un bâtiment négrier Sarde est arrêté par un croiseur Anglais, les nègres trouvés à bord de ce navire seront débarqués au port ou dans l'endroit auquel un bâtiment négrier Anglais trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Français, serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

2°. Si un bâtiment négrier Sarde est arrêté par un croiseur Français, les nègres trouvés à bord du dit navire seront débarqués au port ou dans l'endroit auquel un bâtiment négrier Français trouvé et arrêté dans des circonstances semblables, et dans le même endroit, par un croiseur Anglais,

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serait, d'après les susdites Conventions avec la France, envoyé ou conduit.

3°. Si un bâtiment négrier Sarde est arrêté par un croiseur Sarde, les nègres trouvés à bord de ce bâtiment seront débarqués au plus rapproché des ports ou lieux de débarquement, Anglais ou Français, auquel, d'après les susdites Conventions avec la France, le navire ayant des esclaves à bord aurait été conduit ou envoyé, si le dit navire eût été Anglais ou Français, au lieu d'être Sarde, et s'il eût été arrête par un croiseur Anglais ou Français.

Le présent Article Additionnel, après avoir été duement ratifié, aura la même force et le même effet que s'il avait été textuellement inséré dans le susdit Traité d'Accession, signé à Turin, le 8 Août dernier.

Il sera ratifié par chacune des Hautes Puissances Contractantes, et les ratifications en seront échangées dans l'espace de 6 mois à Turin.

En foi de quoi, nous Plénipotentiaires soussignés avons fait faire 3 copies du présent Article Additionnel, parfaitement conformes entre elles, les avons signées, et y avons apposé le cachet de nos armes.

Fait à Turin, ce jour 8 Décembre, 1834.

(L.S.) HENRY EDWARD FOX.

(L.S.) BARANTE.

(L.S.) DE LA TOUR.

ADDITIONAL ARTICLE.

Whereas by the IVth Article of the Treaty signed at Turin on the 8th day of August, 1834, whereby the King of Sardinia accedes to the 2 Conventions concluded between their Majesties the King of the United Kingdom of Great Britain and Ireland, and the King of the French, on the 30th of November, 1831, and on the 22nd of March, 1833, it is stipulated that all vessels under the flag of Sardinia, which, in pursuance of the before-mentioned Treaty and Conventions, may be detained by the cruizers either of His Majesty the King of

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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 3 Powers, parties to the aforesaid Treaty of Accession, being hereunto specially 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 be landed at some spot nearer than Genoa to the place where such slave vessels may be found.

That is to say:

1°. 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-

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mentioned Treaty of Accession, signed at Turin on the 8th 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 6 months.

In faith of which, we, the undersigned Plenipotentiaries, have caused 3 copies of this Additional Article to be made, perfectly conformable to each other, have signed them with our hands, and have thereunto affixed the seal of our arms.

Done at Turin, this 8th day of December, 1834.

(L.S.) HENRY EDWARD FOX.

(L.S.) BARANTE.

(L.S.) DE LA TOUR.

ACT *of the British Parliament, "for carrying into effect a Treaty with the King of the French and the King of Sardinia, for suppressing the Slave Trade."*

[5 & 6 Will. 4. cap. 60.] [9th September, 1835.]

WHEREAS a Treaty was, on the 8th day of August, in the year of our Lord 1834, with an Additional Article thereto on the 8th 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:

[Here follow:

1°. Article I. of the Treaty of the 8th August, 1834; together with the Convention and Supplementary Convention between *Great Britain* and *France*, of the 30th November, 1831, and the 22nd March, 1833, and the Instructions to cruizers annexed to the latter;

2°. Articles II to V of the Treaty of the 8th August, 1834;

3°. Additional Article to ditto of the 8th December, 1834.]

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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 8th day of December, in the year of our Lord, 1834, and of the said Additional Article, on the 31st day of January, 1835: 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 IInd Article of the said Convention of the 13th day of November, 1831, is agreed, and who shall be duly instructed and authorized and furnished according to the several provisions of the said 2 Conventions, and within the waters described and according to the provisions and exceptions contained in the 1st Article of the said Convention of the 30th day of November, 1831, to exercise the right of visiting and searching any merchant vessel of either of the said 2 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 2 Conventions, except as in the said IIIrd 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 8th day August, 1834, and the Additional Article thereto, by the respective Governments of *Great Britain*, *France*, and *Sardinia*,

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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 2 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 2 Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the 8th day of August, 1834, and the Additional Article thereto.

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 hereinafter 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 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

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Judges and other officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

III. And be it further enacted and declared, that if any of the particulars specified in the VIth Article of the said Convention of the 22nd day of March, 1833, 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 5th year of the reign of His Majesty King George the IVth [cap. 113.] intituled "An Act to amend and consolidate the laws relating to the abolition of the slave trade."*

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 2 Conventions (as the same are altered and modified by the said Treaty), and of the said Act of Parliament passed in the 5th year of the reign of His Majesty King George the IVth, 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 Vth Article of the said Convention of the 22nd day of March, 1833; 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 Vth 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 Vth Article;

* See Vol. 3, Page 152.

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and the same, after deducting all necessary expenses, shall be distributed to and amongst the officers and crew of the capturing ship, in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessel.

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 8th day of August, 1834, a bounty of £5 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.

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.

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 3 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

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of the bounty which would have been due in each case respectively if the said slaves had been delivered over and condemned.

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.

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 percentage 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.

X. And be it further enacted, that where any illegal visit and detention, or any visit or detention without sufficient cause of 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 VIIIth and IXth Articles of the said Convention of the 22nd day of March 1833, it shall be lawful for the Commissioners of His Majesty's Treasury, by warrant signed by any 3 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 2 last-mentioned Articles:

Provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so

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made when lawfully called upon so to do by order of the said Commissioners of His Majesty's Treasury.

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 3 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 expenses as the seizor may have incurred in respect of such seizure, or any proportionate part thereof.

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 anything 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 actions 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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SICILY.

DECREE *of the King of the Two Sicilies, relative to a reduction of the Duties upon Goods imported from Great Britain, &c. 30th March*, 1818.

(*Translation.*)

FERDINAND I, by the Grace of God, King of the Kingdom of the Two Sicilies, of Jerusalem, &c., Infant of Spain, Duke of Parma, Placentia, Castro, &c. &c., Grand Hereditary Prince of Tuscany, &c. &c. &c.

Referring to the Treaties concluded with the Courts of *England*, *France*, and *Spain*, published in the Laws of this date, by which are abolished the privileges which the flags of the said nations have hitherto enjoyed;—considering that by the VIIth Article* of the before-mentioned Treaties, a diminution is granted of 10 per cent. upon the amount of the duties payable according to the tariff in force on the 1st of January, 1816, upon the whole of the merchandize and produce of the said 3 kingdoms, and of their respective possessions, which are admitted into our dominions;—considering that for the custom-house system at present in force in our dominions, on the other side of the Faro, should be substituted that which the good order of government, and the welfare of commerce, has caused us to sanction in these our dominions;—and desiring that the progress of commerce should not be in the least altered until this uniformity be established;—on the proposition of our Councillors, and Secretaries of State for Foreign Affairs and the Finances, we have resolved to decree and do decree as follows:—

Art. I. The diminution of 10 per cent. upon the amount of the duties on the merchandize and produce of the kingdoms of *England*, *France*, and *Spain*, and of their respective possessions, which shall be admitted into our dominions on the other side

* See Vol. 2, Page 135.

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of the Faro, shall be provisionally carried into effect according to the tariff now in force in that part of our dominions, in such manner that upon the sum total to be paid upon the quantity of the merchandize described, there shall be allowed to the importer the diminution of 10 per cent.

II. After the publication, however, of the new regulations, and the new tariffs to be established in Sicily, in uniformity with those in force in this part of our dominions, the abovementioned diminution of 10 per cent. in both parts of our dominions, shall be made on the amount of the duties payable according to the tariff which was in force in this part of our dominions on the 1st January, 1816; but for the present it will be necessary to comply with what has been fixed by the preceding Article.

III. Our Councillor, Secretary of State, Minister for the Finances, and the Ministry assisting near the person of our Lieutenant-General in our dominions on the other side of the Faro, are charged with the execution of the present Decree.

Naples, the 30th of March, 1818.

FERDINAND.

DECLARATIONS, *on the part of the British and Sicilian Governments, relative to the reciprocal Abolition of the "Droit d'Aubaine." Naples, April,* 1819.

(1.)—*British Declaration.*

LE Soussigné, Sir William à Court, Conseiller Privé de Sa Majesté Britannique, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi du Royaume des Deux Siciles, en vertu de l'autorité qu'il a reçue de son Gouvernement, s'empresse de déclarer que le *Droit d'Aubaine* n'existe pas en Angleterre, où les Etrangers peuvent librement disposer de toutes les propriétés qu'ils y possèdent, ou par testament, ou autrement.

Il déclare en outre que les sujets de Sa Majesté Sicilienne ont toujours joui, et continueront à jouir dans la suite, de tous les privilèges à cet égard qui sont accordés aux nations les plus

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favorisées, dans le Royaume Uni de la Grande Bretagne et d'Irlande. Qu'ils y peuvent librement acquérir, sous quel titre que ce soit, et posséder toute espèce de biens, à l'exception de ceux dont la jouissance et la possession sont défendues aux Etrangers par les loix constitutionnelles du pays.

En foi de quoi, il a signé la présente Déclaration, et y a fait apposé l'empreinte de ses armes.

Donné à Naples, ce 15 Avril, 1819.

(L.S.) WILLIAM A'COURT.

(2.)—*Sicilian Declaration.*—(*Translation.*)

The undersigned, Councillor and Secretary of State, Minister for Foreign Affairs of His Majesty the King of the Kingdom of the Two Sicilies, in return for the Declaration relative to the Droit d'Aubaine, which His Excellency Sir William A'Court, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, in virtue of a special authority from his Royal Government, has put forth, under date of the 15th instant, hastens to declare, that, in the kingdom of the Two Sicilies, the *Droit d'Aubaine* will not be levied upon English subjects, and that it will therefore be lawful for them to acquire and to possess in the royal dominions, real and personal property of every description, and to bequeath the same to their heirs, in any manner they may think proper.

In faith of which the undersigned, having been previously authorized to that effect, by the King, his Master, has signed the present Declaration, and caused the seal of the royal arms to be affixed thereto.

Given at Naples, the 16th of April, 1819.

(L.S.) IL MARCHESE DI CIRCELLO.

ACT *of the British Parliament, "to amend the Laws relating to the Customs," so far as it relates to the duties upon Olive Oil.*

[4 & 5 Will. 4, cap. 89.] [15th August, 1834.]

XVI. And whereas in the table of duties hereinbefore con-

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tained, duties, higher than in other cases, are imposed upon *olive-oil*, being the produce of the dominions of the King of the Two *Sicilies*, on being imported from those dominions,* and it may become expedient to reduce the said duties; be it therefore enacted that it shall be lawful for His Majesty, by his Order in Council, to reduce the said duties to any sum not being less than the duty payable upon *olive-oil*, the produce of or imported from other places: Provided always, that during the continuance of any such distinction of duty, before any *olive-oil* shall be entered as being the produce of some place not within the dominions of the King of the 2 *Sicilies*, a certificate shall be produced from the *British Consul* residing at or near the place at which such *oil* was taken on board the importing ship, testifying that proof had been made to his satisfaction that such *oil* was not the produce of any place within those dominions.

* *Extract of the Table of Duties referred to:*	£	s.	d.
Olive oil - - - - - the tun	4	4	0
——— the produce of or imported from any part of the dominions of the King of the Two Sicilies, after 31st of August, 1834 - - - - - - the tun	8	8	0
——————— imported in a ship belonging to any of the subjects of the King of the Two Sicilies, after 31st of August, 1834, - - - - - - the tun	10	10	0

SPAIN.

DECREE *of the King, permitting a direct Trade with the Spanish American Dominions, to the Subjects of the Allied and Friendly Powers of Spain.* 9*th February*, 1824.

(*Translation.*)

By my Royal Decrees of the 3rd and 20th of October, published at Xeres and Seville, and by my royal resolution, adopted with the advice of the Supreme Council of the Indies,

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under date of the 25th of November, which occasioned the Cedula of the 25th of December, 1823, I have ordained the abolition of the regime called 'Constitutional,' in my dominions beyond seas, and have established my Government there on the footing on which it stood on the 7th March, 1820, as then existing in the Peninsula.

Although these determinations concerned only the interior government of those provinces, without making any mention of trade and navigation, which before and after the 7th of March, 1820, existed nearly on the same footing as they do at present, I have nevertheless been pleased by my Royal Order of the 4th of January last, expressly to order all the respective authorities to make no change in this matter, and to preserve the direct commercial relations with Foreigners, which in several places existed by the authority of the local chiefs, and in others had been authorised and permitted by me, in conformity with the advice of the Council of the Indies, before the year 1820.

In this state of things, and desirous that the said Order of the 4th of January should receive all the necessary publicity, I convoked a Junta of Councillors of the Indies, under the Presidency of the Duke de Montemar, as well as my Council of Ministers, to whom I have joined 2 Commissions, the one of the Council of State, and the other of the Council of the Indies. After hearing them, and in conformity with their advice, I have thought proper to decree, and do decree as follows:—

1. A direct commerce shall be maintained in my American dominions with Foreigners, subjects of the Powers, the allies and friends of Spain; and the merchant vessels of those Powers shall be admitted to traffic in those ports in the same manner as in those of my dominions in Europe.

2. A decree of law shall be issued to regulate this commerce, and to determine the ports which shall be open, as well in the Gulf of Mexico, and the islands, as in the Pacific Ocean. There shall be established custom-houses, where duties on importation and exportation shall be imposed, on the footing of equality, upon the trade of the subjects of the said Powers.

3. There shall, in like manner, be determined by regulations on this matter, what advantages, preferences, and franchises

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shall be granted to Spanish trade, navigation, agriculture and industry.

4. Until the two preceding Articles can receive their perfect execution, no alteration shall be introduced in the actual state of the said commerce, and it shall be assimilated in other respects as much as possible with what is practised in the island of Cuba.

The American Spaniards will see in this resolution, a fresh proof of my anxious desire for their advancement and prosperity; the European Spaniards the decided intention of securing to them the franchises and preferences to which they have a right:—the *bonâ fide* traders of all countries, the intention of preserving and favouring existing mercantile relations, and the advantageous employment of their capitals; and, lastly, friendly and allied States and Sovereigns, a public testimony of my endeavour to preserve the harmony and good understanding which unite us.

You are to take notice hereof, and to communicate it to whom it shall be proper, in order that it may be complied with.

At the Palace, the 9th of February, 1824.

COUNT OFALIA, *Minister of State.* FERDINAND.

ROYAL ORDER *of the King of Spain, containing temporary Regulations for the Trade between Spain and its American Dominions, in Spanish and Foreign Vessels. 9th February,* 1827.

(*Translation.*)

Royal Order addressed to the General Direction of the Revenue, for permitting, for a time, the Commerce to America, under Foreign Flags.

THE King our Lord, finding it necessary to protect and extend the reciprocal commerce of America with the mother country, by means of measures conformable to the present situation of mercantile relations, and of navigation, by giving

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to the latter due uniformity and generality; with the view of consulting the interests of the royal treasury, as well as of commerce and industry, has been pleased, after hearing the opinion of his Council of Ministers, to order that, until this subject can be regulated after a more mature deliberation, the following regulations shall be observed:—

1. Spaniards having occasion to trade to the dominions of America from the ports of the Peninsular and the adjacent islands, in foreign vessels of friendly and allied Powers, shall be allowed so to do, without the necessity of previously obtaining the royal permission.

2. Foreign vessels, of the above description, when sailing from the Spanish ports of the Peninsula and the adjacent islands for the Spanish dominions of America, with a cargo of commodities, the products and effects wholly of the kingdom, with the intention of bringing back those of the colonies, shall pay the export duties to the Indies for articles so laden, and 4 per cent. for the permission granted to the flag. Flour shall continue to be excepted in return cargoes.

3. On the entrance, directly into Spanish ports, of vessels returning with the cargoes specified in the preceding Article, they shall pay for the goods composing them, the duties of the tariff of free commerce, (with the modifications which they shall have received, and the alteration directed by the royal Order of February 1, 1825, in respect to coffee and sugar) and 8 per cent. for the permission granted to the flag. But if they touch at any Foreign port, they shall pay 12 per cent. for such permission, unless it can be satisfactorily established, that they were forced to put into a Foreign port, and that the cargo was neither unloaded nor transhipped.

4. Foreign vessels of the above description, sailing from Spanish ports for the Spanish dominions of America, with half, or a third part of a cargo of commodities, the products and effects of the kingdom, and the remainder of Foreign goods, shall pay; 1st, the duties levied on national goods exported to the Indies; 2dly, the 2 per cent. transit duty for Foreign goods, without any other duty on account of their being Foreign; 3dly, 8 per cent. for the permission granted to the flag.

5. On the entrance direct into the Spanish ports, of vessels

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returning with the cargo specified in the preceding Article, they shall pay for the goods composing those cargoes, the duties of the tariff for free commerce, and 10 per cent. for permission granted to the flag. But if they touch at a Foreign port, they shall pay 16 per cent. additional for the permission granted to the flag, unless it be fully proved that the arrival was forced, and that the cargo was neither unloaded nor transhipped,

6. Should His Majesty think proper to rescind or alter the present provisions, the merchants will be duly informed thereof.

7. The regulation for free commerce, the general Instruction of the revenue department, issued in 1816, and the other resolutions relative to the commerce of America, are suspended, in whatever shall be at variance with the contents of the preceding Articles.

By the Royal Order, &c.—Palace, 9th February, 1827.

LUIS LOPEZ BALLESTEROS.

The General Direction of the Revenue.

BRITISH ORDER IN COUNCIL *granting to Spanish Vessels certain privileges of trading with the British Possessions Abroad.* 28*th April,* 1828.

At the Court at St. James's, the 28*th day of April,* 1828.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of His present Majesty [cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad,"* after reciting, that "by the law of navigation Foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such Possessions to be carried to any Foreign country whatever,

* See Vol. 3, Page 201.

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and that it is expedient that such permission should be subject to certain conditions," it is enacted, "that the privileges thereby granted to Foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any Foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign country:"

And whereas by an Act, passed in the 7th and 8th years of His present Majesty's reign [cap. 56.] intituled "An Act to amend the laws relating to the Customs,"* after reciting or taking notice of the said Act so passed as aforesaid in the 6th year of His Majesty's reign, and after reciting, that unless some period were limited for the fulfilment by Foreign countries of the conditions mentioned and referred to in the said recited Act, the trade and navigation of the United Kingdom and of the British possessions abroad, could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the laws from time to time made in such Foreign countries; it is therefore enacted, that no Foreign country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such Foreign country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular Foreign countries are permitted by law to exercise and enjoy the said privileges, it is further enacted, that no Foreign country shall hereafter be deemed to have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such Foreign country hath so

* See Vol. 3, Page 217.

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fulfilled the said conditions, and is entitled to the said privileges; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, or to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding:

And whereas the conditions mentioned and referred to in the said Acts of Parliament have not in all respects been fulfilled by the Government of His Most Catholic Majesty the King of Spain, and therefore the privileges so granted as aforesaid by the law of navigation to Foreign ships, cannot lawfully be exercised or enjoyed by the ships of Spain, unless His Majesty, by his Order in Council, shall grant the whole or any of such privileges to such Spanish ships:

And whereas His Majesty, by and with the advice of his Privy Council, doth deem it expedient to grant the privileges aforesaid, in certain cases, to ships of the dominions of His Most Catholic Majesty the King of Spain, His Majesty doth therefore, by the advice aforesaid, and in pursuance and exercise of the powers and authority in him vested by the said recited Acts of Parliament, declare and grant, that it shall and may be lawful for Spanish ships to import into any of the British possessions abroad, from the colonies and Foreign plantations of His Most Catholic Majesty, goods the produce of those colonies and possessions, and to export goods from such British possessions abroad, to be carried to any Foreign country whatever:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

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ROYAL ORDER *of the King of Spain, relative to the manner in which the Negroes in the Island of Cuba, who become free in consequence of the existing Treaties, for the Suppression of the Slave Trade, are to be disposed of.* 15*th April*, 1828.

(*Translation.*)

THE Captain General of the island of Cuba has transmitted and supported a memorial, in which that authority represents the very serious inconveniences which must result from the continuance in that island of the many newly imported negroes, who are declared to be and are free, by virtue of the Treaty concluded with England in 1817 for the abolition of the slave trade.*

His Majesty the King, to whose royal wisdom I have submitted the communication, having taken into serious consideration the importance of the subject, and being convinced of the very serious evils which certainly might result from the presence, in that Island, of so great a number of free negroes, and after having heard the advice of the Council of State, His Majesty, coinciding with the opinion of a part of the Councillors composing it, has been pleased to determine:

1°. That all the negroes who are at present emancipated, by virtue of the provisions for this purpose contained in the VIIth Article of the Regulations † which form an integral part of the Treaty concluded in 1817 for the abolition of the slave trade, shall be removed from the island of Cuba, and be transported to some one of His Majesty's European dominions, even to the Peninsula itself, if necessary, giving them, whithersoever they are carried, the same employment as was to be given to them in the said island, according to the stipulation in the above-mentioned Article.

2°. That the expense of the transport of those slaves to any of His Majesty's European possessions, shall be defrayed out of His Majesty's share of the prize money arising from captured slave ships, and, should the same be found insufficient for that purpose, the deficit shall be supplied by an equitable rate to be levied upon the inhabitants of the island: in the mean time, His Majesty considers it expedient to enter into

* See Vol. 2, Page 273. † See Vol. 2, Page 301.

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negotiation with England, upon such modifications of the VIIth Article of the Regulations as may appear to be necessary.*

By Royal Command, &c., Madrid, 15th April, 1828.

MANUEL GONZALEZ SALMON.

CONVENTION *between His Majesty and the Catholic King, for the final settlement of the Claims of British and Spanish Subjects, under the Convention concluded at Madrid, the 12th March,* 1823.† *Signed at London, the 28th of October,* 1828.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain and the Indies, being equally convinced of the great and almost insuperable difficulties that have presented themselves in carrying into effect, by means of the Mixed Commission appointed under the Convention concluded on the 12th of March, 1823, the stipulations of the said Convention, respecting the claims preferred by subjects of both nations, have considered that the most speedy and efficacious manner of obtaining the objects which their Britannic and Catholic Majesties proposed to themselves in framing the Convention above mentioned, would be that of a compromise, or amicable adjustment, in which their said Majesties, by common consent, should assign fixed and proportionate sums for the indemnification of the claimants of both countries, so that each of the 2 High Contracting Parties should possess the power of adjudging and satisfying the legitimate claims of its own subjects, out of the sums which each Government should, for such purpose, receive from the other, or of distributing those sums among the individuals interested, by means of an arrangement mutually agreed upon.

With this view, their Britannic and Catholic Majesties have nominated and appointed as their respective Plenipotentiaries, namely:—His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the said

* See Page 458. † See Vol. 3, Page 381.

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United Kingdom, a Member of His Majesty's Most Honourable Privy Council, Knight of the most ancient and most noble Order of the Thistle, and His said Majesty's Principal Secretary of State for Foreign Affairs:—and His Majesty the King of Spain and the Indies, His Excellency Don Narciso de Heredia, Count of Ofalia, actual Knight of the Royal Spanish Order of Charles III, Knight Grand Cross of the American Order of Isabel the Catholic, and of the Legion of Honour of France, Councillor of State, and His said Majesty's Envoy Extraordinary and Minister Plenipotentiary on a special Mission to the Court of His Britannic Majesty:—who, after having communicated to each other their respective Full-powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Art. I. His Catholic Majesty engages to make good to His Britannic Majesty, the sum of 900,000*l.*, in specie, as the amount of the whole of the English claims presented to and registered by the Mixed Commission established by the Convention of the 12th of March, 1823.

II. His Britannic Majesty engages to make good, in the same manner, the sum of 200,000*l.*, as the whole amount of the Spanish claims, presented to and registered by the Mixed Commission, in pursuance of the said Convention.

III. It shall be lawful for either of the High Contracting Parties to cause to be adjudged within its respective territory the claims of its own subjects, in order to satisfy, within 12 months from the date of the exchange of the ratifications of the present Convention, such claims as shall appear to be just and legitimate, out of the sums which one of the High Contracting Parties shall receive, for this purpose, from the other: or it shall be lawful for the Government of either of the said High Contracting Parties to agree with the persons interested, or their assigns, upon any other mode of arrangement which may be deemed most expedient for satisfying them within the same term, without the necessity of any previous and formal adjudication.

IV. The Government of His Britannic Majesty shall retain in its possession the sum of 200,000*l.*, which, by the IInd Article, is to be made good to Spain, in order to set that sum

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against, or deduct it from, the 900,000*l.* which it is to receive from the same; but it is expressly declared, that this compensation is stipulated on the understanding that His Catholic Majesty, within the period specified in the preceding Article, shall pay to his own subjects the amount of their legitimate claims against England, preferred under the Convention of the 12th of March, 1823, in specie, or in other effective value; and in such a manner that His Britannic Majesty may be exempted from every responsibility for the amount of such claims.

V. His Catholic Majesty shall effectuate the payment of the 900,000*l.*, in satisfaction of the English claims, by instalments, in the following order:—

200,000*l.* shall be delivered over on the day on which the exchange of the ratifications of the present Convention shall take place; and another like sum at the expiration of 3 months from the exchange alluded to.

The compensation mentioned in the preceding Article shall be considered as the payment of 200,000*l.* more; and the remaining 300,000*l.* shall be made good by two instalments, at the rate of 150,000*l.*; the one at 6 months, and the other at 9 months, from the date of the exchange of the ratifications.

VI. The 2 last instalments of 150,000*l.* each, His Catholic Majesty reserves to himself the power either of paying up in specie, at the time of that sum falling due, or of effectuating the payment by Certificates of Inscriptions in the English and Spanish languages, expressing the purpose for which they are issued, bearing interest at 5 per cent. per annum, payable half-yearly in London, at 50 per cent. discount.

For this purpose, His Catholic Majesty shall, within 3 months from the date of the ratifications of this Convention, cause the sum of 60,000,000 of reals of vellon, in such Inscriptions, (being equal, at 100 reals to the pound sterling, to the sum of 600,000*l.*,) to be lodged in the Bank of England, or with the banker of the court of Spain in London, with Instructions to deliver one-half of them to the Government of His Britannic Majesty, for the use of the claimants, on the day of each of the said instalments falling due, provided they shall not be punctually paid in sterling money.

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It is likewise hereby agreed, that the Government of His Catholic Majesty shall have the power of redeeming the Inscriptions thus created, during the 4 years succeeding, and upon giving 6 months' notice, at the rate of 55*l.* for every 100*l.* so delivered. After such period of 4 years, the Spanish Government shall only possess the power of redeeming the Inscriptions referred to, at the rate of 60*l.* for every 100*l.*

VII. His Catholic Majesty shall be at liberty to effect the payment of the second instalment of 200,000*l.*, mentioned in Article V, by delivering, on its being due, 50,000*l.* in ready money, and 150,000*l.* in Inscriptions at 50 per cent., making 300,000*l.* in Inscriptions; but this arrangement is only to take place on the express condition that the payment of one of the 2 last instalments of 150,000*l.*, mentioned in Article VI, shall be made in ready money.

VIII. The Inscriptions to be delivered by the Government of His Catholic Majesty, shall be, in all essential points, according to the form which is annexed to the present Convention.

IX. As soon as the said sum of 900,000*l.* shall have been paid, all the bills of exchange, libranzas, and other documents, forming and constituting the value represented by the aggregate of the English claims against Spain, shall be given up to the Government of His Catholic Majesty.

X. There shall be given up also, on the part of the Government of His said Catholic Majesty, at the period specified in the preceding Article, all the documents relative to the Spanish claims against England.

XI. To prevent any of those claims which shall be satisfied by the present Convention, from again being produced under any other form or pretence, it is hereby agreed that the Mixed Commission appointed under the aforesaid Convention of the 12th of March, 1823, shall, prior to the cessation of the exercise of its functions, add to the lists already formed of the English and Spanish claims, presented to and registered by the same, such notes or remarks, relating to the documents in support of those claims, as may be deemed necessary, in order that the said lists and notes, after being given up to both Governments in an authentic form, may serve them as a security, till the delivery of the original documents shall take place.

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XII. The aforesaid Convention of the 12th of March, 1823, and the several Articles and things therein contained, except so far as the same are altered by this present Convention, are hereby declared to be, and shall remain, in force.

XIII. The present Convention shall be ratified, and the ratifications shall be exchanged in 40 days from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 28th day of October, in the year of our Lord 1828.

(L.S.) ABERDEEN. (L.S.) EL CONDE DE OFALIA.

FORMULA OF INSCRIPTION.

No.—— Capital £500 sterling, equivalent to Capital of 50,000 reals vellon. } { Annuity £25 sterling, equivalent to Annuity of 2,500 reals vellon.

This Debenture has been issued in satisfaction of an agreement entered into at London, the 28th day of October, 1828, in execution of a Convention signed at Madrid the 12th of March, 1823, between His Britannic Majesty and His Majesty the King of Spain, for the payment of the claims of British subjects.

SPANISH 5 PER CENT.

Consolidated annuities, payable in London, inscribed on the Great Book of the Consolidated Debt of Spain.

No.—— Capital £500 sterling, equivalent to Capital of 50,000 reals vellon. } { Annuity £25 sterling, equivalent to Annuity of 2,500 reals vellon.

The bearer hereof is entitled to an annuity of £25 payable in London, in moieties, every 6 months, on the of and the of

The Spanish Government reserves to itself the right of redeeming this Debenture by payment in London, during the 4 years succeeding the date hereof, at the rate of 55 per cent., or, at any subsequent period, at the rate of 60 per cent. on the nominal amount, giving, in either case, 6 months' notice in the London Gazette.

A. B. Secretary of State, Minister of Finance.
C. D. Director of the Sinking Fund.
E. F. } British Commissioners for Claims.
G.H. }

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NOTICE.

The Certificates of Inscriptions, which are to be deposited by the Government of His Catholic Majesty, and which will be given in payment, in the case specified in Article VI of the Convention signed this day, shall be issued according to the following distribution:—

200, of £1000 each.
120, of £800 each.
200, of £500 each.
400, of £250 each.
420, of £200 each.
200, of £100 each.

In witness whereof, we, the undersigned, Plenipotentiaries of His Britannic Majesty, and His Catholic Majesty, have signed the present Formula, and have affixed thereunto the seals of our arms.

Done at London, the 28th day of October, in the year of our Lord 1828.

(L. S.) ABERDEEN. (L. S.) OFALIA.

Hallandose Su Magestad el Rey del Reino Unido de la Gran Bretaña y de Yrlanda, y Su Magestad el Rey de España y de las Yndias, igualmente convencidos de las graves y casi insuperables dificultades que se han presentado para llevar á efecto, por medio de la Comision Mixta creada por el Convenio celebrado en 12 de Marzo de 1823,* las estipulaciones de dicho Convenio, respectivas á las reclamaciones de subditos de ambas naciones,—han conceptuado que la manera mas pronta y eficaz de conseguir los objetos que Sus Magestades Británica y Católica se propusieron en la formacion del referido Convenio, seria la de una transaccion ó ajuste amistoso, en que, de comun acuerdo, sus referidas Magestades destinasen cantidades fijas y proporcionadas para la indemnizacion de los reclamantes de ambas partes, quedando á cada una de las 2 Altas Partes Contratantes la facultad de juzgar y satisfacer las reclamaciones legitimas de sus propios subditos con las sumas que para ello percibiese de

* See Vol. 3, Page 384.

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la otra, ó de distribuir estas entre los interesados, por medio de un arreglo particular con los mismos.

Con este objeto, Sus Magestades Británica y Católica han nombrado y constituido por sus respectivos Plenipotenciarios, á saber:—

Su Magestad el Rey del Reino Unido de la Gran Bretaña y de Yrlanda, al Muy Honorable Jorge Conde de Aberdeen, Vizconde Gordon, Vizconde Formartine, Lord Haddo, Methlick, Tarvis, y Kellie, Par del mencionado Reino Unido, Miembro del Muy Honorable Consejo Privado de Su Magestad Británica, Caballero de la muy antigua y muy noble Orden del Cardo, y Principal Secretario de Estado de su referida Magestad en el Departamento de Negocios Extrangeros:—

Y Su Magestad el Rey de España y de las Yndias, al Escelentisimo Señor Don Narciso de Heredia, Conde de Ofalia, Caballero de numero de la Real Orden de Carlos III, Gran Cruz de la Real Orden Americana de Ysabel la Católica, y de la Legion de Honor de Francia, Consejero de Estado de Su Magestad Católica, y su Enviado Extraordinario y Ministro Plenipotenciario encargado de una mision especial cerca de Su Magestad Británica:—

Los cuales, despues de haberse comunicado sus respectivos Plenos-poderes, y hallandolos enbuena y debida forma, han acordado y convenido en los Articulos siguientes:—

Art. I. Su Magestad Católica se obliga á satisfacer á Su Magestad Británica la cantidad de 900,000 libras esterlinas, en dinero efectivo, por el importe de la totalidad de las reclamaciones Ynglesas presentadas y registradas ante la Comision Mixta creada por el Convenio de 12 de Marzo de 1823.

II. Su Magestad Británica se obliga á satisfacer, en la misma forma, la cantidad de 200,000 libras esterlinas, por el importe de la totalidad de las reclamaciones Españolas presentadas y registradas ante la Comision Mixta, á consecuencia del mismo Convenio.

III. Cada una de las 2 Altas Partes Contratantes podrá hacer juzgar dentro de su respectivo territorio, las reclamaciones de sus propios subditos, para satisfacer, dentro de un año contado desde el dia del cange de las ratificaciones del presente Convenio, las que resulten ser justas y legitimas, con las sumas

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que para ello percibe de la otra; ó podrá el Gobierno de cada una de las referidas Altas Partes Contratantes convenirse con los interesados, ó quien los represente, en cualquiera otro medio de arreglo que se conceptue mas expedito para satisfacerles dentro del mismo termino, sin necesidad de que preceda un juicio formal.

IV. El Gobierno de Su Magestad Británica retendrá en su poder la suma de 200,000 libras esterlinas, que, por el Articulo II, debe satisfacer al de España, á fin de compensarlas ó deducirlas de las 900,000 libras esterlinas que tiene que percibir del mismo; pero queda espresamente declarado, que esta compensacion se estipula en la inteligencia de que Su Magestad Católica, dentro del termino convenido en el Articulo precedente, pagará á sus propios subditos el importe de sus reclamaciones legitimas contra la Ynglaterra, segun el Convenio de 12 de Marzo de 1823, en dinero, ó en otros valores efectivos; y de tal manera que el Gobierno de Su Magestad Británica quede exento de toda responsabilidad por el importe de las espresadas reclamaciones.

V. El pago de las 900,000 libras esterlinas respectivas á las reclamaciones Ynglesas, lo realizará Su Magestad Católica en diferentes plazos, por el orden siguiente:—

Se entregarán 200,000 libras esterlinas en el dia que se verifique el cange de las ratificaciones del presente Convenio; y otra igual suma á los 3 meses de dicho cange.

Se considerará como pago de otras 200,000 libras esterlinas la compensacion de que va hecha mencion en el Articulo precedente:—y las 300,000 libras esterlinas restantes se satisfarán en 2 plazos, á razon de 150,000 libras esterlinas: el uno á los 6 meses, y el otro á los 9, de la fecha del cange de las ratificaciones.

VI. Por lo que respecta á los 2 ultimos plazos de 150,000 libras cada uno, Su Magestad Católica se reserva la facultad de poder satisfacerlos en numerario, al tiempo de su respectivo vencimiento, ó de verificarlo en certificaciones de Inscripciones estendidas en Yngles y en Español, con espresion del objeto para que se espiden, y con el interes de 5 por ciento anual, pagadero por semestres en Londres; las cuales se darán al descuento de 50 por ciento.

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Para este efecto, Su Magestad Católica dispondrá que dentro de 3 meses de la fecha de las ratificaciones de esta Convenio, una suma de 60,000,000 de reales vellon, en dichas Inscripciones, (la cual, á razon de 100 reales vellon por libra esterlina, es equivalente á 600,000 libras esterlinas en Inscripciones) se deposite en el Banco de Ynglaterra, ó en poder del banquero de la Corte de España en Londres, con las oportunas instrucciones para que se entregue la mitad de ellas al Gobierno de Su Magestad Británica, á beneficio de los reclamantes, en el dia del vencimiento de cada uno de los referidos plazos, si no estuviese satisfecho para aquel dia en moneda esterlina.

Se ha convenido igualmente que el Gobierno de Su Magestad Católica tendrá la facultad de poder redimir las Inscripciones credas al efecto, en los 4 primeros años, y dando aviso, con 6 meses de anticipacion, á razon de 55 libras esterlinas en efectivo, por cada 100 que recoja en inscripciones. Despues de trascurridos los 4 años, el Gobierno Español solo podrá redimir las mencionadas Inscripciones, á razon de 60 libras esterlinas por cada 100.

VII. Su Magestad Católica podrá hacer el pago del segundo plazo de 200,000 libras esterlinas, mencionado en el Articulo V, entregando á su vencimiento 50,000 libras en efectivo, y 150,000 en Inscripciones al 50 por ciento, que hacen 300,000 de esta especie; pero, en este caso, será precisamente obligatorio el pago en dinero efectivo de 1 de los 2 ultimos plazos de 150,000 libras, de que se hace mencion en el Articulo VI.

VIII. Las Inscripciones que se espidan por el Gobierno de Su Magestad Católica, deberán ser conformes, en todo lo esencial, al modelo de que va unida copia al presente Convenio.

IX. Verificado que sea el pago de las 900,000 libras esterlinas, se entregarán al Gobierno de Su Magestad Católica todas las letras de cambio, libranzas, y demas documentos que forman y constituyen el valor representado por la masa de las reclamaciones Ynglesas contra la España.

X. Ygual entrega se hará, por parte del Gobierno de Su Magestad Católica, de los documentos respectivos á las recla-

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maciones Españolas contra la Ynglaterra, en el tiempo mencionado en el Articulo precedente.

XI. Para evitar que ninguna de las reclamaciones que han de quedar fenecidas por el presente Convenio, pueda aparecer de nuevo, bajo otra forma ó pretexto; se ha convenido que la Comision Mixta nombrada en consecuencia del referido Convenio de 12 de Marzo de 1823, antes de cesar en el egercicio de sus funciones, deberá añadir á las listas ya formadas de las reclamaciones Ynglesas y Españolas presentadas y registradas ante ella, las notas ó apuntaciones referentes á los documentos de las mismas reclamaciones, que se crean necesarias, para que entregadas á ambos Gobiernos dichas listas y notas en forma autentica, puedan servirles de resguardo, hasta tanto que se verifique la entrega do los documentos originales.

XII. Se declara que el citado Convenio de 12 de Marzo de 1823, y los diferentes Articulos y clausulas que contiene, subsistirán en vigor, á escepcion de aquella parte de los mismos que se halla alterada por el presente Convenio.

XIII. El presente Convenio será ratificado, y las ratificaciones cangeadas en el termino de 40 dias, contados de su fecha, ó antes si fuese posible.

En fé de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con el sello de sus armas.

Fecho en Londres, el dia 28 de Octubre, de 1828.

(L. S.) El Conde de Ofalia.
(L. S.) Aberdeen.

Formula

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FORMULA DE YNSCRIPCION.

No.— Capital 500 libras esterlinas, equivalente á Capital 50,000 reales vellon. } { Rente 25 libras esterlinas, equivalente á Rente 2,500 reales vellon.

Esta Inscripcion se espide en consecuencia de un Convenio celebrado en Londres, á 28 de Octubre de 1828, en cumplimiento de otro concluido en Madrid, el 12 de Marzo de 1823, entre Su Magestad Británica y Su Majestad el Rey de Espana, para el pago de las reclamaciones de subditos Yngleses.

CINCO POR CIENTO ESPANOL.

Renta Anual Consolidada, pagadera en Londres, e inscrita en el Gran Libro de la Deuda Consolidada de Espana.

No.— Capital libras esterlinas 500, equivalente á Capital 50,000 reales vellon. } { Renta Anual 25 libras esterlinas, equivalente á Renta Anual 2,500 reales vellon.

El tenedor de esta Ynscripcion es acreedor á una renta anual de 25 libras esterlinas, pagadera en Londres por semestres, en los dias de y de

El Gobierno Espanol se reserva la facultad de redimir esta Ynscripcion por medio del pago en Londres, dentro de los 4 anos primeros contados desde su fecha, á razon de 55 por 100, ó despues de dicho periodo, á razon de 60 por 100, de su valor nominal, dando, en ambos casos, aviso de ello, con 6 meses de anticipacion, en la Gaceta de Londres.

Firmas.—Del Ministro de Hacienda.
Del Director de la Caja de Amortizacion.
De los Comisarios de Reclamaciones.

ADVERTENCIA.

Los Certificados de Inscripciones que han de depositarse, y que se darán en pago, en el caso prevenido por el Articulo VI. del Convenio firmado en este dia, se espedirán en el siguiente orden de distribucion :—

200, de 1000 libras esterlinas cada una.
120, de 800 cada una.
200, de 500 cada una.
400, de 250 cada una.
420, de 200 cada una.
200, de 100 cada una.

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En fé de lo cual, nos los abajo firmados Plenipotenciarios de Su Magestad Británica, y de Su Magestad Católica, hemos firmado la presente Formula, y hemos puesto en ella el sello de nuestras armas.

Fecho en Londres, á 28 de Octubre, 1828.

(L. S.) ABERDEEN. (L. S.) OFALIA.

DECREE *of the King of Spain, appointing Commissioners, to carry into effect the Convention of Claims with Great Britain, of the 28th October,* 1828. *El Pardo, 20th January,* 1829.

(*Translation.*)

EXPERIENCE having proved that the Treaty concluded with Great Britain, on the 12th March, 1823,* for the reciprocal indemnification of the losses and injuries sustained by my subjects, and by the English, since the year 1808, cannot be effected without great difficulty and trouble, according to the mode in which the Mixed Commission, established in London, takes into consideration and summarily settles, conformably to equity, the cases which have occurred of the detention or capture of vessels of either nation; and being myself well assured, as well as His Majesty the King of the United Kingdom of Great Britain and Ireland, that the most prompt and effectual manner of fulfilling this object will be to enter into a friendly arrangement, or agreement, by which to determine the exact proportion to be paid for the indemnification of the Spanish and English creditors, judging their claims in our respective dominions, and satisfying the legitimate ones, with the exact sums reciprocally received; or properly distributing them amongst those interested, by means of a particular regulation; my Plenipotentiary and the Plenipotentiaries of His Britannic Majesty did conclude in London, on the 28th October, 1828, a Convention founded on these bases; and in consequence of what is stipulated in the IIIrd Article thereof, I resolve and decree as follows:

* See Vol. 3, Page 381.

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ART. I. A Junta, composed of a president, and 4 members, and a secretary without a vote, shall be charged with the examination, decision, and liquidation, in conformity with the Treaty between Spain and England of the 12th March, 1823, of the Spanish Claims which have been presented and registered in the Mixed Commission established in London. It shall be called the Junta of Examination and Liquidation.

II. Another Junta shall be formed, consisting of a president, and 4 members, and a secretary without a vote, to which the claimants may appeal against the decisions of the Junta of Examination and Liquidation, on the ground of its having formed a wrong estimate of their claims, or of its having reduced their claims disproportionately. This Junta shall be called the Junta of Appeal, and its decisions shall be final, in all cases, without exception.

III. The recourse to appeal must be had within the term of 2 months, reckoning from the day on which the decision of the Junta of Examination and Liquidation shall be made known to the interested party, or to its agent; and so soon as that Junta and the Junta of Appeal are installed, they shall prepare a regulation, for my approval, in which shall be prescribed, the manner of instituting the said recourse, that of its cognizance by the Junta of Appeal, the form to be observed between the latter and the Junta of Examination and Liquidation, and whatever may be necessary for the execution of this decree.

IV. No judgment shall be pronounced upon any case, without the concurrence of at least 3 of the members, or any resolution taken without the concurrence of 3 votes. In the event of an equal number of votes in the Junta of Examination and Liquidation, the youngest member of the Junta of Appeal shall give his vote, in order to prevent discord; but this member shall not assist at the investigation of the same case, if it be brought before the Junta of Appeal. In the event of an equality of votes in the latter, the president shall inform me of the fact, and propose a person to me, who shall vote, in order to prevent discord.

V. The Spanish claims which have been examined and pronounced upon, by the Mixed Commission established in London, shall be considered as already decided by competent authority.

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VI. In respect of the claims founded on the Treaty, the Junta may, according to the circumstances of the case, make such reductions as may appear to them equitable, and in proportion to the documents, more or less essential, which may be wanting to establish the claims.

VII. The claimants cannot be allowed to produce fresh documents; but the Juntas may, in particular cases, require any which they consider conducive to the better guidance of their decisions.

VIII. In order to verify the recognition of the claims by the Junta of Examination and Liquidation, or by that of Appeal when recourse is had to it, the proper Certificates shall be delivered, by the former, to the party interested; the amount of which Certificates shall be liquidated by the Royal Treasury, out of the funds deposited therein for that express purpose.

IX. On the liquidation of these claims, a deduction shall be made of 3 per cent. in order to defray the expenses occasioned to my Royal Treasury by the Mixed Commission established in London, and by the 2 Juntas now to be established.

X. The Junta of Examination and Liquidation shall transmit to the first Secretary of State, at the beginning of every month, a statement of the claims examined and admitted in the preceding month, describing the name of each creditor, and the sum definitively recognized. These statements shall be forwarded immediately to my Secretary of State for Finance, in order that he may direct the payment thereof at the Royal Treasury, on the presentation of the proper Certificate, agreeably to Article VIII.

XI. The appointments of Presidents, Members, and Secretaries of the Junta of Examination and Liquidation, and of Appeal, shall be held by persons to be proposed to me, who possess the qualifications necessary for the efficient discharge of their duties.

Let this be understood, and arrangements made for its proper fulfilment.

El Pardo, 20th January, 1829. THE KING.

Manoel Gonzalez Salmon.

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ACT *of the British Parliament, to carry into execution the Stipulations of a Convention between His Majesty and His Catholic Majesty, for the Settlement of certain British Claims upon Spain, and of certain Spanish Claims upon the United Kingdom.*

[10th Geo. 4, cap. 20.] [14th May, 1829.]

WHEREAS considerable difficulties having presented themselves in carrying into effect, by means of a Mixed Commission, the stipulations of the Convention concluded and signed at *Madrid* on the 12th of March, 1823,* for the adjustment of Claims preferred respectively by the subjects of their Britannic and Catholic Majesties, it was agreed between their said Majesties that an amicable settlement or compromise should be effected of all claims registered under the above-mentioned Convention, which shall appear to be just and legitimate; and, in furtherance of such agreement, a Convention was entered into and signed in London, on the 28th day of October, 1828, by the Right Honourable George Earl of Aberdeen, &c. &c., &c. and His Excellency the Conde de Ofalia, &c. &c. &c., as Plenipotentiaries of their said Majesties respectively: and whereas by this last-mentioned Convention it was stipulated and agreed that the sum of 900,000*l.* should be paid by His Catholic Majesty in satisfaction of the amount of the whole of the *British* claims presented to and registered by the Mixed Commission established by the Convention of the 12th day of March, 1823, such sum of 900,000*l.* to be made good to His Britannic Majesty in the mode and form following; videlicet, 200,000*l.* sterling to be delivered over on the day on which the exchange of the ratifications of the Convention signed on the 28th day of October, 1828, took place, being the 8th day of December in that year, at which time such payment was duly made; another like sum at the expiration of 3 months from the day of the exchange above-mentioned; the further sum of 150,000*l.* sterling to be paid at the expiration of 6 months, and another like sum at the expiration of 9 months, from the day of the exchange of the ratifications last-mentioned; which

* See Vol. 3, Page 381.

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2 last instalments His Catholic Majesty reserved to himself the power of paying either in specie or Certificates of Inscriptions bearing interest at 5 per cent. per annum, and being issued at 50 per cent. discount; and it having been stipulated and agreed between the said parties that the sum of 200,000*l.* sterling should be made good by His Majesty in satisfaction of the amount of the whole of the claims of *Spanish* subjects upon His Majesty's Government, presented to and registered by the Mixed Commission in pursuance of the terms of the Convention of the 12th day of March, 1823, it was further agreed that such sum of 200,000*l.* sterling should be retained in the possession of His Majesty, in order that such sum should be set against or deducted from the 900,000*l.* which His Majesty, as previously recited, was to receive from the *Spanish* Government in satisfaction of the claims of *British* subjects so presented and registered as aforesaid; and it was further agreed between the High Contracting Parties, that they should cause the claims of their own subjects to be adjudged within their respective territories, and within the period of 12 months from the date of the exchange of the ratifications of the Convention, or that either of the said High Contracting Parties might agree with the persons interested, or their assigns, upon any other mode of arrangement which might be deemed most expedient for satisfying them, within the same term, without the necessity of any formal or previous adjudication: and whereas His Majesty's Government having caused a classification to be made of the claims preferred by *British* subjects upon *Spain*, and registered as before stated, did, conformably to the last-recited stipulation, enter into an agreement with the persons interested, and their assigns and agents, for the satisfaction of their respective claims; by which agreement full consent to the amount of compromise to be received under the Convention was accorded by the parties interested, in the following terms: 1st, that the sum of 155,000*l.* shall be allotted for the liquidation of the just and legitimate claims comprised in class (A.), being the cases numbered in the Register of the Mixed Commission 8, 13, 58, 60, 62, 68, 69, 71, 74, 88, 89, 93, 94, 96, 103, 121, 122, 123, 124, 125, 126, 133, 143, 144, 145, 146, 147, 148, 149,

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150, 151, 152, 153, 162, 163, 165, 170, 221, 223, 225, 236, 237, 238, 239, 245, 246, 247, 248, 266, 267, 269, 272, 274, 275, 281, 286, 290, 292, 293, 294, 295, 296, 305, 306, 307, 330, and 331; provided, that if the value of the claims above enumerated, when finally adjudged, should not amount to such sum so allotted, then that the surplus of the same shall go to the class (B.) and the other claimants, exclusive of those in class (C.), in such proportions as His Majesty's Principal Secretary of State for Foreign Affairs shall direct: 2nd, that the sum of 45,000*l.* shall be allotted for the liquidation of the just and legitimate claims comprised under class (B.), being the class numbered in the Register of the Mixed Commission 90, 168, 226, 253, 254, 255, 256, 257, 280, 287, 289, 291, 328, and 329: 3rd, that the sum of 300,000*l.* shall be allotted for the liquidation of the claims comprised under class (C.), being the cases numbered in the Register of the Mixed Commission 92, 77, 261, 284, and 302, to be divided among such claimants according to an arrangement among the respective parties and their agents: 4th, that the sum of 400,000*l.* shall be allotted for the liquidation of all other claims registered under the Convention of the 12th day of March, 1823, being just and legitimate, and not within the exceptions hereinafter stated: 5th, that in the apportionment of the sums assigned for the liquidation of the respective classes, the parties interested in the same shall receive due proportions of the several instalments as they shall be paid by the *Spanish* Government, whether in money or certificates of inscriptions, so that no class shall have a preference: 6th, that in the determination of the validity and amount of the claims of *British* subjects upon *Spain*, registered by the Mixed Commission, acting under the Convention of 1823, all cases shall be considered valid where actual loss, arising from unliquidated debt or force and aggression, is averred and proved by satisfactory evidence to have been sustained (interest on such claims, and expenses of the prosecution of the same, being excepted); and such cases so proved shall be entitled to the rate of apportionment assigned to the classes to which they respectively belong, save and except such claims as in the list or copy of the register of the Mixed Commission, delivered to the Com-

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missioners of His Catholic Majesty on the 12th day of October, 1824, were marked "returned" or "withdrawn;" and also such claims as have been "returned" or "withdrawn" by parties interested, or their respective agents, between the 12th day of October, 1824, and the 28th day of October, 1828, by the desire of the parties interested, or their respective agents; and also such claims or supposed claims, founded on memorials or representations made to His Majesty's Government, which had been registered by the Commissioners acting under that Convention, in order that if such memorials or representations should have been further prosecuted or sustained, the interests of the parties therein named might have received the benefit of such Convention, in support of which claims no person hath appeared, or communication been made to the said Mixed Commission by the parties presumed to have been interested in the same, notwithstanding requisitions for such appearance or communication were published in the London Gazette on the 11th day of October, 1823, and the 29th day of June, 1824: 7th, that in the event of the sum of £900,000 not being paid as stipulated by His Catholic Majesty under the provisions of the Convention of the 28th day of October, 1828, the assent of the said parties interested, and their assigns, to the acceptance of a compromise to such amount as aforesaid, shall be considered as withdrawn, nor shall such assent be held to be in prejudice of their right to be paid the full amount of the sums to which they may be respectively entitled, such sums to be then ascertained and liquidated as prescribed by the Convention of the 12th day of March, 1823: and whereas His Majesty was pleased by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 4th day of October, 1823, to nominate and appoint Edward James Dawkins and Robert Albion Cox, Esquires, to be His Majesty's Commissioners for the purpose of carrying into effect, on the part of His Majesty, the provisions contained in the first-mentioned Convention of the 12th day of March, 1823: and whereas by another Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the 24th day of July, 1826, His Majesty was pleased to nominate and appoint Robert Francis Jameson and Joseph Egan, Esquires, to be His Ma-

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jesty's Commissioners under the said Convention, in the room and place of the said Edward James Dawkins and Robert Albion Cox, Esquires, to act in the execution of the said Convention with the same powers and authority as their predecessors were invested with: and whereas the said Commissioners caused to be inscribed in a Register the names of all the claimants who presented themselves within the period prescribed by the said Convention, with the names of the Agents respectively empowered to act for the said claimants, and caused the cases preferred by the parties interested, or their agents, to be numbered in such Register, a copy of which, or a list of such claims so numbered (amounting to 331), was delivered to the Commissioners of His Catholic Majesty on the 12th day of October, 1824: and whereas by the Ist Article of the Convention signed in London on the 28th day of October, 1828, between His Majesty and the King of *Spain*, His Catholic Majesty engages to make good the sum of £900,000, as the amount of the whole of the said claims: And whereas His Majesty, in furtherance of the objects of such Convention, and in accordance with the stipulations of the IIIrd Article of the same, hath caused the necessary measures to be taken for the adjudication of such claims as aforesaid, which, being just and legitimate, shall be entitled to a share of such sum of £900,000 sterling, and hath entered into an arrangement with the parties interested, and their assigns, for the satisfaction of their respective claims within the period named in the same Convention (the terms of which arrangement have been before recited): and whereas it is expedient and necessary that effectual provision should be made for carrying into execution the stipulations of the said Convention; 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 the sum of £900,000 stipulated to be paid, in the mode and at the times before mentioned by the said Treaty, to His Majesty, as a compromise of the claims of *British* subjects, registered by the Mixed Commission acting under the Convention of the 12th day of March, 1823, shall be considered and taken to be a full satisfaction for all such claims

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as aforesaid; and that the said stipulation, as in this Act recited and contained, may be pleaded in bar, or given in evidence upon the general issue, and shall be and be deemed and adjudged in every Court whatever to be good and complete bar in any and every action, suit, or proceeding, brought or instituted for restitution of any loss, or payment of any debt, or for any damage or injury for which compensation hath been sought by any claim or claims upon His Catholic Majesty, preferred to and registered by the Mixed Commission acting as aforesaid.

II. And be it further enacted, that the said sum of £900,000 paid, and to be paid in the mode and at the times before mentioned, shall be placed in the Bank of England in the names of 4 commissioners, forming a board of deposit and liquidation, by whom, or by a majority of whom, all orders for payment of claims awarded shall be signed.

III. And be it further enacted, that the sum of £200,000 stipulated to be paid by the said Treaty, in the mode and at the time before mentioned, to His Catholic Majesty, as a compromise of the claims of the *Spanish* subjects registered by the Mixed Commission acting under the Convention of the 12th day of March, 1823, shall be considered and taken to be a full compensation for all such claims as aforesaid; and that the said stipulation, as in this Act recited and contained, may be pleaded in bar, or given in evidence upon the general issue, and shall be and be deemed and adjudged in every Court whatever to be good and complete bar in any and every action, suit, or proceeding, brought or instituted for restitution of any loss, or payment of any debt, or for any damage or injury for which compensation hath been sought by any claim or claims upon His Majesty, preferred to and registered by the Mixed Commission acting as aforesaid.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any warrant under his Royal sign manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to appoint competent persons as Commissioners of Deposit and Liquidation, and for carrying into effect the stipulations of the said Convention in the mode and form agreed to by virtue of the IIIrd Article of the same; and such

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Commissioners are hereby authorized and empowered to examine and decide all cases of claims upon the Government of *Spain* duly registered by the Mixed Commission, acting under the Convention signed at Madrid on the 12th day of March, 1823, and hereinbefore recited and referred, save and except the claims comprised in class (C) before mentioned, and to award and apportion such sums for the satisfaction of the same to the parties interested therein, according to such directions as shall be prescribed by His Majesty's Principal Secretary of State as to the classes of claims, as they the said Commissioners may think fit; provided that such sum do not exceed the rate of apportionment assigned to the class to which such claims respectively belong, being just and legitimate, and not within the exceptions hereinbefore recited.

V. And be it further enacted, that it shall be lawful for the said Commissioners, or any two of them, and they are hereby empowered to examine upon oath (which oath the said Commissioners, or any two of them, are hereby authorized to administer,) all persons, whether parties or witnesses, whom the said Commissioners, or any two of them, shall think fit to examine, touching all such matters and things as shall appear to them to be necessary for the execution of the powers vested in the said Commissioners by their Commission and this Act: and all such persons are hereby directed and required punctually to attend the said Commissioners at such time and place as they or any two of them shall appoint.

VI. And be it further enacted, that in case any person or persons, upon examination upon oath before the said Commissioners, or any two of them respectively, shall wilfully and corruptly give false evidence, every such person [or persons] so offending, and being thereof duly convicted, shall be and is, and are hereby declared to be, subject and liable to such pains and penalties as by any law now in force in *Great Britain*, persons convicted of wilful and corrupt perjury are subject and liable to.

VII. And be it further enacted, that it shall and may be lawful for the said Commissioners, and they or any two of them are hereby authorized, to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and

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for such books, papers, writings, or records, as they shall judge necessary for their information, in the execution of the powers vested in the said Commissioners by their said Commission or by this Act.

VIII. And be it further enacted, that when and so soon as the said Commissioners, or any 2 of them, shall, at any time after the passing of this Act, adjudge or approve of the claim of any person or persons upon the Government of *Spain*, whose claim has been registered as aforesaid, to be good and valid in the whole or in part, and shall have ascertained the sum of money to which any such person or persons is or are then respectively entitled, and shall have signed and sealed an award of the same, then the said Commissioners shall present such award, so signed and sealed, to the Board of Commissioners of Deposit and Liquidation, by whom, or by a majority of whom, an order for payment of such sum or sums so awarded shall be signed; and the said Commissioners shall cause the same, with the award so signed and sealed, to be delivered to the person or persons respectively entitled thereto.

IX. And be it further enacted, that His Majesty's Principal Secretary of State for Foreign Affairs shall assign such compensation to the said Commissioners, and such salaries to the clerks and others engaged in the office of the said Commissioners, as in his discretion he shall think fit; and such compensation and salaries, and all other expenses attending the said office, and also the repayment of all sums advanced by the Lords Commissioners of His Majesty's Treasury, in and for the payment of the salaries and expenses of the Commissioners appointed under the Convention signed at *Madrid* on the 12th day of March, 1823, shall be liquidated and paid by a percentage upon or deduction from the sums allotted to the 4 classes into which the said claims are divided, in such proportion and to such amount as His Majesty's Principal Secretary of State for Foreign Affairs may or shall determine.

X. And be it further enacted, that should any difference of opinion arise between the said Commissioners in the examition and adjudication of the claims, which difference, by reason of equality of votes, cannot be decided, then the case or cases

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upon which such difference of opinion may arise, shall be referred to the judgment and decision of some competent person, to be named and appointed by His Majesty's Principal Secretary of State for Foreign Affairs; and the judgment and decision of such Referee shall be final upon the point or points at issue between the said Commissioners.

XI. And be it further enacted, that this Act may be altered, amended, varied, or repealed, by any Act or Acts to be passed in this Session of Parliament.

ROYAL ORDER *of the King of Spain, relative to the appropriation of a Piece of Land as a Burial Place for deceased British Subjects at Malaga.* 11*th April*, 1830.

(*Translation.*)

The Intendant of the Province of Malaga to the British Consul.

Sir, *Malaga, 4th May*, 1830.

On the 15th of April last, His Excellency the Director General of the City Lands and Revenues addressed to me what follows:

"His Excellency the Secretary of State for the Finance Department communicated to me, on the 11th of this month, the following Royal Order.

Most Excellent Sir,

Having laid before His Majesty the King your Excellency's despatch of the 24th March last, touching the application made by the English Consul at Malaga, Mr. William Mark, praying that in conformity with the XXXVth Article of the Treaty [of 1667,* confirmed by the Treaty] of Utrecht, a plot of ground might be set apart for the interment of such of His Britannic Majesty's subjects as may die in that city and its port; His Majesty has been graciously pleased to approve of the appropriation, for this purpose, of 25 square yards of

* See Vol. 2, Page 154.

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ground belonging to the city lands, and situated near the creek at the top of Redings' Garden.

The above I make known to you by Royal command, in order that your Excellency may take the requisite steps for the due execution thereof.

I communicate the same to your Excellency for the like purpose."

I inclose the above Royal Order to your Excellency, for your information and government, as well as for the object before mentioned.

May God preserve your Excellency many years.

PASCUAL GENARO RODENAS,
Intendant of the Province of Malaga.

William Mark, Esq.
His Britannic Majesty's Consul at Malaga.

ROYAL ORDER *of the King of Spain, respecting Burial Places for deceased British Subjects at Madrid, Corunna, &c.* 13*th November*, 1831.

(*Translation.*)

HAVING laid before the King our Lord a representation from the British Minister, in which he requests that a piece of ground at Corunna should be destined for a burial place for British subjects, and also that similar pieces of ground should be destined to the same object in all places where a British Consul resides, and desires to be made acquainted with His Majesty's pleasure as regards the inclosing of that which his Government has already bought near this capital, for the same purpose; His Majesty, in conformity with the opinion of his Council of Ministers, has been pleased to resolve, that no objection exists to the granting of the said pieces of ground, the English being authorized to purchase them of private individuals, and to inclose them, provided the prescribed formalities be observed; that is, that they be inclosed by a wall, without a church, chapel, or any other symbol of a place of public or

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private worship; and that under these conditions they may make use of the ground already purchased near this capital, having previously consulted the local authorities, to whom the proper notification shall be made.

Madrid, 13th November, 1831.

MANUEL GONZALEZ SALMON.

TREATY *between His Majesty and the Queen Regent of Spain, (during the minority of her daughter, Donna Isabella the IInd, Queen of Spain,) for the abolition of the Slave Trade. Signed at Madrid, 28th June,* 1835.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen Regent of Spain, during the minority of her daughter, Donna Isabella the IInd, Queen of Spain, being desirous of rendering the means taken for abolishing the inhuman traffic in slaves more effective, have, in order to obtain this important object, resolved to conclude a new Convention, in the spirit of the Treaty contracted between both Powers on the 23rd of September, 1817,* naming respectively for this as their Plenipotentiaries, to wit:— His Britannic Majesty, George Villiers, Esquire, his Envoy Extraordinary and Minister Plenipotentiary at the Court of Madrid; and Her Majesty the Queen Regent of Spain, Don Francisco de Paula Martinez de la Rosa, Knight Grand Cross of the Royal and distinguished Spanish Order of Charles the IIIrd, of that of Christ of Portugal, and of that of Leopold of Belgium; who, having duly communicated to each other their respective Full-powers, and found them in proper form, have agreed upon and concluded the following Articles:—

Art. I. The slave trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world.

II. Her Majesty the Queen Regent of Spain, during the

* See Vol. 2, Page 273.

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minority of her daughter Donna Isabella the IInd, hereby engages, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and her flag from being used, in carrying on, in any way, the trade in slaves; and especially, that within 2 months after the said exchange, she will promulgate throughout the dominions of Her Catholic Majesty, a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects, who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves.

III. The captain, master, pilot, and crew of a vessel condemned as good prize by virtue of the stipulations of this Treaty, shall be severely punished according to the laws of the country of which they are subjects: as also the owner of the said condemned vessel, unless he proves that he had no participation in the enterprise.

IV. In order more completely to prevent all infringement of the spirit of the present Treaty, the 2 High Contracting Parties mutually consent that those ships of their royal navies, respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the 2 nations as may, upon reasonable grounds, be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruizers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form and according to the rules following:

1°. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this Treaty.

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2°. In no case shall the right of search be exercised with respect to a vessel of the royal navy of either of the 2 Powers, but only as regards merchant vessels.

3°. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the document by which he is duly authorized to that end; and shall deliver to him a certificate, signed by him, stating his rank in the naval service of his country, and the name of the vessel he commands, and which also declares, that the only object of the search is to ascertain whether the vessel is employed in the slave traffic, or if it is fitted up for the said traffic. When the search is made by an officer of the cruizer, who is not the commander, the said officer shall exhibit to the captain of the merchant vessel, a copy of the before-mentioned special orders, signed by the commander of the cruizer; and shall, in like manner, deliver a certificate, signed by him, stating his rank in the royal navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on licit objects, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant of the royal navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

4°. The reciprocal right of search and detention shall not be exercised within the Mediterranean sea, or within the seas in Europe lying without the streights of Gibraltar, and which lie to the northward of the 37th parallel of north latitude, and also within and to the eastward of the meridian of longitude 20 degrees west of Greenwich.

V. In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:

1°. That all the ships of the royal navies of the 2 nations which shall be hereafter employed to prevent the traffic in

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slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty, of the Instructions for cruizers annexed thereto, marked A., and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B.; which Annexes, respectively, shall be considered as integral parts of the Treaty.

2°. That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several commanders. The said commanders ought to hold the rank of captain in the royal navy, or at least of lieutenant: it being nevertheless understood, that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall be sufficient, in case of death or temporary absence of the same, to authorize the officer on whom the command of the vessel has devolved, to make the search, although the said officer may not hold the aforesaid rank in the service.

3°. That if at any time the commander of a cruizer of either of the 2 nations shall suspect, that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation, carries slaves on board, or has been engaged in the traffic in slaves, or is fitted out for the purpose thereof, the said commander of the cruizer shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruizer, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well-founded, according to the tenour of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order that the just sentence may there be pronounced.

4°. It is further mutually agreed, that the commanders of the ships of the 2 royal navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid Instructions.

VI. As the 2 preceding Articles are entirely reciprocal, the 2 High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels; it being understood, that this indemnity shall be borne by the Govern-

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ment whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in the IVth Article of this Treaty, shall only be effected by those British or Spanish ships which may form part of the 2 royal navies respectively; and by such of those ships only as are provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this Article treats, shall be made within the term of 1 year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence.

VII. In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenour of the IVth Article of this Treaty, there shall be established, as soon as may be practicable, 2 Mixed Courts of Justice, formed of an equal number of individuals of the 2 nations, and named for this purpose by their respective Sovereigns. These Courts shall reside, the one in a possession belonging to His Britannic Majesty, the other within the territories of Her Catholic Majesty; and at the period of the exchange of the ratifications of the present Treaty, the 2 Governments shall declare, each for its own dominions, in what place these Courts shall respectively reside.

But each of the 2 High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Court held within its own dominions, provided always, that one of the 2 Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of Her Catholic Majesty.

These Courts, from which there shall be no appeal, shall judge the causes submitted to them according to the provisions of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral part thereof.

VIII. It is hereby agreed between the High Contracting Parties, that the Mixed Commissions, which are at present established and sitting under the Convention concluded between Great Britain and Spain on the 23rd September, 1817, shall continue to sit; and shall, during 2 months to be

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reckoned from the exchange of the ratifications of this Treaty and until the further appointment and definitive establishment of the Mixed Courts of Justice under the present Treaty, adjudge, without appeal, according to the principles and stipulations of the same, and of the several Annexes thereof, the cases of such vessels as may be sent or brought before them; and any vacancies which may occur in such Mixed Commissions shall be filled up in the same manner in which vacancies of the Mixed Courts of Justice, to be established under the provisions of this Treaty, are to be supplied.

IX. In case the commanding officer of any of the ships of the royal navies of Great Britain and Spain, respectively, duly commissioned according to the provisions of Article IV. of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

X. It is hereby further mutually agreed, that every merchant vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second, or slave-deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water, in cask or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

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6th. An extraordinary number of water-casks, or of other vessels for holding liquid: unless the master shall produce a certificate from the custom-house at 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 of other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel, as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the slave trade; and the vessel shall, thereupon, be condemned and declared lawful prize, unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

XI. If any of the things specified in the preceding Article shall be found in any merchant vessel, neither the master, nor owner, nor any person whatever, interested in her equipment or cargo, shall be entitled to compensation for losses or damages, even though the Mixed Courts of Justice should not pronounce any sentence of condemnation, in consequence of her detention; but the same tribunal shall be authorized to pay out of the prize fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

XII. It is agreed between the 2 High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in the slave trade, or as having been fitted out for the purposes

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thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

XIII. The negroes who are found on board of a vessel detained by a cruizer, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruizer has made the capture; but on the understanding that not only they shall be immediately put at liberty, and kept free,—the Government to whom they have been delivered guaranteeing the same,—but likewise engaging to afford, from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, marked C., as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty.

The 2 High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenour of such regulations.

XIV. The acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the royal navies of both nations destined to prevent the traffic in slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of Her Catholic Majesty.

C. Regulations as to the treatment of liberated negroes.

XV. The present Treaty, consisting of 15 Articles, shall be ratified, and the ratifications thereof exchanged within the space of 2 months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed in duplicate, 2 originals, English and Spanish, the

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present Treaty, and have thereunto affixed the seal of their arms.

Madrid, this 28th day of June, in the year 1835.

(L. S.) GEORGE VILLIERS.

(L. S.) FRANCISCO MARTINEZ DE LA ROSA.

Annex A. *to the Treaty between Great Britain and Spain, for the abolition of the slave trade, of the 28th of June,* 1835.

Instructions for the ships of the British and Spanish royal navies, employed to prevent the traffic in slaves.

Art. I. The commander of any ship belonging to the Royal British or Spanish navy, which shall be furnished with these Instructions, shall have a right to search and detain any British or Spanish merchant vessel, which shall be actually engaged, or suspected to be engaged, in the slave trade, or to be fitted out for the purposes thereof, or to have been engaged in the traffic in slaves, during the voyage in which she may be met with by such ship of the British or Spanish navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment, before that one of the 2 Mixed Courts of Justice established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

II. Whenever a ship of either of the royal navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Spain, respectively; or by the officer who at the time shall be second in command of the ship by which such search is made.

III. The commander of any ship of the royal navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained, the master, the

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mate, or boatswain, and 2 or 3, at least, of the crew thereof; the whole of the slaves, if any; and all the cargo. The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name and surname, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

IV. The slaves shall not be disembarked until after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, arising from the length of the voyage, from the state of health of the slaves, or from any other causes, should require that either the whole or a portion of the negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that the necessity of the disembarkation, and the causes thereof, be

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stated in a certificate in proper form; and provided that this certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the 28th of June, 1835, that the present Instructions shall be annexed to the said Treaty, and be considered an integral part thereof.

This day, the 28th of June, in the year 1835.

(L.S.) GEORGE VILLIERS.

(L.S.) FEANCISCO MARTINEZ DE LA ROSA.

Annex B. *to the Treaty between Great Britain and Spain, for the Abolition of the Slave Trade of the 28th June,* 1835.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in a Colonial Possession of Her Catholic Majesty.

Art. I. The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these regulations are declared to be an integral part, shall be composed in the following manner:

The 2 High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorised to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The Judges and the Arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal Magistrate of the place in which such Courts, respectively, shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimant or for the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Sovereign in whose territories such Court shall reside.

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Such Secretary or Registrar shall register all the Acts of such Court; and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court to be established on the coast of Africa, shall be paid by His Britannic Majesty; and that of the Secretary or Registrar of the Court to be established in the Colonial possessions of Spain, shall be paid by Her Catholic Majesty.

Each of the 2 Governments shall defray half of the aggregate amount of the expenses of such Courts.

II. The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captors, except in the cases specified and otherwise provided for under Article XI of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

III. The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

These Courts shall adjudge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place as summarily as possible; and for this purpose, the Courts are re-

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quired to decide each case, as far as may be practicable, within the space of 20 days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of 2 months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding 4 months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

IV. The form of the process, or mode of proceeding to judgment, shall be as follows:

The Judges appointed by the 2 nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration, on oath, of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released. In the event of the 2 Judges not agreeing as to the sentence which they ought to pronounce, in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or to the indemnification to be allowed, or as to any other question which may arise out of the said capture, or in case any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the 2 Arbitrators so appointed as aforesaid; which Arbitrator, after having considered the

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proceedings which have taken place, shall consult with the 2 above-mentioned Judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the 3.

V. If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The 2 High Contracting Parties bind themselves to pay within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

VI. If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the slaves who shall have been brought on board for the purposes of commerce; and the said vessel, subject to the regulations in Article XII of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the 2 Governments, subject to the payment of the expenses hereinafter mentioned.

The slaves shall receive from the Court a certificate of emancipation, and shall be delivered over to the Government to whom the cruizer which made the capture belongs, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, sub literâ C.

VII. The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been con-

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demned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article XI of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or to their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:—

1°. In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2°. In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified:

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. For demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The 2 High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Judges of the 2 nations, and without having recourse to the decision of an

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Arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel, in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of demurrage, or daily allowance for a vessel of

100 tons	to 120	inclusive	. .	£5	per diem.
121 do.	to 150	do.	. .	6	
151 do.	to 170	do.	. .	8	
171 do.	to 200	do.	. .	10	
201 do.	to 220	do.	. .	11	
221 do.	to 250	do.	. .	12	
251 do.	to 270	do.	. .	14	
271 do.	to 300	do.	. .	15	

and so on in proportion.

VIII. Neither the Judges nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such Judges, Arbitrators, and Secretaries have to perform.

IX. The 2 High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the Judges or Arbitrators composing the above-mentioned Courts, respectively, the post of such Judge and of such Arbitrator shall be supplied, *ad interim*, in the following manner:—

1°. On the part of His Britannic Majesty, and in that Court which shall sit within the possessions of His said Majesty, if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or in the case where the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such possession, by the Principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as

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above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2°. On the part of Great Britain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or in the case where the vacancy be originally that of the British Arbitrator, his place shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession; and in the case where the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British Arbitrator, then the Spanish Arbitrator shall be called in, in those cases in which a British Arbitrator, were there any, would be called in; and in case the vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Spanish Judge and Spanish Arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3°. On the part of Spain, and in that Court which shall sit within the possessions of Her Catholic Majesty, if the vacancy be that of the Spanish Judge, his place shall be filled by the Spanish Arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish Arbitrator, the place of such arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such possession, by the Principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

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4°. On the part of Spain, and in that Court which shall sit within the possessions of His Britannic Majesty, if the vacancy be that of the Spanish Judge, his place shall be filled by the Spanish Arbitrator; and either in that case, or in the case where the vacancy be originally that of the Spanish Arbitrator, his place shall be filled successively by the Spanish Consul and Spanish Vice-Consul, if there be a Spanish Consul or Spanish Vice-Consul appointed to and resident in such possession; and in the case where the vacancy be both of the Spanish Judge and of the Spanish Arbitrator, then the vacancy of the Judge shall be filled by the Spanish Consul, and that of the Spanish Arbitrator by the Spanish Vice-Consul, if there be a Spanish Consul and a Spanish Vice-Consul appointed to and resident in such possession; and in that case in which there be no Spanish Consul or Spanish Vice-Consul to fill the place of the Spanish Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Spanish Arbitrator, were there any, would be called in; and in case the vacancy be both of the Spanish Judge and Spanish Arbitrator, and there be neither Spanish Consul nor Spanish Vice-Consul to fill, *ad interim*, the vacancies, then the British Judge and the British Arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The Governor or Lieutenant Governor of the settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising, either of the Judge or the Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Governor or Lieutenant Governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period. And each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the abovementioned Courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the 28th of June, 1835, that the preceding regulations,

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consisting of 9 Articles, shall be annexed to the said Treaty, and considered an integral part thereof.

This day, the 28th of June, in the year 1835.

(L.S.) GEORGE VILLIERS.

(L.S.) FRANCISCO MARTINEZ DE LA ROSA.

Annex C. *Regulations for the good treatment of liberated Negroes.*

Art. I. The object and spirit of these Regulations is to secure to negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C.) permanent good treatment, and a full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

II. Immediately after sentence of condemnation on a vessel charged with being concerned in illegal slave trade, shall have been passed by the Mixed Court of Justice established under the Treaty to which these regulations form an Annex, all negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

III. If the cruizer which made the capture is English, the British Government engages that the negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free apprenticed negroes.

IV. If the cruizer which made the capture is Spanish, in this case the negroes shall be delivered over to the Spanish authorities of the Havana, or of any other point of the dominions of the Queen of Spain in which the Mixed Court of Justice is established; and the Spanish Government solemnly engages, that they shall be there treated strictly according to the regulations lately promulgated, and now actually in force at the Havana, with respect to the treatment of emancipated negroes; or according to such regulations as may in future be adopted, and which have, and shall always have, the humane object of improving and securing honestly and faithfully to

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the emancipated negroes, the enjoyment of their acquired liberty, good treatment, a knowledge of the tenets of the Christian religion, their advancement in morality and civilization, and their sufficient instruction in the mechanical arts; in order that the said emancipated negroes may be put in a condition to earn their subsistence, whether as artisans, mechanics, or servants.

V. For the purpose which is explained in Article VI., there shall be kept in the office of the Captain General or Governor of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, a register of all the emancipated negroes; in which shall be entered, with scrupulous exactness, the names given to negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

VI. The register to which the preceding Article refers, will serve to form a general Return, which the Governor or Captain-General of the part of the dominions of the Queen of Spain where the Mixed Court of Justice resides, shall be bound to deliver, every 6 months, to the aforesaid Mixed Commission, in order to show the existence of the negroes emancipated under this Treaty, the decease of such as have died, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life.

VII. As the principal object of the Treaty of which the present Annex forms an integral part, is no other than that of improving the condition of these unhappy victims of avarice, the High Contracting Parties, animated with the same sentiments of humanity, agree, that if, in future, it should appear necessary to adopt new measures for obtaining the same benevolent end, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the object proposed.

VIII. The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the 28th of June, 1835, that this Annex, con-

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sisting of 8 Articles, shall be united to the said Treaty, and be considered an integral part thereof.

This day, the 28th of June, in the year 1835.

(L.S.) GEORGE VILLIERS.

(L.S.) FRANCISCO MARTINEZ DE LA ROSA.

Su Majestad la Reina Gobernadora y Regente de España durante la minoridad de su hija Doña Isabel IIda, Reina de España, y Su Majestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, deseando hacer mas eficaces los medios de abolir el inhumano tráfico de esclavos, han juzgado conveniente concluir un nuevo Convenio para conseguir tan importante objeto, segun el espíritu del Tratado celebrado entre ambas Potencias en 23 de Setiembre, de 1817,* nombrando respectivamente para este fin por Plenipotenciarios, á saber:—Su Majestad la Reina Gobernadora y Regente de España, á Don Francisco de Paula Martinez de la Rosa, Caballero Gran Cruz de la real y distinguida Orden Española de Carlos III, de la de Cristo de Portugal, y de la de Leopoldo de Bélgica; y Su Majestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, al Caballero Jorge Villiers, su Enviado Extraordinario y Ministro Plenipotenciario en la Corte de Madrid: los cuales, despues de haberse manifestado sus respectivos Plenos-poderes, y hallándolos en buena y debida forma, han acordado y concluido los Articulos siguientes:—

Art. I. Por el presente Articulo se declara nuevamente, por parte de España, que el trafico de esclavos queda de hoy en adelante total y finalmente abolido en todas las partes del mundo.

II. Su Majestad la Reina Gobernadora y Regente de España, durante la minoridad de su hija Doña Isabel II, se obliga á adoptar, tan luego como se verifique el cange de las ratificaciones del presente Tratado, y despues de tiempo en tiempo, segun la necesidad lo requiera, las medidas mas eficaces para impedir que los subditos de Su Majestad Católica y su pabellon se empleen, de modo alguno, en el tráfico de esclavos; y especialmente se obliga Su Majestad Católica á promulgar en todos sus dominios, 2 meses despues del mencionado cange, una ley penal que imponga un castigo severo á

* See Vol. 2, Page 272.

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todos sus subditos, que, bajo cualquier pretexto, tomen parte, sea la que fuere, en el tráfico de esclavos.

III. El capitan, maestre, piloto, y tripulacion de un buque condenado como buena presa, en virtud de las estipulaciones de este Tratado, serán castigados severamente, con arreglo á la legislacion del pais de que fueren subditos; é igualmente lo será el propietario de dicho buque condenado, á menos que pruebe no haber tenido parte en la empresa.

IV. Con el fin de impedir completamente toda infraccion al espíritu del presente Tratado, las 2 Altas Partes Contratantes consienten mutuamente en que los buques de su respectiva real armada, á los que se proveerá, segun mas adelante se menciona, con instrucciones especiales al efecto, puedan registrar aquellos buques mercantes de ambas naciones, que, por motivos fundados, puedan ser sospechados de que se ocupan en el tráfico de esclavos, ó de que han sido equipados con dicho intento, ó de que, durante el viage en el que se encuentren con los mencionados cruceros, se han empleado en el tráfico de esclavos, contraviniendo á lo que en el presente Tratado se estipula; y consienten tambien ambas Partes Contratantes en que los referidos cruceros puedan detener á dichos buques, y enviarlos ó conducirlos para ser juzgados del modo que mas abajo se dispone.

Para fijar este derecho recíproco de registro de tal modo que sea á propósito para conseguir el objeto de este Tratado, sin dar lugar á dudas, controversias y reclamaciones, se entenderá el expresado derecho en la forma y bajo las reglas siguientes:

1°. Nunca podrá ejercerse sino por buques de guerra autorizados expresamente al efecto, segun se estipula en este Tratado.

2°. En ningun caso podrá ejercerse el derecho de registro respecto de un buque de la marina real de una ú otra nacion, sino meramente respecto de los buques mercantes.

3°. Siempre que un barco mercante sea registrado por un buque de guerra, deberá el comandante de este presentar en el acto al comandante del barco mercante, el documento que acredite estar competentemente autorizado al efecto, y le entregará un certificado, firmado por él, que indique su graduacion

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en la real armada de su pais, y el nombre del buque que manda, y que compruebe que el único objeto del registro es asegurarse de si el barco se ocupa en el comercio de esclavos, ó si está armado para este tráfico. Cuando el registro deba hacerse por un oficial del crucero que no sea su comandante, dicho oficial exhibirá al capitan del buque mercante una copia de las ordenes especiales ya mencionadas, firmada por el comandante del crucero, y le entregará tambien un certificado, firmado por él, que indique la graduacion que tenga en la armada, el nombre del comandante que le mandó proceder al registro, el del crucero en que navegare, y el objeto del registro, segun se ha expresado ya. Si constare por el registro que los papeles del buque están en regla, y que sus operaciones son licitas, el oficial expresará en el diario de la embarcacion que el registro se ha verificado en virtud de las órdenes especiales precitadas, y el buque quedará en libertad de continuar su viage. La graduacion del oficial que haga el registro no deberá ser inferior á la de teniente de la real armada; á no ser que por muerte ú otra causa haya recaido el mando en un oficial de graduacion inferior.

4°. El derecho reciproco de registro y detencion no podrá ejercerse en el mar Mediterraneo, ni en los mares de Europa que se hallan fuera del estrecho de Gibraltar, y que se estienden al norte del paralelo 37°. de latitud septentrional, y á la parte oriental del meridiano situado á 20 grados oeste del de Greenwich.

V. Para arreglar el modo de poner en ejecucion las disposiciones del Articulo que precede, se estipula:

1°. Que á todos los buques de la marina real de ambas naciones que en lo succesivo se empleen en impedir el tráfico de esclavos, se les suministrarán por sus respectivos Gobiernos copia de este Tratado en lengua Española é Inglesa, de las Instrucciones para los cruceros á el anexas, y señaladas con la letra A., y de los Reglamentos que han de servir de guia á los Tribunales Mixtos de Justicia, que son anexos tambien bajo la letra B.; debiendo ambos documentos considerarse como parte integrante de este Tratado.

2°. Que cada una de las Altas Partes Contratantes se comunicarán en lo sucesivo, de tiempo en tiempo, los nombres

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de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada uno, y los nombres de sus comandantes, los cuales deberán tener el grado de capitanes de navio ó de fragata, ó cuando menos el de tenientes. Queda no obstante entendido, que las instrucciones dadas originariamente á un oficial revestido de la graduacion de teniente de navio, ó de otra superior serán suficientes, en caso de fallecimiento ó ausencia temporal del mismo, para autorizar al registro al oficial en quien recaiga el mando del buque, aun cuando no tenga en el servicio la expresada graduacion.

3°. Cuando el comandante de un crucero de una de ambas naciones tenga sospechas de que alguno ó algunos de los buques que naveguen bajo la escolta ó convoy de un buque de guerra de la otra nacion, lleva esclavos á bordo, ó se ha ocupado en este tráfico prohibido, ó está equipado para él, comunicará sus sospechas al comandante del convoy, quien, acompañado por el comandante del crucero, procederá a registro del buque sospechoso; y en caso de que aparezcan fundados los motivos de estas sospechas, con arreglo al tenor de este Tratado, dicho barco será conducido ó enviado á uno de los puntos donde residan los Tribunales Mixtos, para que alli recaiga el competente fallo.

4°. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se empleen en este servicio deberán atenerse estrictamente al exacto tenor de las Instrucciones arriba mencionadas.

VI. Como los 2 Articulos que preceden son enteramente recíprocos, las 2 Altas Partes Contratantes se obligan mutuamente á abonar las perdidas que sus respectivos subditos puedan experimentar por la detencion arbitraria é ilegal de sus buques; en la inteligencia de que la indemnizacion será satisfecha por el Gobierno, cuyo crucero haya incurrido en dicha arbitraria y ilegal detencion; y que el registro y detencion de los buques especificados en el Articulo IV de este Tratado, solo se verificarán por los buques Españoles é Ingleses que formen parte de la real armada respectiva de ambas Potencias; y solo por aquellos de estos buques que vayan provistos de las Instrucciones especiales anexas á este

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Tratado, con arreglo á lo que en él se estipula. El resarcimiento de perjuicios de que trata este Articulo, habrá de verificarse dentro del término de un año, contado desde el dia en que la Comision Mixta haya apronunciado su fallo.

VII. Para proceder con el menor retardo y perjuicio posible á la adjudicacion de los buques que sean detenidos, con arreglo al tenor del Articulo IV de este Tratado, se establecerán, tan luego como sea practicable, 2 Tribunales Mixtos de Justicia, formados de un número igual de individuos de ambas naciones, nombrados á este fin por sus respectivos Soberanos. De estos Tribunales, uno residirá en territorio perteneciente á Su Majestad Británica, y otro en las posesiones de Su Majestad Católica; debiendo declarar cada uno de los 2 Gobiernos, al efectuarse el cange de las ratificaciones del presente Tratado, en qué parage de sus respectivos dominios han de residir estos Tribunales.

Pero cada una de las 2 Altas Partes Contratantes se reserva el derecho de variar, cuando le plazca, el lugar de la residencia del Tribunal que se halle en ejercicio en sus dominios; con tal, sin embargo, que uno de los 2 Tribunales resida en la costa de Africa, y el otro en una de las posesiones coloniales de Su Majestad Católica.

Estos Tribunales, cuyas sentencias serán sin apelacion, juzgarán las causas que se les sometan, con arreglo á las estipulaciones del presente Tratado, y de conformidad con los reglamentos é instrucciones que son anexas á él, y se considerán parte integrante del mismo.

VIII. Las Altas Partes Contratantes convienen en que las Comisiones Mixtas que se hallan en la actualidad establecidas y en ejercicio, con arreglo al Convenio concluido entre la Gran Bretaña y España el 23 de Setiembre de 1817, continuarán en sus funciones; y que, durante 2 meses contados desde el cange de las ratificaciones de este Tratado, y hasta que se nombren y establezcan definitivamente los Tribunales Mixtos de Justicia que se mencionan en este Tratado, sentenciarán sin apelacion, y arreglándose á los principios y estipulaciones del mismo, y de los documentos á él anexos, los casos de los buques que se les envien ó conduzcan; debiendo llenarse las vacantes que en dichas Comisiones Mixtas ocur-

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ran, del mismo modo que se suplirán las vacantes de los Tribunales Mixtos de Justicia que se establecen por el presente Tratado.

IX. Si el oficial comandante de cualquiera de los buques de la real armada respectiva de España y de la Gran Bretaña, debidamente comisionado segun lo que en el Articulo IV de este Tratado se estipula, se desviase de algun modo de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que se juzque agraviado tendrá derecho á pedir satisfaccion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y á imponer al mencionado oficial una pena proporcionado á la transgresion voluntaria que haya cometido.

X. Queda ademas mutuamente convenido, que todo buque mercante Inglés ó Español que sea registrado en virtud del presente Tratado, pueda ser legalmente detenido, y enviado ó conducido ante los Tribunales Mixtos de Justicia establecidos por las estipulaciones del mismo, si en su equipo se encuentran algunos de los enseres siguientes:

1°. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en los buques mercantes.

2°. Separaciones ó divisiones en la bodega ó sobre cubierta, en mayor número que el necesario para los buques destinados al tráfico legal.

3° Tablones de repuesto ó postizos, preparados para formar una segunda cubierta, ó entrepuente para esclavos.

4°. Cadenas, grillos, y manillas.

5°. Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion del buque registrado, en su calidad de buque mercante.

6°. Un numero extraordinario de barriles de agua, ó de otras vasijas para contener líquidos, á menos que el capitan no exhiba un certificado de la aduana del parage de donde haya partido, afirmando que se han dado por los propietarios de dicho buque suficientes seguridades de que la mencionada superabundante candidad de barriles y vasijas será tan solo empleada para contener aceite de palma, ú otros objetos de lícito comercio.

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7°. Una cantidad de calderas de rancho ó vasijas mayor de la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante.

8°. Una caldera de un tamaño extraordinario, y de magnitud mayor que la que se requiere para el uso de la tripulacion del buque registrado, en su calidad de buque mercante; ó mas de una caldera de tamaño ordinario.

9°. Una cantidad extraordinaria de arroz, de harina del Brasil, de manioco ó casada, vulgarmente llamado harina de maiz, y superior á la que probablemente se requiere para el uso de la tripulacion; siempre que el arroz, harina ó maiz, no se designen en el manifiesto como parte del cargamento para negociar.

Alguna ó algunas de estas circunstancias que se prueben, se considerarán como indicios *primâ facie* de que el buque se ocupa en el comercio de negros, y servirá para condenarle y declararle buena presa, á menos que el capitan ó los dueños del buque prueben satisfactoriamente que dicho buque se hallaba empleado, al tiempo de su detencion, en alguna especulacion legal.

XI. Si se hallare á bordo de un buque mercante alguno ó algunos de los objetos especificados en el Articulo anterior, ni el capitan, ni el propietario, ni persona alguna interesada en el equipo ó cargamento del buque, tendrá derecho á reclamar daños y perjuicios, aun cuando el Tribunal Mixto no lo haya condenado; pero el mismo Tribunal estará autorizado á abonarle del fondo de presas, y conforme á lo que dictare la equidad, segun el caso y las circunstancias, alguna cantidad proporcionada en razon de estadias.

XII. Las 2 Altas Partes Contratantes han convenido en que siempre que, en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el tráfico de esclavos, ó bien por hallarse equipado para dicho objeto, y que en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun queda estipulado, dicho buque será hecho pedazos inmediatamente despues de condenado, y se procederá á su venta por trozos separados.

XIII. Los negros que se hallaren á bordo de un buque detenido por un crucero, y condenado por la Comision Mixta,

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con arreglo á lo dispuesto en este Tratado, quedarán á disposicion del Gobierno, cuyo crucero haya hecho la presa; pero en la inteligencia de que no solo habrán de ponerse inmediatamente en libertad y conservarse en ella,—saliendo de ello garante el Gobierno á que hayan sido entregados,—sino que deberá este suministrar las noticias y datos mas cabales acerca del estado y condicion de dichos negros, siempre que sea requerido por la otra Parte Contratante, con el fin de asegurarse de la fiel ejecucion del Tratado bajo este respecto.

Con el propio fin se ha extendido el reglamento anexo á este Tratado, bajo la letra C., concerniente al trato de los negros emancipados en virtud de sentencia de los Tribunales Mixtos de Justicia; quedando declarado que dicho reglamento forma parte integrante de este Tratado.

Las 2 Altas Partes Contratantes se reservan el derecho de alterar ó suspender, por comun acuerdo y mútuo consentimiento, pero no de otro modo, los términos y el tenor del mencionado reglamento.

XIV. Los actos ó instrumentos anexos al presente Tratado, y que, segun se ha convenido mutuamente, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las reales armadas de ambas naciones, destinados á impedir el tráfico de esclavos;

B. Reglamento para los Tribunales Mixtos de Justicia, que han de celebrar sus sesiones en la costa de Africa, y en una de las posesiones coloniales de Su Majestad Católica;

C. Reglamento sobre el modo de tratar á los negros emancipados.

XV. El presente Tratado, que consta de 15 Articulos, será ratificado, y las ratificaciones de él serán cangeadas en el término de 2 meses, contados desde el dia de la fecha, ó antes si fuere posible.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado por duplicado 2 ejemplares del presente Tratado original, en Español y en Inglés, y los han sellado con el sello de sus armas.

Madrid, 28 de Junio, de 1835.

(L. S.) GEORGE VILLIERS.

(L. S.) FRANCISCO MARTINEZ DE LA ROSA.

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Anexo A. *al Tratado entre la Gran Bretaña y España, para la abolicion del tráfico de esclavos, de* 28 *de Junio, de* 1835.

Instrucciones para los Buques de las Reales Armadas de Inglaterra y de España, destinados á impedir el tráfico de esclavos.

Art. I. El comandante de un buque perteneciente á la real armada Inglesa ó Española, que se halle provisto de estas Instrucciones, tendrá derecho de registrar y detener cualquiera embarcacion mercante Inglesa ó Española, que se esté ocupando, ó sea sospechada de estarse ocupando, en el tráfico de esclavos, ó que está equipada con dicho objeto, ó se haya empleado en el tráfico de esclavos durante el viage en que haya sido encontrada por dicha embarcacion de la real armada Inglesa ó Española; y el mencionado comandante conducirá, en consecuencia, ó enviará, la expresada embarcacion mercante lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia, establecidos en virtud del Artículo VII de dicho Tratado, y que se halle mas inmediato al sitio donde se ha verificado la detencion; ó al que el mencionado comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el sitio donde se ha efectuado la detencion.

II. Cuando un buque de cualquiera de ambas marinas reales, debidamente autorizado del modo que arriba se expresa, encuentre una embarcacion mercante sugeta al registro, con arreglo á las estipulaciones del mencionado Tratado, este registro se verificará con la mayor mansedumbre, y con todos los miramientos que deben observarse entre naciones aliadas y amigas; y dicho registro se practicará, en todos casos, por un oficial revestido al menos de la graduacion de teniente de la real armada respectiva de la Gran Bretaña; ó de España, ó por el oficial que, á la sazon, sea el segundo comandante del buque que haga el registro.

III. El comandante de cualquier buque de la real armada, debidamente autorizado segun arriba se expresa, que ateniendose al tenor de estas Instrucciones, detenga una embarcacion mercante, dejará á bordo de ella al capitan, piloto, ó contramaestre, y á 2 ó 3, á lo menos, de su tripulacion; todos los

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esclavos, si se hallasen algunos; y todo el cargamento. El aprehensor extenderá, al verificar la aprehension, una declaracion escrita, en la que se manifieste el estado en que halló á la embarcacion detenida; y esta declaracion, firmada por él mismo, será entregada ó remitida, con el buque apresado, al Tribunal Mixto de Justicia, ante el cual dicha embarcacion sea conducida ó enviada para ser juzgada. El aprehensor entregará ademas al capitan de la embarcacion detenida, un certificado firmado, y expresivo de los papeles encontrados á bordo de la misma, y del número de esclavos que en ella se hallaron en el momento de la aprehension.

En la declaracion auténtica que el aprehensor queda por la presente obligado á hacer, é igualmente en el certificado que deberá dar de los papeles aprehendidos, insertará su nombre y apellido, el nombre del buque aprehensor, la latitud y longitud del parage donde se haya efectuado la aprehension, y el número de esclavos hallados á bordo de la embarcacion en el momento de la captura.

El oficial encargado de conducir la embarcacion aprehendida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento ó testimonio firmado por él, en el que exprese, bajo juramento, las variaciones que hayan ocurrido, respecto al buque, á su tripulacion, á los esclavos, si se hubiesen hallado algunos, y al cargamento, en el tiempo trascurrido desde la detencion de dicha embarcacion hasta el dia de la entrega de dicho documento ó testimonio.

IV. Los esclavos no se desembarcarán hasta tanto que la embarcacion que los conduzca haya llegado al lugar donde haya de ser juzgada, á fin de que, si sucediese que la embarcacion no fuese declarada buena presa, puedan resarcirse mas facilmente las pérdidas de los propietarios; y aun despues de la llegada de los esclavos al mencionado lugar, no serán estos desembarcados, sin que proceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urgentes, originados bien sea por la prolongacion del viage, bien por el estado de la salud de los esclavos, ó por otras causas, exigiesen que todos los negros, ó parte de ellos, sean desembarcados antes de que la embarcacion llegue al lugar en donde esté establecido uno de los Tri-

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bunales mencionados, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de desembarcar los negros, con tal que la necesidad y causas de este desembarco se expresen en un certificado en debida forma, y con tal que este certificado se extienda y se copie, llegado que sea el caso, en el libro de navegacion del buque aprehendido.

Los infrascriptos Plenipotenciarios han convenido, de conformidad con lo prevenido en el Artículo XIV de este Tratado firmado por ellos el dia de hoy, 28 de Junio de 1835, que las presentes Instrucciones correrán anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Hoy 28 de Junio de 1835.

(L. S.) GEORGE VILLIERS.

(L. S.) FRANCISCO MARTINEZ DE LA ROSA.

Anexo B *al Tratado entre la Gran Bretaña y España, para la abolicion del tráfico de esclavos, del* 28 *de Junio, de* 1835.

Reglamento para los Tribunales Mixtos de Justicia que han de residir en la costa de Africa, y en una de las posesiones coloniales de Su Majestad Católica.

Art. I. Los Tribunales Mixtos de Justicia que se han de establecer, en virtud de las estipulaciones del Tratado del cual este reglamento es declarado formar parte integrante, se compondrán de la manera siguiente:

Cada una de las 2 Altas Partes Contratantes nombrará un Juez y un Arbitro autorizados para examinar y sentenciar, sin apelacion, todos los casos de captura ó detencion de buques que sean conducidos ante ellos, con arreglo á las estipulaciones del susodicho Tratado.

Estos Jueces y Arbitros, antes de entrar en el egercicio de sus funciones, se obligarán respectivamente por juramento, que prestarán ante el magistrado superior del lugar en donde los tribunales residan, respectivamente, á juzgar leal y fielmente, á no mostrar parcialidad ni á favor de los aprehendidos ni de los aprehensores, y á observar en todas sus sentencias las estipulaciones del Tratado arriba citado.

A cada uno de los Tribunales Mixtos se agregará un secre-

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tario ó actuario, nombrado por el soberano en cuyo territorio resida el referido tribunal.

Este secretario ó actuario extenderá los procedimientos judiciales del tribunal; y antes de entrar en el egercicio de sus funciones, prestará juramento ante el tribunal á que sea agregado, de conducirse con el debida respeto á la autoridad del mismo, y de obrar fiel é imparcialmente en todo cuanto se refiera al cargo que le está confiado.

El sueldo del secretario ó actuario del tribunal que se establezca en la costa de Africa, será pagado por Su Majestad Británica; y el del secretario ó actuario del tribunal que se establezca en las posesiones coloniales de España, por Su Majestad Católica.

Cada uno de los 2 Gobiernos satisfará la mitad del importe reunido de los gastos de los expresados tribunales Mixtos.

II. Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar del buque capturado, sus esclavos y cargamento, y de la egecucion de la sentencia, y todos los desembolsos ocasionados para conducir una embarcacion á ser juzgada, serán satisfechos, en el caso de que sea condenada, de los fondos producidos por la venta del material de la embarcacion, despues que esta haya sido hecha pedazos, de los enseres de la embarcacion, y de la parte de su cargamento que consista en mercancias. En el caso de que los productos de esta venta no sean suficientes para satisfacer los mencionados gastos, se abonará el deficit por el gobierno del pais en cuyo territorio se haya hecho la adjudicacion del buque.

Si la embarcacion aprehendida fuere declarada libre, los gastos que ocasione su conduccion ante el Tribunal se satisfarán por los aprehensores, excepto en los casos especificados y previstos en el Articulo XI del Tratado de que forma parte este reglamento, y en el Articulo VII de este mismo reglamento.

III. Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que aprehendan los cruzeros de ambas naciones, en cumplimiento del Tratado mencionado.

Dichos tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones que se originen de la captura y detencion, de las expresadas embarcaciones.

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Los procedimientos judiciales de estos tribunales se efectuarán tan sumariamente como sea posible; y con este fin se encarga á los mismos que, en cuanto sea practicable, decidan cada caso en el termino de 20 dias contados desde el dia en que la embarcacion aprehendida haya entrado en el puerto en donde residiere el tribunal que deba juzgarla.

En ningun caso se diferirá la sentencia definitiva mas allá del periodo de 2 meses, ya sea por motivo de ausencia de testigos, ó ya por otra causa cualquiera, salvo cuando las partes interesadas interpongan recurso; en cuyo caso, y siempre que dicha parte ó partes interesadas presenten fianzas suficientes de abonar los gastos, y tomar sobre si los riesgos de la dilacion, los tribunales podrán conceder á su arbitrio, una nueva demora, pero esta no deberá exceder de 4 meses.

Las partes tendrán la facultad de emplear, para que las dirijan en los trámites de la causa, á los letrados que gusten.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales se extenderán por escrito, en la lengua del pais donde residan los Tribunales respectivos.

IV. La forma del proceso, ó sea el modo de enjuiciar, será como sigue:

Los Jueces nombrados, respectivamente, por cada una de ambas naciones, procederán, ante todas cosas, á examinar los papeles de la embarcacion aprehendida, y despues á tomar las declaraciones del capitan ó comandante, y de 2 ó 3, al menos, de los principales individuos de la tripulacion de la mencionada embarcacion; y, si lo creyesen necesario, tomarán tambien declaracion, bajo juramento, al aprehensor, á fin de juzgar y sentenciar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado arriba referido, y á fin de que la embarcacion sea condenada ó absuelta en virtud de este juicio. Si sucediese que los 2 Jueces no estén acordes respecto á la sentencia que deba pronunciarse en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la captura, ya á si se está en el caso de condenar al buque, ya respecto á la indemnizacion que haya de concederse, ó á cualquiera otra duda ó cuestion que emane de la mencionada captura; ó si se suscitare entre ellos alguna divergencia de opinion tocante al modo de actuar del referido Tribunal, sacarán á la suerte el nombre de uno de los

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2 Arbitros, nombrados como arriba se expresa, y este Arbitro, despues de haber examinado los procedimientos judiciales que se hayan verificado, conferenciará sobre el caso con los 2 Jueces mencionados, y se pronunciará la sentencia ó fallo definitivo con arreglo al dictámen de la mayoria de los 3.

V. Si la embarcacion capturada fuere absuelta por la sentencia del Tribunal, la embarcacion y su cargamento se entregarán, en el estado en que entonces se encuentren, el capitan ó á la persona que le represente; y dicho capitan, ó la persona que haga sus veces, podrá reclamar, ante el mismo Tribunal, la evaluacion del resarcimiento de perjuicios que tenga derecho de pedir. El aprehensor, y, en su defecto, el Gobierno de que sea subdito, quedará responsable al pago de los perjuicios á que hayan sido declarados acreedores el capitan de la mencionada embarcacion, ó los propietarios de la misma ó de su cargamento.

Las 2 Altas Partes Contratantes se obligan á satisfacer dentro del término de un año, contano desde el dia de la fecha de la sentencia, las costas y perjuicios que el Tribunal mencionado haya concedido; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán satisfechos por el Gobierno del pais á que pertenezca el aprehensor.

VI. Si la embarcacion aprehendida fuese condenada, será declarada buena presa, con su cargamento, sea de la naturaleza que fuere, á excepcion de los esclavos que en ella hayan sido conducidos con el objeto de traficar con ellos; y dicha embarcacion, comprehendida en las estipulaciones del Articulo XII del Tratado de esta fecha, será vendida, igualmente que su cargamento, á publica subasta en beneficio de ambos Gobiernos, despues de satisfechos los gastos que abajo se expresan.

Los esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno al que pertenezca el cruzero que haya hecho el apresamiento, para que sean tratados conforme al reglamento y condiciones contenidas en el Anexo de este Tratado, designado con la letra C.

VII. Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las reclamaciones por compensacion de pérdidas ocasionadas á los buques y cargamentos que hayan sido detenidos con arreglo á las estipulaciones del presente Tratado, pero que no hayan sido

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declarados presas legales por los mencionados Tribunales ; y en todos los casos en que se decrete la restitucion de dichos buques y cargamentos, salvo en los mencionados en el Articulo XI del Tratado al que este reglamento corre anexo, y en una parte subsiguiente de este mismo reglamento, los Tribunales concederán al reclamante ó reclamantes, á su apoderado ó apoderados legalmente instituidos al efecto, una justa y completa indemnizacion por todas las costas del proceso, y por todas las pérdidas y perjuicios que el propietario ó propietarios hayan experimentado efectivamente en consecuencia de dicha captura y detencion; quedando convenido que la indemnizacion se verificará del modo siguiente:—

1º. En caso de pérdida total, el reclamante ó reclamantes serán indemnizados:

A. Por el buque, sus aparejos, su equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancias, si habia algunas, deduciendo todas las cargas y todos los gastos que se hubiesen pagado para la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demas cargas que regularmente ocurren en el mencionado caso de pérdida total.

2°. En todos los demas casos (excepto los mencionados mas abajo) en que no se haya verificado la pérdida total el reclamante ó reclamantes serán indemnizados:

A. Por todos los perjuicios y gastos especiales ocasionados al buque por la detencion, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadías, cuando sean debidas, con arreglo á la tarifa anexa al presente Articulo.

C. Por cualquiera averia ó deterioro del cargamento.

D. Por cualquiera premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interés de 5 por ciento anual sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador. El importe total de todas las mencionadas indemnificaciones se calculará en moneda del pais á que pertenezca la embarcacion apresadá y se liquidará al cambio corriente al tiempo de hacerse la concesion.

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Sin embargo las 2 Altas Partes Contratantes han convenido en que si se prueba á satisfaccion de los 2 Jueces de ambas naciones, y sin recurrir á la decision del Arbitro, que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion capturada, esta embarcacion capturada no tendrá derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Articulo, ni compensacion alguna por pérdidas, daños, ó gastos consiguientes á su aprehension.

Tarifa de estadias ó sea abono diario, para una embarcacion desde

100	toneladas	á 120	inclusive	£5	por dia,
121	id.	150	id.	6	
151	id.	170	id.	8	
171	id.	200	id.	10	
201	id.	220	id.	11	
221	id.	250	id.	12	
251	id.	270	id.	14	
271	id.	300	id.	15	

y asi proporcionalmente.

VIII. Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos, pedirán ni recibirán de ninguna de las partes interesadas en los casos que se presenten ante dichos Tribunales, ningun emolumento ó dádiva, bajo ningun pretexto, por el cumplimiento de los deberes que á dichos jueces, arbitros, y secretarios incumben.

IX. Las 2 Altas Partes Contratantes han convenido en que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquier otro impedimento legal, de uno ó mas de los jueces ó arbitros que formen respectivamente los Tribunales arriba mencionados, la vacante de dicho Juez ó de dicho Arbitro se llene interinamente del modo que sigue:—

1°. Por parte de Su Majestad Británica, y en el Tribunal que actue en las posesiones que le pertenezcan, si la vacante fuere la del Juez Británico, su puesto se llenará por el Arbitro Británico; y en este caso, ó en el de que la vacante fuese originarimente la del Arbitro Británico, este será reemplazado successivamente por el Gobernador ó Teniente Gobernador residente

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en la expresada posesion, por el magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal asi constituido entrará en el egercicio de sus funciones, y en todos los casos que se le presenten para juzgar, procederá al juicio del mismo modo y pronunciará la sentencia.

2°. Por parte de la Gran Bretaña, y en el Tribunal que actue en las posesiones de Su Majestad Católica, si la vacante fuese la del Juez Británico, se llenará por el Arbitro Británico; y en este caso, ó en el que la vacante fuese originariamente la del Arbitro Británico, este será reemplazado succesivamente por el Consul Británico y por el Vice Consul Británico, si hubiese Consul y Vice Consul Británicos nombrados y residentes en dicha posesion; y en el caso de que la vacante fuese á un mismo tiempo del Juez Británico y del Arbitro Británico, la vacante del Juez Británico se llenará por el Consul Británico, y la del Arbitro Británico por el Vice Consul Británico, si hubiere Consul y Vice Consul Británicos nombrados y residentes en dicha posesion; y si no hubiere Consul ni Vice Consul Británicos para reemplazar al Arbitro Británico, el Arbitro Español será llamado en los casos en que seria llamado el Arbitro Británico, si lo hubîese; y en caso de que la vacante fuere del Juez y del Arbitro Británicos á un mismo tiempo, y no hubiere Consul ni Vice Consul Británico para reemplazarlos interinamente, entonces actuarán el Juez y el Arbitro Españoles, y, en todos los casos que se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

3°. Por parte de España, y en el Tribunal que actue en las posesiones de Su Majestad Católica, si la vacante fuere la del Juez Español, su puesto se llenará por el Arbitro Español; y en este caso, ó en el de que la vacante fuese originariamente la del Arbitro Español, este será reemplazado succesivamente por el Gobernador ó Teniente Gobernador residente en la expresada posesion, por el Magistrado principal de la misma, y por el secretario del Gobierno; y el Tribunal asi constituido entrará en el egercicio de sus funciones, y, en todos los casos que se le presenten para juzgar, procederá al juicio del mismo modo, y pronunciará la sentencia.

4°. Por parte de España, y en el Tribunal que actue en la

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posesion de Su Majestad Británica, si la vacante fuere la del Juez Español, se llenará por el Arbitro Español; y en este caso, ó en el de que la vacante fuese originariamente la del Arbitro Español, este sera reemplazado succesivamente por el Consul Español y por el Vice Consul Español, si hubiese Consul y Vice Consules Españoles, nombrados y residentes en dicha posesion; y en el caso de que la vacante fuese á un mismo tiempo del Juez Español y del Arbitro Español, la vacante del Juez Español se llenará por el Consul Español, y la del Arbitro Español por el Vice Consul Español, si hubiere Consul y Vice Consul Españoles nombrados y residentes en dicha posesion; y si no hubiere Consul ni Vice Consul Españoles para reemplazar al Arbitro Español, el Arbitro Británico será llamado en todos los casos en que será llamado el Arbitro Español, sí lo hubiese; y en caso de que la vacante fuere del Juez y del Arbitro Españoles á un mismo tiempo, y no hubiese Consul ni Vice Consul Españoles para reemplazarlos interinamente, entonces actuarán el Juez y el Arbitro Británicos, y, en todos los casos que se les presenten para juzgar, procederán al juicio del mismo modo, y pronunciarán la sentencia.

El Gobernador ó Teniente Gobernador de los establecimientos donde resida cualquiera de los Tribunales Mixtos, cuando ocurra una vacante, sea de Juez ó de Arbitro de la otra de las Partes Contratantes, lo participará inmediatamente al Gobernador ó Teniente Gobernador de las colonias mas inmediatas de la otra mencionada Parte Contratante, para que dicha vacante se llene en el término mas corto posible. Ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurran en los Tribunales Mixtos arriba mencionados.

Los infrascriptos Plenipotenciarios han convenido, con arreglo al Articulo XIV del Tratado firmado por ellos, hoy 28 de Junio, 1835, que el Reglamento que precede y consta de 9 Articulos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Hoy 28 de Junio, de 1335.

(L. S.) GEORGE VILLIERS.

(L. S.) FRANCISCO MARTINEZ DE LA ROSA.

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Anexo C.—*Reglamento para el buen trato de los Negros emancipados.*

Art. I. El objeto y espíritu de este Reglamento se encaminan á asegurar á los negros emancipados en virtud de las estipulaciones del Tratado á que es Anexo (sub literâ C.) un buen trato permanente, y una entera y completa emancipacion, en conformidad con las intenciones benéficas de las Altas Partes Contratantes.

II. Inmediatamente despues que el Tribunal Mixto, establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á un buque acusado de haber tomado parte en el tráfico ilegal de esclavos, todos los negros que se hubieren hallado á bordo de dicho buque, y que hubiesen sido conducidos en él con el fin de traficar con ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

III. Si fuere Inglés el crucero que haya hecho la presa, el Gobierno Británico se obliga á que los negros sean tratados en absoluta conformidad con las leyes vigentes en las colonias de la Gran Bretaña respecto al régimen de los negros emancipados que se hallen en aprendizage.

IV. Si el crucero que hubiere hecho la presa fuese Español, en este caso se entregarán los negros á los Autoridades Españolas de la Habana, ó de cualquiera otro punto de los dominios de la Reina de España, donde se halle establecido el Tribunal Mixto; y el Gobierno Español se obliga solemnemente á hacer que sean tratados allí con estricta sugecion á los reglamentos últimamente promulgados en la Habana, y vigentes en la actualidad, sobre el trato de los libertos, ó á los que en lo succesivo puedan adoptarse, y los cuales tienen, y deberán tener siempre, por benéfico objeto el promover y el asegurar franca y lealmente á los negros emancipados la conservacion de la libertad adquirida, el buen trato, el conocimiento de los dogmas de la religion Cristiana y de la moral, la civilizacion, y la instruccion suficiente en los oficios mecanicos; para que dichos negros emancipados se hallen en estado de mantenerse por sí mismos, sea como artesanos, menestrales, ó criados de servicio.

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V. Con el fin que se explica en el Articulo VI, se guardará en la Secretaria del Capitan-General ó Gobernador del punto de los dominios de la Reina de España donde resida la Comision Mixta, un registro de todos los negros emancipados, en el cual se inscribirán, con escrupulosa exactitud, los nombros puestos á los negros, los de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se entreguen, y cualesquiera otras circunstancias ú observaciones que puedan contribuir al fin propuesto.

VI. El registro á que se refiere el Articulo anterior, servirá para formar el estado general que el Gobernador ó Capitan General del punto de los dominios de la Reina de España donde resida el Tribunal Mixto, debera entregar cada 6 meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los negros que hayan sido emancipados en virtud del presente Tratado, sus fallecimientos, las mejoras de su condicion, y los progresos de su enseñanza asi religiosa y moral como industrial.

VII. Como el objeto principal de este Tratado, del que forma parte integrante el presente Anexo, no es otro mas que el de mejorar la suerte de estas desventuradas victimas de la codicia, las Altas Partes Contratantes, que se hallan animadas de unos mismos sentimientos de humanidad, convienen en que si, en lo succesivo, apareciese necesario adoptar nuevas medidas para conseguir dicho benéfico objeto, por aparecer ineficaces las que en este Anexo van mencionadas, se pondrán de acuerdo dichas Altas Partes Contratantes sobre los medios mas á propósito para el completo logro del fin que se proponen.

VIII. Los infrascriptos Plenipotenciarios han convenido, en conformidad con el Articulo XIV del Tratado firmado por ellos el dia de la fecha, 28 de Junio de 1835, que el presente Anexo, que consta de 8 Articulos, correrá unido y será considerado como parte integrante de dicho Tratado.

Hoy, 28 de Junio, de 1835.

(L.S.) GEORGE VILLIERS.

(L.S.) FRANCISCO MARTINEZ DE LA ROSA.

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SWEDEN.

ROYAL ORDER *of the King of Sweden, exempting British Vessels from the interference of the Swedish "Diving Company." Stockholm, 28th March,* 1829.

(*Translation.*)

CHARLES JOHN, King of Sweden and Norway, &c. &c. &c.

Whereas His Britannic Majesty's Minister, in a note of the 6th instant, to our Minister for Foreign Affairs, has repeated the request that British vessels should be exempted from the interference of the Diving Company, in the same manner as is granted to Russian vessels; advancing, in support of this request, the IXth Article of the Treaty of Commerce of 1826,* which stipulates, in regard to trade and navigation, that each of the High Contracting Parties shall treat the subjects of the other upon the footing of the most favoured nation. We, therefore, in proof of our disposition, scrupulously to fulfil the literal meaning of the said IXth Article of the Treaty of Commerce with Great Britain, and generally to give to the Treaty the most extended and friendly interpretation, and taking into consideration the renewed application of His Britannic Majesty's Minister in this matter, do hereby graciously declare, that British vessels which shall be stranded, or shall otherwise suffer damage by sea, on the coast of Sweden, shall be entirely exempt and free from the interference of the Diving Company; the masters and crews of such vessels being at liberty to take such measures as they may think best for the safety of their vessels and cargoes.

With respect to the mode in which compensation shall be made to the Diving Company, for any loss which this exemption of British shipping from their interference may occasion to

* See Vol. 3, Page 437.

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the Company, the same shall be settled hereafter, according to the circumstances of the case.

And we hereby graciously make the same known, for the information and guidance of the authorities, and of all others whom it may concern.

Given at the Palace of Stockholm, the 28th of March, 1829.

CARL JOHAN.

C. D. SKOGMAN.

ADDITIONAL ARTICLE *to the Treaty concluded at Stockholm, 6th November,* 1824,* *between Great Britain and Sweden, for the prevention of the Traffic in Slaves. Signed at Stockholm, 15th June,* 1835.

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Suède et de Norvège, ayant jugé à propos de convenir d'un arrangement ultérieur à ajouter au Traité conclu entre leurs dites Majestés à Stockholm, le 6 Novembre, 1824, pour la répression de la traite des noirs, ont nommé et autorisé des Plénipotentiaires, *ad hoc*, savoir :

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Edward Cromwell Disbrowe, Grand' Croix de l'Ordre des Guelphes, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Suède et de Norvège :

Et Sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave, Comte de Wetterstedt, son Ministre d'Etat et des Affaires Etrangères, Chevalier Commandeur de ses Ordres, Chancelier de ses Ordres ; Chevalier des Ordres de Russie de St. André, St. Alexandre Newsky, et Ste. Anne de la première Classe ; Chevalier de l'Ordre de l'Aigle Rouge de Prusse de la première Classe ; Grand'Croix de l'Ordre de Léopold d'Autriche ; un des 18 de l'Académie Suédoise :

* See Vol. 3, Page 398.

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Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article Additionnel suivant :

ARTICLE ADDITIONNEL.

Il est convenu entre les 2 Hautes Parties Contractantes, que toutes les fois qu'un bâtiment est arrêté en exécution du Traité susmentionné, par les croiseurs respectifs, pour s'être livré à la traite des noirs, ou comme étant armé pour ce but, et qu'il doit par conséquent être jugé et condamné par les Cours de Justice Mixtes à établir conformément au Traité, le dit bâtiment sera, immédiatement après sa condamnation, entièrement démoli, et les parties en seront séparément vendues après avoir été ainsi démoli.

Cet Article Additionnel sera ratifié, et les ratifications en seront échangées à Stockholm, dans l'espace de 6 semaines après le jour de la signature, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Article Additionnel, et y ont apposé le cachet de leurs armes.

Fait à Stockholm, le 15 Juin, l'an de grace 1835.

(L. S.) EDWD. CROMWELL DISBROWE.
(L. S.) G. COMTE DE WETTERSTEDT.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between their aforesaid Majesties at Stockholm, on the 6th day of November, 1824, for the prevention of the trade in slaves, have named, authorized, and appointed the following Plenipotentiaries, *ad hoc:*

His Majesty the King of the United Kingdom of Great Britain and Ireland, Sir Edward Cromwell Disbrowe, Knight Grand Cross of the Royal Hanoverian Guelphic Order, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Sweden and Norway:

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And His Majesty the King of Sweden and Norway, the Sieur Gustavus, Count de Wetterstedt, his Minister of State and for Foreign Affairs, Knight Commander of his Orders, Chancellor of his Orders; Knight of the Russian Orders of St. Andrew, of St. Alexander Newsky, and of St. Anne of the first class; Knight of the Order of the Red Eagle of Prussia of the first class; Grand Cross of the Order of Leopold of Austria; one of the 18 of the Swedish Academy:

Who, having exchanged their Full-powers, found in good form, have agreed upon the following Additional Article:

ADDITIONAL ARTICLE.

It is hereby agreed between the High Contracting Parties, that in all cases in which a vessel shall, under the abovementioned Treaty, be detained by the respective cruizers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Commission to be established under that Treaty, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts after having been so broken up.

This Additional Article shall be ratified, and the ratifications thereof shall be exchanged at Stockholm, within 6 weeks from the day of signature, or sooner if possible.

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

Done at Stockholm, the 15th day of June, in the year of our Lord 1835.

(L. S.) Edwd. Cromwell Disbrowe.
(L. S.) G. Comte de Wetterstedt.

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TURKEY.

ACT *of the British Parliament "to repeal certain Acts relating to the Governor and Company of Merchants of England trading to the Levant Seas, and the Duties payable to them: and to authorize the transfer and disposal of the Possessions and Property of the said Governor and Company, for the public service."*

[6 Geo. IV. cap. 33.] [10th June, 1825.]

WHEREAS his late Majesty King James Ist, by his letters patent bearing date the 14th day of December, in the 3rd year of his reign, did grant to several persons therein named, and to their sons and such others as should thereafter be admitted and made free, that they should be one fellowship, and one body corporate and politic, by the name of "The Governor and Company of Merchants of England trading to the Levant seas;" and by the same name should have perpetual succession, with certain rights and privileges in the said letters patent specified: and whereas his late Majesty King Charles the IInd, by his letters patent bearing date the 2nd day of April, in the 13th year of his reign, did ratify and confirm the said letters patent of King James the Ist, and did grant further authorities and privileges to the said Governor and Company: and whereas by divers Acts certain regulations have been made respecting the said Company, and the dues and duties payable to the said Company, that is to say, an Act made in the 26th year of the reign of his late Majesty King George the IInd, [cap. 18.] intituled "An Act for enlarging and regulating the trade into the Levant seas;" an Act made in the 20th year of the reign of his late Majesty King George the IIIrd, [cap. 18.] among other things, for the allowing the importation into and exportation from *Ireland* of such goods as may be imported into or exported from *Great Britain* by the merchants of *England* trading to the *Levant*

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seas; an Act made in the 43rd year of the reign of his said late Majesty King George the IIIrd, [cap. 153.] to permit the importation into *Great Britain* and *Ireland* of certain goods, wares, and merchandize in neutral vessels; an Act made in the 55th year of the reign of his late Majesty King George the IIIrd, [cap. 29.] intituled "An Act to regulate the trade between Malta and its dependencies and His Majesty's colonies and plantations in America, and also between Malta and the United Kingdom;" an Act made in the 57th year of the reign of his said late Majesty King George the IIIrd, [cap. 4.] intituled "An Act to extend the privileges of the trade of Malta to the port of Gibraltar;" and an Act made in the 59th year of the reign of his said late Majesty King George the IIIrd, [cap. 110.] intituled "An Act to remove doubts respecting the dues payable to the Levant Company:" And whereas it would be beneficial to the trade of the United Kingdom, and especially to the trade carried on in the *Levant* seas, that the exclusive rights and privileges of the said Governor and Company under the said letters patent and Acts of Parliament should cease and determine: and whereas the said Governor and Company are willing and desirous to surrender up the said letters patent into His Majesty's hands: may it therefore please your Majesty that it may be enacted; and be it 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 whenever and so soon as any deed or instrument by which the said Governor and Company shall so surrender up to His Majesty the said letters patent, and all rights, powers, and privileges thereby granted or confirmed to the said Governor and Company, shall be made and executed under the common seal of the said Governor and Company, and shall be enrolled in His Majesty's High Court of Chancery, the said several letters patent and grants hereinbefore recited, and every matter, clause, and thing therein contained, shall be and become, and the same are hereby declared to be and become null and void; and that from and immediately after the inrolment of such deed or instrument, the said Governor and Company shall cease to be a body politic and corporate, and the

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said corporation shall be dissolved to all intents, constructions, and purposes whatsoever; and all rights, powers, and privileges by the said letters patent, or by the said several hereinbefore recited Acts, or by any other authority or means granted to or possessed by the said Governor and Company, shall from thenceforth cease and determine; anything in the said several letters patent and Acts, or any of them, to the contrary in anywise notwithstanding; and the said Governor and Company shall be and they are hereby divested of and from all land, houses, and buildings, by whatever tenure holden, at any time heretofore purchased, acquired, or holden by the said Governor and Company, and which are holden, possessed, or claimed by the said Governor and Company, within the United Kingdom, or at *Smyrna* or elsewhere, and all such land, houses, buildings, and all right, title, estate, or interest therein or thereto, holden, purchased, acquired, possessed, enjoyed, or claimed by the said Governor and Company, shall thenceforth be and the same and every of them are and is hereby declared and enacted to be fully and absolutely vested in His Majesty, his heirs and successors, for ever.

II. And whereas certain grants of money have been from time to time made to the said Governor and Company of Merchants of *England* trading to the *Levant* seas, by sundry Acts, for the purpose of better enabling them to carry into effect the objects for which they were incorporated: and whereas it is just and expedient that all such property as shall belong to or be at the disposal of the said Governor and Company under or by virtue of the said letters patent and Acts, or any of them respectively, at the time of such their dissolution, should, after the payment of all debts and demands to which the said Governor and Company may be liable as such corporation, be applied to the public service, in the manner hereinafter directed; be it therefore enacted, that from and immediately after the inrolment of any such deed or instrument as aforesaid, whereby the said corporation shall be dissolved in manner directed by this Act, all monies in the public funds and all other monies, goods, chattels, property, and other personal estate and effects whatsoever, in the possession or at the disposal of the said Governor and Company as such corporation as aforesaid, or to which the said Governor and Company

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as such corporation are or shall be entitled, or which shall or may be due to the said Governor and Company as such corporation, shall be and become vested, and are hereby vested in the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the time being; and that it shall and may be lawful for the said Commissioners of the Treasury now and for the time being, or any 3 of the said Commissioners, to accept, receive, and recover, and to sell, transfer, and dispose of all such funds, monies, goods, chattles, property, and other personal estate and effects whatsoever, and to apply the produce thereof, in the first place, in and for the payment of all just debts and demands to which the said Governor and Company are or shall be liable at the dissolution of such corporation, on account of any matter or thing relating to such corporation; and from and after payment of all such debts and demands, it shall be lawful for the said Commissioners of the Treasury for the time being, or any 3 or more of them, and they are hereby authorized and required to direct, that all the remainder and surplus of the produce of such public funds, monies, goods, chattels, property, and other personal estate as aforesaid shall be paid into the receipt of His Majesty's Exchequer at *Westminster*, and shall be placed to the account of and made part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

III. And be it further enacted, that from and immediately after the inrolment in His Majesty's High Court of Chancery of such deed or instrument as aforesaid, the said recited Act of the 26th year of the reign of his said late Majesty King George the IInd, and also the said recited Act of the 59th year of the reign of his late Majesty King George the IIIrd, and all powers for the levying of any duties or dues heretofore payable to the said Governor and Company, shall be and the same are hereby repealed; and all such duties and dues, and all powers for levying the same, shall cease and determine, except only so far as relates to the payment and recovery of any arrears of duties and dues which shall be payable to the said Company at the time of the enrolment of such deed or instrument; and also that from and after such inrolment of such deed or instrument, all and every clause, matter, and thing contained in the said several

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hereinbefore recited Acts made in the 20th, 43rd, 55th, and 57th years of the reign of his said late Majesty King George the IIIrd in any way extending or relating to the said Governor and Company, shall be and the same are from thenceforth hereby repealed; anything in the said recited Acts or any of them, or any other law, usage, or custom to the contrary in anywise notwithstanding.

IV. And be it further enacted, that from and immediately after the inrolment of any such deed or instrument as aforesaid, all such rights and duties of jurisdiction and authority over His Majesty's subjects resorting to the ports of the *Levant* for the purposes of trade or otherwise, as were lawfully exercised and performed, all which the said recited letters patent or Acts, or any of them, authorized to be exercised and performed by any *Consul* or other officers, appointed by the said Company, or which such *Consuls* or other officers lawfully exercised and performed under and by virtue of any power or authority whatever, shall, from and after the enrolment of such deed or instrument as aforesaid, be and become vested in, and shall be exercised and performed by such *Consuls* and other officers respectively as His Majesty may be pleased to appoint, for the protection of the trade of His Majesty's subjects in the ports and places respectively mentioned in the said letters patent and Acts, or any or either of them.

V. And be it further enacted that it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any 3 or more of them, and they are hereby empowered and authorized to grant reasonable allowances and pensions to such of the officers and servants in *England* of the said Company, and to such other person or persons as, by reason of the dissolution of the said Company, may lose and be deprived of their offices, employments, and pensions, and to charge the same upon the Consolidated Fund of the United Kingdom; and all such allowances and pensions to be so granted, shall be payable and paid quarterly at the receipt of the Exchequer at *Westminster*, out of the said Consolidated Fund, free and clear of and from all taxes, charges, and deductions whatsoever; and the said Commissioners of His Majesty's Treasury shall yearly

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and every year before the 25th day of March in each year, if Parliament be sitting, and in case Parliament shall not be sitting, then within 20 days after the meeting of Parliament then next following such 25th day of March, cause an account and estimate to be laid before Parliament of the total amount of such allowances and pensions payable to such officers and servants in *England* of the said Company, and to such other persons as are hereinbefore mentioned, for one year ending on the 5th day of January preceding every such 25th day of March respectively.

UNITED STATES.

ACT *of the British Parliament, "to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain parts on the Coasts of Newfoundland, Labrador, and His Majesty's other Possessions in North America, according to a Convention made between His Majesty and the United States of America."*

[59 Geo. 3. Cap. 38.] [14th June, 1819.]

WHEREAS a Convention between His Majesty and the United States of America, was made and signed at London, on the 20th day of October, 1818;* and by the Ist Article of the said Convention, reciting that differences had arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed, that the inhabitants of the said United States shall have for ever, in common with the subjects of His

* See Vol. 2, Page 392.

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Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coasts of Labrador, to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice however to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said Article of the said Convention agreed, that the American fishermen should have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same, or any portion thereof, should be settled, it should not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground: And whereas it is expedient that His Majesty should be enabled to carry into execution so much of the said Convention as is above recited, and to make regulations for that purpose; 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 from and after the passing of this Act, it shall and may be lawful for His Majesty, by and with the advice of His Majesty's Privy Council, by any Order or Orders in Council, to be from time to time made for that purpose, to make such regulations, and to give such directions, orders, and instructions to the Governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said Convention, with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with British subjects, within the limits set forth in the said Article of the said Convention, and herein-

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before recited; any Act or Acts of Parliament, or any law, custom, or usage to the contrary in anywise notwithstanding.

II. And be it further enacted, that from and after the passing of this Act it shall not be lawful for any person or persons, not being a natural-born subject of His Majesty, in any Foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry, or cure any fish of any kind whatever, within3 marine miles of any coasts, bays, creeks, or harbours whatever, in any part of His Majesty's dominions in America, not included within the limits specified and described in the Ist Article of the said Convention, and hereinbefore recited; and that if any such Foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours, within such parts of His Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats, may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland; provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any Prince, Power, or State in amity with His Majesty, who are entitled by Treaty with His Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act described.

III. Provided always, and be it enacted, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of His Britannic Majesty's dominions in America as are last mentioned, for the

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purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said Treaty and this Act reserved to them, and as shall for that purpose be imposed by any Order or Orders to be from time to time made by His Majesty in Council under the authority of this Act, and by any regulations which shall be issued by the Governor or person exercising the office of Governor in any such parts of His Majesty's dominions in America, under or in pursuance of any such Order in Council as aforesaid.

IV. And be it further enacted, that if any person or persons, upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor, or by any Governor, or person exercising the office of Governor, in any other parts of His Majesty's dominions in America as aforesaid, or by any officer or officers acting under such Governor, or person exercising the office of Governor, in the execution of any Orders or Instructions from His Majesty in Council, shall refuse to depart from such bays or harbours; or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act; every such person so refusing or otherwise offending against this Act shall forfeit the sum of £200, to be recovered in the Superior Court of Judicature of the Island of Newfoundland, or in the Superior Court of Judicature of the colony or settlement within or near to which such offence shall be committed, or by bill, plaint, or information in any of His Majesty's Courts of Record at Westminster; one moiety of such penalty to belong to His Majesty, his heirs, and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: Provided always, that any such suit or prosecution, if the same be committed in Newfoundland, or in any other colony or settlement, shall

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be commenced within 3 calender months; and, if commenced in any of His Majesty's Courts at Westminster, within 12 calender months from the time of the commission of such offence.

NOTIFICATION *of the British Government, to the Ministers, &c., of Foreign Courts in London, relative to the renewal of the intercourse of Foreign Vessels with the Island of St. Helena.** 30*th July*, 1821.

(*Circular.*) *Foreign Office*, 30*th July*, 1821.

THE undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has the honour to acquaint ———, that the death of Napoleon Buonaparte renders it no longer necessary to restrict the communication of Foreign vessels with the island of St. Helena, and that they are, accordingly, now at liberty to communicate with that island, in the same manner, and under the same regulations, as applied to their intercourse with the island previous to the detention there of Napoleon Buonaparte.

In requesting ——— to communicate this information to the Government of ———, the undersigned avails himself, &c.

LONDONDERRY.

DECLARATION *and Decision of the Commissioners of Great Britain and the United States, under the VIthArticle of the Treaty of Ghent of* 1814,† *respecting Boundaries. Signed at Utica,* 18*th June*, 1822.

THE undersigned, Commissioners, appointed, sworn, and authorized, in virtue of the VIth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and, by a report or declaration, under

* See Declaration, Vol. 2, Page 391.

† See Vol. 2, Page 383.

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their hands and seals, to designate "that portion of the Boundary of The United States, from the point where the 45th degree of north latitude strikes the river Iroquois, or Cataragui, along the middle of said river into lake Ontario, through the middle of said lake, until it strikes the communication, by water, between that lake and lake Erie; thence, along the middle of said communication, into lake Erie, through the middle of said lake, until it arrives at the water communication into lake Huron; thence, through the middle of said water communication into lake Huron, thence, through the middle of said lake, to the water communication between that lake and lake Superior," and to "decide to which of the 2 Contracting Parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the Treaty of 1783;" do decide and declare, that the following described line (which is more clearly indicated in a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the VIth Article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the Commissioners, and by the two principal surveyors employed by them) is the true Boundary intended by the two before-mentioned Treaties; that is to say:

Beginning at a stone monument, erected by Andrew Ellicott, Esq., in the year 1817, on the south bank, or shore, of the said river Iroquois, or Cataragui (now called the St. Lawrence), which monument bears south 74 deg. 45 min. west, and 1,840 yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35 deg. 45 sec. west into the river, on a line at right angles with the southern shore, to a point 100 yards south of the opposite island, called Cornwall island; thence, turning westerly, and passing around the southern and western sides of said island, keeping 100 yards distant therefrom, and following the curvatures of its shores, to a point opposite to

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the north-west corner, or angle, of said island; thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping 100 yards distant from the island, until it approaches Sheik's Island; thence, along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the 2 last-mentioned islands from the Lower Long Sault Island; thence, westerly, (crossing the centre of the last-mentioned channel) until it approaches within 100 yards of the north shore of the Lower Sault Island; thence, up the north branch of the river, keeping to the north of, and near, the Lower Sault Island, and also north of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the 2 small islands marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's Island; thence, passing between the 2 islands called the Cats, to the middle of the river above; thence along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's Island, and of the small island next above it, marked E, until it approaches the north-east angle of Goose Neck Island; thence along the passage which divides the last-mentioned island from the Canada shore, keeping 100 yards from the island, to the upper end of the same; thence, south of, and near, the 2 small islands called the Nut Islands; thence, north of, and near, the island marked F, and also of the island called Dry or Smuggler's Island; thence, passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence, along the north side of the last-mentioned island, keeping 100 yards from the shore, to the upper end thereof; thence, along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tusin) and Presque Isle; thence, up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the river, passing north of island No. 14, south of 15

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and 16, north of 17; south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull Island and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Well's Island; thence, to the north of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the north-east point of Grindstone Island; thence, to the north of Grindstone Island, and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence, passing to the south of Hickory Island, and of the 2 small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the south-western point of said Grand Island in lake Ontario; thence, passing to the north of Grenadier, Fox, Stoney, and the Gallop Islands, in lake Ontario, and to the south of, and near, the islands called the Ducks, to the middle of the said lake; thence, westerly, along the middle of said lake, to a point opposite the mouth of the Niagara river; thence, to and up the middle of the said river to the Great Falls, thence, up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to lake Erie; thence, southerly and westerly, along the middle of lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake;

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thence, along the said passage, proceeding to the north of Cunningham's Island, and of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence to the middle of the mouth of the Detroit River, in a direction to enter the channel which divides Bois-blanc and Sugar Islands; thence, up the said channel to the west of Bois-blanc Island, and to the east of Sugar, Fox, and Stony Islands, until it approaches Fighting, or Great Turkey Island; thence, along the western side and near the shore of said last-mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the south-east of, and near Hog Island, and to the north-west of, and near, the island called Isle à la Pêche, to lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel island on the south-east, and Herson's island on the north-west, to the upper end of last-mentioned island, which is nearly opposite to Point au Chênes, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Rivière Isle, and Isle aux Cerfs, to lake Huron; thence, through the middle of lake Huron, in a direction to enter the strait or passage between Drummond's island on the west, and the little Manitou island on the east; thence, through the middle of the passage which divides the 2 last-mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's island, and proceeding in a direction to enter the passage between the island of St. Joseph's and the American shore, passing to the north of the intermediate islands Nos. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence, up the said last-mentioned passage, keeping near to the island St. Joseph's and passing to the north and east of Isle à la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink, and shaded on one side of the point of intersection with blue, and on the other side with red) passing across

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the river at the head of St. Joseph's island, and at the foot of the Neebish rapids, which line denotes the termination of the Boundary directed to be run by the VIth Article of the Treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before described Boundary Line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said Boundary Line and the adjacent shores of the United States or their territories, do, and each of them does, belong to the United States of America, in conformity with the true intent of the IInd Article of the said Treaty of 1783, and of the VIth Article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the State of New York, in the United States of America, this 18th day of June, in the year of our Lord 1822.

(L.S.) ANTH. BARCLAY. (L.S.) PETER B. PORTER.

ACT *of Congress of the United States, "concerning Discriminating Duties of Tonnage and Impost." 7th January,* 1824.

Sect. IV. And be it further enacted, that, upon satisfactory evidence being given to the President of the United States, by the Government of any Foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandize, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his Proclamation, declaring that the Foreign discriminating duties of tonnage and impost within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of

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the said nation, and the merchandize of its produce or manufacture imported into the United States in the same: the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandize as aforesaid, thereon laden, shall be continued and no longer.

[Approved, 7th January, 1824.]

CONVENTION *of Commerce between His Majesty and the United States of America. Signed at London, 6th August,* 1827.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous of continuing in force the existing commercial regulations between the 2 countries, which are contained in the Convention concluded between them on the 3rd of July, 1815,* and further renewed by the IVth Article of the Convention of the 20th of October, 1818,† have, for that purpose, named their respective Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice-President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire;

And the President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty;

Who, after having communicated to each other their respective Full-powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

Art. I. All the provisions of the Convention concluded

* See Vol. 2, Page 386. † See Vol. 2, Page 394.

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between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, on the 3rd of July, 1815, and further continued for the term of 10 years by the IVth Article of the Convention of the 20th of October, 1818, with the exception therein contained as to St. Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said 10 years, in the same manner as if all the provisions of the said Convention of the 3rd of July, 1815, were herein specifically recited.

II. It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the expiration of the said 10 years,—that is, after the 20th of October, 1828,—on giving due notice of 12 months to the other Contracting Party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

III. The present Convention shall be ratified, and the ratifications shall be exchanged in 9 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 6th day of August, in the year of our Lord 1827.

(L. S.) CHA. GRANT. (L. S.) ALBERT GALLATIN.
(L. S.) HENRY UNWIN ADDINGTON.

CONVENTION *between His Majesty and the United States of America, relative to the Territory on the north-west Coast of America. Signed at London, 6th August,* 1827.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the 2 nations, with respect to the territory on the north-west coast of America, west of the stony

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or rocky mountains, after the expiration of the IIIrd Article of the Convention concluded between them on the 20th of October, 1818;* and also with a view to give further time for maturing measures which shall have for their object a more definitive settlement of the claims of each party to the said territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said Article, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations: and Henry Unwin Addington, Esquire;—

And the President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty:—

Who, after having communicated to each other their respective Full-powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

Art. I. All the provisions of the IIIrd Article of the Convention concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America, on the 20th of October, 1818, shall be, and they are hereby further indefinitely extended and continued in force, in the same manner as if all the provisions of the said Article were herein specifically recited.

II. It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of 12 months to the other Contracting Party, to annul and abrogate this Convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

III. Nothing contained in this Convention, or in the IIIrd Article of the Convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the Contracting Parties

* See Vol. 2, Page 393.

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may have to any part of the country westward of the stony or rocky mountains.

IV. The present Convention shall be ratified, and the ratifications shall be exchanged in 9 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 6th day of August, in the year of our Lord 1827.

(L. S.) CHA. GRANT. (L. S.) ALBERT GALLATIN.
(L. S.) HENRY UNWIN ADDINGTON.

CONVENTION *between His Majesty and the United States of America, relative to the reference to arbitration of the Disputed Points under the Vth Article of the Treaty of Ghent. Signed at London, 29th September,* 1827.

WHEREAS it is provided by the Vth Article of the Treaty of Ghent,* that in case the Commissioners appointed under that Article, for the settlement of the Boundary Line therein described, should not be able to agree upon such Boundary Line, the report or reports of those Commissioners, stating the points on which they had differed, should be submitted to some friendly Sovereign or State; and that the decision given by such Sovereign or State on such points of difference, should be considered by the Contracting Parties as final and conclusive. That case having now arisen, and it having therefore become expedient to proceed to and regulate the reference as above described, His Majesty the King of the United Kingdom of Great Britain and Ireland, and the United States of America have, for that purpose, named their Plenipotentiaries, that is to say:—

His Majesty, on his part, has appointed the Right Honourable Charles Grant, a Member of Parliament, a Member of His

* See Vol. 2, Page 381.

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said Majesty's Most Honourable Privy Council, and President of the Committee of the Privy Council for Affairs of Trade and Foreign Plantations; and Henry Unwin Addington, Esquire:

And the President of the United States has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty:

Who, after having exchanged their respective Full-powers, found to be in due and proper form, have agreed to and concluded the following Articles:

Art. I. It is agreed that the points of difference which have arisen in the settlement of the Boundary between the British and American dominions, as described in the Vth Article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly Sovereign or State, who shall be invited to investigate, and make a decision upon, such points of difference.

The 2 Contracting Powers engage to proceed in concert to the choice of such friendly Sovereign or State, as soon as the ratifications of this Convention shall have been exchanged, and to use their best endeavours to obtain a decision, if practicable, within 2 years after the arbiter shall have signified his consent to act as such.

II. The reports, and documents thereunto annexed, of the Commissioners appointed to carry into execution the Vth Article of the Treaty of Ghent, being so voluminous and complicated, as to render it improbable that any Sovereign or State should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports new and separate statements of the respective cases, severally drawn up by each of the Contracting Parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the Contracting Parties; that is to say, by Great Britain to the Minister, or Chargé d'Affaires, of the United States at London; and by the United States to His Britannic Majesty's Minister, or Chargé d'Affaires, at Washington, within 15 months after the exchange of the ratifications of the present Convention.*

* The Ratifications were exchanged in London, 2nd April, 1828.

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After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it thinks fit so to do, in reply to the statement of the other party so communicated, which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the Contracting Parties, within 21 months after the exchange of the ratifications of the present Convention.

III. Each of the Contracting Parties shall, within 9 months after the exchange of ratifications of this Convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission under the Vth Article of the Treaty of Ghent.

Each of the Contracting Parties shall be bound, on the application of the other party, made within 6 months after the exchange of the ratifications of this Convention, to give authentic copies of such individually specified acts of a public nature, relating to the territory in question, intended to be laid as evidence before the arbiter, as have been issued under the authority, or are in the exclusive possession, of each party.

No maps, surveys, or topographical evidence of any description, shall be adduced by either party beyond that which is hereinafter stipulated; nor shall any fresh evidence, of any description, be adduced or adverted to, by either party, other than that mutually communicated or applied for, as aforesaid.

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the Commissioners, or papers thereunto annexed, and other written documents laid before the Commission under the Vth Article of the Treaty of Ghent, or of the other evidence mutually communicated or applied for, as above provided, which it may think fit.

IV. The map, called Mitchell's map, by which the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the Contracting Parties, as a delineation of the

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water-courses, and of the Boundary Lines in reference to the said water-courses, as contended for by each party respectively, and which has accordingly been signed by the above named Plenipotentiaries at the same time with this Convention, shall be annexed to the statements of the Contracting Parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the Contracting Parties, of the topography of the country.

It shall, however, be lawful for either party to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations which were filed with the Commissioners under the Vth Article of the Treaty of Ghent, any engraved map heretofore published, and also a transcript of the above-mentioned Map A, or of a section thereof, in which transcript each party may lay down the highlands or other features of the country, as it shall think fit, the water-courses, and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A., and Mitchell's map, intended to be thus annexed by either party to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this Convention, and shall be subject to such objections and observations as the other Contracting Party may deem expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

V. All the statements, papers, maps, and documents abovementioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration whatsoever, be jointly and simultaneously delivered in to the arbitrating Sovereign or State, within 2 years after the exchange of ratifications of this Convention, unless the arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents shall be laid before him within 6 months after the time when he shall have consented so to act. No other statements,

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papers, maps, or documents shall ever be laid before the arbiter, except as hereinafter provided.

VI. In order to facilitate the attainment of a just and sound decision on the part of the arbiter, it is agreed that, in case the said arbiter should desire further elucidation or evidence, in regard to any specific point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make each a written reply to the specific questions submitted by the said arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

And in case the arbiter should find the topographical evidence laid, as aforesaid, before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit; which surveys shall be made at the joint expense of the Contracting Parties, and be considered as conclusive by them.

VII. The decision of the arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the Contracting Parties.

VIII. This Convention shall be ratified, and the ratifications shall be exchanged in 9 months from the date hereof, or sooner if possible.

In witness whereof, we the respective Plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London, the 29th day of September, in the year of our Lord 1827.

(L.S.) Cha. Grant. (L.S.) Albert Gallatin.
(L.S.) Henry Unwin Addington.

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BRITISH ORDER IN COUNCIL, *permitting the exportation of Salt and Fruit from the Bahama Islands, in Vessels of the United States of America. 18th October,* 1827.

At the Court at Windsor, the 18th day of October, 1827.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of His present Majesty, [cap. 114.]* intituled "An Act to regulate the Trade of the British Possessions Abroad," after reciting, that "by the law of navigation Foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions to be carried to any Foreign country whatever, and that it is expedient that such permission should be subject to certain conditions," it is enacted, "that the privileges thereby granted to Foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British vessels, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any Foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign country."

And whereas by an Act, passed in the 7th and 8th years of His present Majesty's reign, [cap. 56.] intituled "An Act to amend the Laws relating to the Customs,"† after reciting or taking notice of the said Act so passed as aforesaid in the 6th year of His Majesty's reign, and after reciting that unless some period were limited for the fulfilment by Foreign countries of the conditions mentioned and referred to in the said recited

* See Vol. 3, Page 201. † See Vol. 3, Page 218.

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Act, the trade and navigation of the United Kingdom and of the British possessions abroad, could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the laws from time to time made in such Foreign countries; it is therefore enacted, that no Foreign country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such Foreign country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular Foreign countries are permitted by law to exercise and enjoy the said privileges, it is further enacted, that no Foreign country shall hereafter be deemed to have fulfilled the above-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such Foreign country hath so fulfilled the said conditions, and is entitled to the said privileges; provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, and to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding.

And whereas the conditions mentioned and referred to in the said Acts of Parliament have not in all respects been fulfilled by the Government of the United States of America, and therefore the privileges so granted as aforesaid by the Law of navigation to Foreign ships, cannot lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his Order in Council, shall grant the whole or any of such privileges to the ships of the United States aforesaid.

And whereas His Majesty doth deem it expedient to permit the exportation of *Salt* and *Fruit*, in certain vessels of the said United States of America, from certain of the Bahama Islands; His Majesty doth therefore, in pursuance and exer-

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cise of the powers vested in him in and by the said Acts of Parliament, by and with the advice of his Privy Council, declare and grant, that it shall be lawful for ships of the United States of America, arriving in ballast at any port or place in the *Bahama Islands* in which a custom-house is or shall be established, to export *Salt* and *Fruit*, or either of them, from such port or place, to be carried to any foreign country whatever; subject nevertheless to the payment of all such duties as by any law in force within the said Islands are or shall be payable upon such ships, or upon the exportation of any such Salt or Fruit:

And His Majesty is further pleased, with the advice aforesaid, to order, that this present Order shall take effect and be in force in the said Islands, so soon as the Governor or officer administering the government thereof for the time being shall have made known the same to the inhabitants of the said islands, by a Proclamation to be by him for that purpose issued, and not before:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

BRITISH ORDER IN COUNCIL, *permitting the exportation of Salt and Fruit from Anguilla, in vessels of the United States. 26th January*, 1828.

At the Court at Windsor, the 26th day of January, 1828.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of His present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad,"*

* See Vol. 3, Page 201.

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after reciting, that "by the law of navigation Foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions to be carried to any Foreign country whatever, and that it is expedient that such permission should be subject to certain conditions," it is enacted, "that the privileges thereby granted to Foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British vessels, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any Foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such Foreign country."

And whereas by an Act, passed in the 7th and 8th years of His present Majesty's reign, intituled "An Act to amend the laws relating to the Customs,"* after reciting or taking notice of the said Act so passed as aforesaid in the 6th year of His Majesty's reign, and after reciting, that unless some period were limited for the fulfilment by Foreign countries of the conditions mentioned and referred to in the said recited Act, the trade and navigation of the United Kingdom and of the British possessions abroad could not be regulated by fixed and certain rules, but would continue subject to changes dependent upon the laws from time to time made in such Foreign countries; it is therefore enacted, that no Foreign country shall hereafter be deemed to have fulfilled the conditions so prescribed as aforesaid in and by the said Act, as to be entitled to the privileges therein mentioned, unless such Foreign country had in all respects fulfilled those conditions within 12 months next after the passing of the said Act, that is to say, on or before the 5th day of July, 1826; and for the better ascertaining what particular Foreign countries are permitted by law to exercise and enjoy the said privileges, it is further enacted, that no Foreign country shall hereafter be deemed to

* See Vol. 3, Page 218.

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have fulfilled the before-mentioned conditions, or to be entitled to the privileges aforesaid, unless and until His Majesty shall by some Order or Orders to be by him made, by the advice of his Privy Council, have declared that such Foreign country hath so fulfilled the said conditions, and is entitled to the said privileges: provided always, and it is thereby declared and enacted, that nothing therein contained, extends, or shall be construed to extend, to make void or annul any Order or Orders in Council theretofore issued, under the authority or in pursuance of the said recited Act, and to take away or abridge the powers vested in His Majesty in and by the said Act, or any of those powers, anything therein contained to the contrary in anywise notwithstanding:

And whereas the conditions mentioned and referred to in the said Acts of Parliament have not in all respects been fulfilled by the Government of the United States of America, and therefore the privileges so granted as aforesaid by the law of navigation to Foreign ships, cannot lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his Order in Council, shall grant the whole or any of such privileges to the ships of the United States aforesaid:

And whereas His Majesty doth deem it expedient to permit the exportation of *Salt* and *Fruit*, in certain vessels of the said United States of America, from His Majesty's island of *Anguilla*, in the West Indies; His Majesty doth therefore, in pursuance and exercise of the powers vested in him in and by the said Acts of Parliament, by and with the advice of his Privy Council, declare and grant, that it shall be lawful for ships of the United States of America, arriving in ballast at any port or place in the said island of *Anguilla*, in which a custom-house is or shall be established, to export *Salt* and *Fruit*, or either of them, from such port or place, to be carried to any Foreign country whatever: subject, nevertheless, to the payment of all such duties as by any law in force within the said island are or shall be payable upon such ships, or upon the exportation of any such Salt or Fruit:

And His Majesty is further pleased, with the advice aforesaid, to order, that this present Order shall take effect and be in

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force in the said island of *Anguilla*, so soon as the Governor, or the officer administering the government of His Majesty's island of *Saint Christopher's* for the time being, shall have made known the same to the inhabitants of the said island of *Anguilla*, by a Proclamation to be by him for that purpose issued, and not before:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable William Huskisson, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

ACT *of Congress of The United States, to amend the Acts regulating the commercial intercourse between The United States and certain Colonies of Great Britain.—29th May*, 1830.

SEC. 1. BE it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the *West Indies*, on the continent of *South America*, the *Bahama Islands*, the *Caicos*, and the *Bermuda* or *Somer Islands*, to the vessels of the United States, for an indefinite or for a limited term, that the vessels of the United States and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels or their cargoes, arriving in said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of

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the United States may export from the British colonies aforementioned, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid; leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions, on a footing not less favourable to the United States than it now is; and that then, and in such case, the President of the United States shall be, and he is hereby authorized, at any time before the next Session of Congress, to issue his Proclamation, declaring that he has received such evidence; and thereupon, from the date of such Proclamation, the Ports of the United States shall be opened, indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and the Act intituled "An Act concerning navigation," passed on the 18th day of April, 1818,* an Act supplementary thereto, passed the 15th day of May, 1820;* and an Act intituled "An Act to regulate the commercial intercourse between the United States and certain British ports;" passed on the 1st day of March, 1823,* are, in such case, hereby declared to be suspended, or absolutely repealed, as the case may require.

Sec. II. And be it further enacted, that, whenever the ports of the United States shall have been opened, under the authority given in the first section of this Act, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States.

[Approved 29th May, 1830.]

* See Vol. 3, Pages 489, 497, 523.

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ACT *of Congress of The United States, "to repeal the Tonnage Duties upon Ships and Vessels of The United States, and upon certain Foreign Vessels."* 31*st May*, 1830.

SEC. I. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, that, from and after the 1st day of April next, no duties upon tonnage of the ships and vessels of the United States, of which the officers and two-thirds of the crew shall be citizens of the United States, shall be levied or collected; and all Acts and parts of Acts imposing duties upon the tonnage of ships and vessels of the United States, officered and manned as aforesaid, so far as the same relate to the imposition of such duties, shall, from and after the said 1st day of April next, be repealed.

Sec. II. And be it further enacted, that, from and after the said 1st day of April next, all Acts and parts of Acts imposing duties upon the tonnage of the ships and vessels of any Foreign nation, so far as the same relate to the imposition of such duties, shall be repealed: *Provided*, that the President of the United States shall be satisfied that the discriminating or countervailing duties of such Foreign nation, so far as they operate to the disadvantage of the United States, have been abolished.

[Approved 31st May, 1830.]

PROCLAMATION *of the President of the United States, opening to British Vessels the Trade between the British Colonial Possessions and the American Ports.* 5*th October*, 1830.

By the President of The United States of America.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of the United States, passed on the 29th day of May, 1830, it is provided, that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the

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continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands, to the vessels of the United States, for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels, or their cargoes, arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions, from the United States, any article or articles which could be imported in a British vessel into the said possessions, from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid—leaving the commercial intercourse of the United States, with all other parts of the British dominions or possessions, on a footing not less favourable to the United States than it now is; that then, and in such case, the President of the United States shall be authorized, at any time before the next Session of Congress, to issue his Proclamation, declaring that he has received such evidence, and that thereupon, and from the date of such Proclamation, the ports of the United States shall be opened indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and that it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and that the Act, intituled "An Act concerning navigation," passed on the 18th day of April, 1818,* an Act supplementary thereto, passed the 15th day of May, 1820,* and an Act, intituled

* See Vol. 3, Pages 489, 497.

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"An Act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823,* shall, in such case, be suspended or absolutely repealed, as the case may require:

And whereas, by the said Act, it is further provided, that, whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States:

And whereas satisfactory evidence has been received by the President of the United States, that, whenever he shall give effect to the provisions of the Act aforesaid, the Government of Great Britain will open, for an indefinite period, the ports in its colonial possessions in the *West Indies*, on the continent of *South America*, the *Bahama Islands*, the *Caicos*, and the *Bermuda* or *Somer Islands*, to the vessels of the United States, and their cargoes, upon the terms, and according to the requisitions of the aforesaid Act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim, that such evidence has been received by me; and that by the operation of the Act of Congress, passed on the 29th day of May, 1830, the ports of the United States are, from the date of this Proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said Act; the Act, intituled "An Act concerning navigation," passed on the 18th day of April, 1818, the Act supplementary thereto, passed the 15th day of May, 1820, and the Act, intituled "An Act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed; and British vessels and their cargoes are admitted to an entry in the ports of the United States, from the islands, provinces, and colonies of Great Britain, on or near the North American continent, and north or east of the United States.

* See Vol. 3, Page 523.

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Given under my hand, at the city of Washington, the 5th day of October, in the year of our Lord 1830, and the 55th of the independence of the United States.

By the President: ANDREW JACKSON.

M. VAN BUREN,
Secretary of State.

BRITISH ORDER IN COUNCIL, *for regulating the Commercial Intercourse between The United States and the British Colonial Possessions. 5th November,* 1830.

At the Court of St. James's, the 5th day of November, 1830.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by a certain Act of Parliament, passed in the 6th year of the reign of his late Majesty King George the IVth, [cap. 114.] intituled "An Act to regulate the Trade of the British Possessions Abroad,"* after reciting that "by the law of navigation, Foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions, to be carried to any Foreign country whatever, and that it is expedient that such permission should be subject to certain conditions;" it is therefore enacted "that the privileges thereby granted to Foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favoured nation, unless His Majesty, by his Order in Council, shall, in any case, deem it expedient to grant the whole, or any of such privileges, to the ships of any Foreign country, although

* See Vol. 3, Page 201.

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the conditions aforesaid shall not in all respects be fulfilled by such Foreign country:"

And whereas by a certain Order of his said late Majesty in Council, bearing date the 27th day of July, 1826,* after reciting that the conditions mentioned and referred to in the said Act of Parliament, had not in all respects been fulfilled by the Government of the United States of America, and that, therefore, the privileges so granted as aforesaid by the law of navigation to Foreign ships, could not lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his Order in Council, should grant the whole or any of such privileges to the ships of the United States aforesaid: his said late Majesty did, in pursuance of the powers in him vested by the said Act, grant the privileges aforesaid to the ships of the said United States; but did thereby provide and declare, that such privileges should absolutely cease and determine in His Majesty's possessions in the West Indies and South America, and in certain other of His Majesty's possessions abroad, upon and from certain days in the said Order appointed, for that purpose, and which are long since passed:

And whereas, by a certain other Order of his said late Majesty in Council, bearing date the 16th of July, 1827,† the said last-mentioned Order was confirmed; and whereas, in pursuance of the Acts of Parliament, in that behalf made and provided, his said late Majesty, by a certain Order in Council, bearing date the 21st day of July, 1823,‡ and by the said Order in Council, bearing date 27th day of July, 1826, was pleased to order, that there should be charged on all vessels of the said United States, which should enter any of the ports of His Majesty's possessions in the West Indies or America, with articles of the growth, produce, or manufacture of the said States, certain duties of tonnage and of customs therein particularly specified:

And whereas it hath been made to appear to His Majesty in Council, that the restrictions heretofore imposed by the laws of the United States aforesaid, upon British vessels,

* See Vol. 3, Page 529. † See this Vol., Page 184.

‡ See Vol. 3, Page 527.

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navigated between the said States and His Majesty's possessions in the West Indies and America, have been repealed, and that the discriminating duties of tonnage and of customs, heretofore imposed by the laws of the said United States upon British vessels and their cargoes, entering the ports of the said States from His Majesty's said possessions, have also been repealed, and that the ports of the United States are now open to British vessels and their cargoes, coming from His Majesty's possessions aforesaid; His Majesty doth, therefore, with the advice of his Privy Council, and in pursuance and exercise of the powers so vested in him, as aforesaid, by the said Act, so passed in the 6th year of the reign of his said late Majesty, or by any other Act or Acts of Parliament, declare, that the said recited Orders in Council, of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said Order in Council, of the 16th day of July, 1827 (so far as such last-mentioned Order relates to the said United States), shall be, and the same are hereby respectively revoked:

And His Majesty doth further, by the advice aforesaid, and in pursuance of the powers aforesaid, declare that the ships of and belonging to the said United States of America, may import from the United States aforesaid, into the British possessions abroad, goods the produce of those States, and may export goods from the British possessions abroad to be carried to any Foreign country whatever.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Right Honourable Sir George Murray, one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

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DECISION *of His Majesty the King of the Netherlands upon the disputed points of Boundary under the Vth Article of the Treaty of Ghent, of* 1814 ;* *between Great Britain and the United States of America. The Hague,* 10*th January,* 1831.

Nous, Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, &c. &c. &c.

Ayant accepté les fonctions d'Arbitrateur, qui nous ont été conférées par la note de l'Ambassadeur Extraordinaire et Plénipotentiaire de la Grande Bretagne, et par celle du Chargé d'Affaires des Etats Unis d'Amérique, à notre Ministre des Affaires Etrangères, en date du 12 Janvier, 1829, d'après l'Article V. du Traité de Gand du 24 Décembre, 1814, et l'Article I. de la Convention conclue entre ces Puissances à Londres, le 29 Septembre, 1827,† dans le différend qui s'est élevé entre elles au sujet des limites de leurs possessions respectives :

Animé du désir sincère de répondre par une décision scrupuleuse et impartiale, à la confiance qu'elles nous ont témoignée, et de leur donner ainsi un nouveau gage du haut prix que nous y attachons ;

Ayant à cet effet dûment examiné et mûrement pesé le contenu du premier exposé ainsi que de l'exposé définitif du dit différend, que nous ont respectivement remis, le 1 Avril de l'année 1830, l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique, et l'Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, avec toutes les pièces qui y ont été jointes à l'appui :

Voulant accomplir aujourd'hui les obligations que nous venons de contracter par l'acceptation des fonctions d'Arbitrateur dans le susdit différend, en portant à la connaissane des 2 Hautes Parties intéressées le résultat de notre examen, et notre opinion sur les 3 points dans lesquels se divise de leur commun accord la contestation :

Considérant que les 3 points précités doivent être jugés d'après les Traités, Actes et Conventions, conclus entre les 2

* See Vol. 2, Page 382.

† See this Vol., Page 503.

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Puissances, savoir, le Traité de Paix de 1783, le Traité d'Amitié, de Commerce et de Navigation de 1794, la déclaration relative à la rivière St. Croix de 1798, le Traité de Paix signé à Gand en 1814, la Convention du 29 Septembre, 1827, et le carte de Mitchell, et la carte (A.) citées dans cette Convention :

Déclarons que,—Quant au premier point, savoir, la question, quel est l'endroit désigné dans les Traités comme l'angle nord-ouest de la Nouvelle Ecosse, et quels sont les highlands séparant les rivières qui se déchargent dans le fleuve St. Laurent, de celles tombant dans l'Océan Atlantique, le long desquels doit être tirée la ligne de limites dupuis cet angle jusqu'à la source nord-ouest de la rivière Connecticut ?

Considérant,—Que les Hautes Parties intéressées réclament respectivement cette ligne de limites au midi et au nord de la rivière St. John, et ont indiqué chacune sur la carte (A.) la ligne qu'elles demandent.

Considérant,—Que selon les exemples allégués, le terme highlands s'applique non seulement à un pays montueux ou élevé, mais encore à un terrain, qui, sans être montueux sépare des eaux coulant dans une direction différente, et qu'ainsi le caractère plus ou moins montueux et élevé du pays, à travers lequel sont tirées les 2 lignes respectivement réclamées au nord et au midi de la rivière St. John, ne saurait faire la base d'une option entr'elles :

Que le texte du IInd Article du Traité de Paix de 1783 reproduit en partie les expressions dont on s'est antérieurement servi dans la Proclamation de 1763, et dans l'Acte de Quebec de 1774, pour indiquer les limites méridionales du Gouvernement de Quebec, depuis le Lac Champlain, " in 45 degrees of north latitude, along the Highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay des Chaleurs :"

Qu'en 1763, 1765, 1773, et 1782, il a été établi, que la Nouvelle Ecosse serait bornée au nord, jusqu'à l'extrémité occidentale de la Baie des Chaleurs, par la limite méridionale de la province de Quebec ; que cette délimitation se retrouve pour la province de Quebec, dans la Commission du Gouver-

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neur-Général de Quebec de 1786, où l'on a fait usage des termes de la Proclamation de 1763, et de l'Acte de Quebec de 1774, et dans les Commissions de 1786 et postérieures des Gouverneurs du Nouveau Brunswick pour cette dernière province, ainsi que dans un grand nombre de cartes antérieures et postérieures au Traité de 1783, et que l'Article 1er du dit Traité cite nominativement les Etats dont l'indépendance est reconnue :

Mais que cette mention n'implique point l'entière coincidence des limites entre les 2 Puissances, réglées par l'Article suivant, avec l'ancienne délimitation des provinces Anglaises, dont le maintien n'est pas mentionné dans le Traité de 1783, et qui par ses variations continuelles, et par l'incertitude qui continua d'exister à son égard, provoqua de tems à autre des différends entre les autorités provinciales :

Qu'il résulte de la ligne tirée par le Traité de 1783, à travers les grands lacs à l'ouest du fleuve St. Laurent, une déviation des anciennes chartes provinciales en ce qui concerne les limites :

Qu'on chercherait en vain à s'expliquer pourquoi, si l'on entendait maintenir l'ancienne délimitation provinciale, l'on a précisément fait usage dans la négociation de 1783 de la carte de Mitchell, publiée en 1755, et par conséquent antérieure à la Proclamation de 1763, et à l'Acte de Quebec de 1774 :

Que la Grande Bretagne proposa d'abord la rivière Piscataqua pour limite à l'est des Etats Unis, et ensuite n'accepta pas la proposition de faire fixer plus tard la limite du Maine, ou de Massachusetts Bay :

Que le Traité de Gand stipula un nouvel examen sur les lieux lequel ne pouvait s'appliquer à une limite historique ou administrative ; et que dès lors l'ancienne délimitation des provinces Anglaises n'offre pas non plus une base de décision :

Que la longitude de l'angle nord-ouest de la Nouvelle Ecosse, laquelle doit coincider avec celle de la source de la rivière St. Croix, fut seulement fixée par la déclaration de 1798, qui indiqua cette rivière :

Que le Traité d'Amitié, de Commerce, et de Navigation de 1794, mentionne le doute qui s'était élevé à l'égard de la

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rivière St. Croix; et que les premières instructions du Congrès lors des négociations, dont résulta le Traité de 1783, placent le dit angle à la source de la rivière St. John:

Que la latitude de cet angle se trouve sur les bords du St. Laurent, selon la carte de Mitchell, reconnue pour avoir réglé le travail combiné et officiel des négociateurs du Traité de 1783; au lieu, qu'en vertu de la délimitation du Gouvernement de Quebec, l'on devrait la chercher aux highlands séparant les rivières qui se déchargent dans la rivière St. Laurent, de celles tombant dans la mer:

Que la nature du terrain à l'est de l'angle précité n'ayant pas été indiqué dans le Traité de 1783, il ne s'en laisse pas tirer d'argument pour le fixer de préférence dans tel endroit, plutôt que dans un autre:

Qu'au surplus, si l'on croyait devoir le rapprocher de la source de la rivière St. Croix, et le chercher, par exemple, à Mars Hill, il serait d'autant plus possible que la limite du Nouveau Brunswick tirée de là au nord-est, donnât à cette province plusieurs angles nord-ouest situées davantage au nord, et à l'est, selon leur plus grand éloignement de Mars Hill, que le nombre de degrés de l'angle mentionné dans le Traité a été passé sous silence:

Que par conséquent l'angle nord-ouest de la Nouvelle Ecosse, dont il est ici question, ayant été inconnu en 1783, et le Traité de Gand l'ayant encore déclaré non constaté, la mention de cet angle historique dans le Traité de 1783 doit être considérée comme une pétition de principe, qui ne présente aucune base de décision; tandis que si on l'envisage comme un point topographique, eu égard à la définition, viz. "that angle which is formed by a line drawn due north from the source of the St. Croix river to the Highlands," il forme simplement l'extrémité de la ligne "along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean," extrémité que la mention de l'angle nord-ouest de la Nouvelle Ecosse ne contribue pas à constater, et qui, étant à trouver elle-même, ne saurait mener à la découverte de la ligne qu'elle termine:

Enfin, que les argumens tirés des droits de souveraineté

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exercés sur le fief de Madawaska, et sur le Madawaska settlement, admis même que cet exercice fût suffisamment prouvé, ne peuvent point décider la question, par la raison, que ces deux établissemens n'embrassent qu'un terrain partiel de celui en litige; que les Hautes Parties intéressées ont reconnu le pays situé entre les lignes respectivement réclamées par elles, comme faisant un objet de contestation, et qu'ainsi la possession ne saurait être censée déroger au droit; et que si l'on écarte l'ancienne délimitation des provinces alléguée en faveur de la ligne réclamée au nord de la rivière St. John, et spécialement celle mentionnée dans la Proclamation de 1763 et dans l'Acte de Quebec de 1774, l'on ne saurait admettre à l'appui de la ligne demandée au midi de la rivière St. John, des argumens tendant à prouver que telle partie du terrain litigieux appartient au Canada ou au Nouveau Brunswick.

Considérant,—Que la question, dépouillée des argumens non décisifs tirés du caractère plus ou moins montueux du terrain, de l'ancienne délimitation des provinces, de l'angle nord-ouest de la Nouvelle Ecosse, et de l'état de possession, se réduit en dernière analyse à celles-ci, quelle est la ligne tirée droit au nord depuis la source de la rivière St. Croix, et quel est le terrain, n'importe qu'il soit montueux et élevé ou non, qui, depuis cette ligne jusqu'à la source nord-ouest de la rivière Connecticut, sépare les rivières se déchargeant dans le fleuve St. Laurent, de celles qui tombent dans l'Océan Atlantique; que les Hautes Parties intéressées ne sont d'accord que, sur la circonstance que la limite à trouver doit être déterminée par une telle ligne, et par un tel terrain; qu'elles le sont encore, depuis la Déclaration de 1798, sur la réponse à faire à la première question, à l'exception de la latitude, à laquelle la ligne tirée droit au nord de la source de la rivière St. Croix doit se terminer; que cette latitude coincide avec l'extrémité du terrain, qui depuis cette ligne jusqu'à la source nord-ouest de la rivière Connecticut sépare les rivières se déchargeant dans le fleuve St. Laurent, de celles qui tombent dans l'Océan Atlantique, et que, dès lors, il ne reste qu'à déterminer ce terrain:

Qu'en se livrant à cette opération, on trouve, d'un côté:—

D'abord, que si par l'adoption de la ligne réclamée au nord

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de la rivière St. John, la Grande Bretagne ne pourrait pas être estimée obtenir un terrain de moindre valeur, que si elle eût accepté en 1783 la rivière St. John pour frontière, eu égard à la situation du pays entre les rivières St. John et St. Croix dans le voisinage de la mer, et à la possession des 2 rives de la rivière St. John dans la dernière partie de son cours, cette compensation serait cependant détruite par l'interruption de la communication entre le Bas Canada et le Nouveau Brunswick, spécialement entre Quebec et Fredericton, et qu'on chercherait vainement quels motifs auraient déterminé la Cour de Londres à consentir à une semblable interruption:

Que si, en second lieu, en opposition aux rivières se déchargeant dans le fleuve St. Laurent, on aurait convenablement, d'après le langage usité en géographie, pu comprendre les rivières tombant dans les Baies de Fundy et des Chaleurs, avec celles se jetant directement dans l'Océan Atlantique, dans la dénomination générique de rivières tombant dans l'Océan Atlantique, il serait hasardeux de ranger dans l'espèce, parmi cette catégorie, les rivières St. John et Ristigouche, que la ligne réclamée au nord de la rivière St. John sépare immédiatement des rivières se déchargeant daus le fleuve St. Laurent, non pas avec d'autres rivières coulant dans l'Océan Atlantique, mais seules, et d'appliquer ainsi, en interprétant la délimitation fixée par un Traité, où chaque expression doit compter, à 2 cas exclusivement spéciaux, et où il ne s'agit pas du genre, une expression générique qui leur assignerait un sens plus large, ou qui, étendue aux Scoudiac Lakes, Penobscott et Kennebec, qui se jettent directement dans l'Océan Atlantique, établirait le principe, que le Traité de 1783 a entendu des Highlands séparant aussi bien médiatement qu'immédiatement les rivières se déchargeant dans le fleuve St. Laurent, de celles qui tombent dans l'Océan Atlantique, principe également réalisé par les 2 lignes:

Troisièmement, que la ligne réclamée au nord de la rivière St. John ne sépare pas même immédiatement les rivières se déchargeant dans le fleuve St. Laurent, des rivières St. John et Ristigouche, mais seulement des rivières qui se jettent dans les St. John et Ristigouche, à l'exception de la dernière partie

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de cette ligne près des sources de la rivière St. John ; et qu'ainsi, pour arriver à l'Océan Atlantique, les rivières séparées par cette ligne de celles se déchargeant dans le fleuve St. Laurent, ont chacune besoin de 2 intermédiaires, savoir, les unes de la rivière St. John et de la Baie de Fundy, et les autres de la rivière Ristigouche et de la Baie de Chaleurs :—

Et de l'autre,—

Qu'on ne peut expliquer suffisamment, comment, si les Hautes Parties Contractantes ont entendu établir en 1783 la limite au midi de la rivière St. John, cette rivière, à laquelle le terrain litigieux doit en grande partie son caractère distinctif, a été neutralisée et mise hors de cause :

Que le verbe "divide" paraît exiger la contiguité des objets qui doivent être "divided :"

Que la dite limite forme seulement à son extrémité occidentale la séparation immédiate entre la rivière Mettjarmette et la source nord-ouest de Penobscott, et ne sépare que médiatement les rivières se déchargeant dans le fleuve St. Laurent, des eaux du Kennebec, du Penobscott et des Scoudiac Lakes ; tandis que la limite réclamée au nord de la rivière St. John sépare immédiatement les eaux des rivières Ristigouche et St. John, et médiatement les Scoudiac lakes, et les eaux des rivières Penobscott et Kennebec, des rivières se déchargeant dans le fleuve St. Laurent, savoir, les rivières Beaver, Metis, Rimousky, 3 Pistoles, Green, du Loup, Kamouraska, Ouelle, Bras, St. Nicholas, du Sud, la Famine, et Chaudière :

Que même en mettant hors de cause les rivières Ristigouche et St. John, par le motif qu'elles ne pourraient être censées tomber dans l'Océan Atlantique, la ligne septentrionale se trouverait encore aussi près des Scoudiac lakes, et des eaux du Penobscott et du Kennebec que la ligne méridionale des rivières Beaver, Metis, Rimousky, et autres, se déchargeant dans le fleuve St. Laurent, et formerait aussi bien que l'autre une séparation médiate entre celles-ci, et les rivières tombant dans l'Océan Atlantique :

Que la rencontre antérieure de la limite méridionale, lorsque de la source de la rivière St. Croix on tire une ligne

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au nord, pourrait seulement lui assurer un avantage accessoire sur l'autre, dans le cas où l'une et l'autre limite réunissent au même degré les qualités exigées par les Traités.

Et que le sort assigné par celui de 1783 au Connecticut, et au St. Laurent même, écarte la supposition, que les 2 Puissances auraient voulu faire tomber la totalité de chaque rivière, depuis son origine jusqu'à son embouchure en partage à l'une ou à l'autre :

Considérant,—Que d'après ce qui précéde les argumens allégués de part et d'autre, et les pièces exhibées à l'appui, ne peuvent être estimés assez prépondérans pour déterminer la préférence en faveur d'une des 2 lignes, respectivement réclamées par les Hautes Parties intéressées, comme limites de leurs possessions depuis la source de la rivière St. Croix, jusqu'à la source nord-ouest de la rivière Connecticut; et que la nature du différend, et les stipulations vagues et non suffisamment déterminées du Traité de 1783, n'admettent pas d'adjuger l'une ou l'autre de ces lignes à l'une des dites parties, sans blesser les principes du droit et de l'équité envers l'autre :

Considérant,—Que la question se réduit, comme il a été exprimé ci-dessus, à un choix à faire du terrain séparant les rivières se déchargeant dans le fleuve St. Laurent, de celles qui tombent dans l Océan Atlantique, que les Hautes Parties intéressées se sont entendus à l'égard du cours des eaux, indiqué de commun accord sur la carte (A.) et présentant le seul élément de décision; et que dès lors les circonstances, dont dépend cette décision, ne sauraient être éclaircies davantage, au moyen de nouvelles recherches topographiques, ni par la production de pièces nouvelles :

Nous sommes d'avis,—Qu'il conviendra d'adopter pour limite des 2 Etats une ligne tirée droit au nord depuis la source de la rivière St. Croix jusqu'au point où elle coupe le milieu du *Thalweg* de la rivière St. John ; de là le milieu du *Thalweg* de cette rivière, en la remontant jusqu'au point où la rivière St. Francis se décharge dans la rivière St. John ; de là le milieu du *Thalweg* de la rivière St. Francis, en la remontant jusqu'à la source de sa branche la plus sud-ouest, laquelle source nous indiquons sur la carte (A.) par la lettre (X.) authentiquée

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par la signature de notre Ministre des Affaires Etrangères; de là une ligne tirée droit à l'ouest jusqu'au point où elle se réunit à la ligne réclamée par les Etats Unis d'Amérique, et tracée sur la carte (A.); de là cette ligne jusqu'au point où, d'après cette carte, elle coincide avec celle demandée par la Grande Bretagne; et de là la ligne indiquée sur la dite carte par les 2 Puissances, jusqu'à la source la plus nord-ouest de la rivière Connecticut.

Quant au second point, savoir, la question, quelle est la source la plus nord-ouest (north-westernmost head) de la rivière Connecticut.

Considérant,—Que pour résoudre cette question, il s'agit d'opter entre la rivière du Connecticut lake, Perry's stream, Indian stream et Hall's stream:

Considérant,—Que d'après l'usage adopté en géographie, la source et le lit d'une rivière sont indiqués par le nom de la rivière attaché à cette source et à ce lit, et par leur plus grande importance relative, comparée à celle d'autres eaux communiquant avec cette rivière:

Considérant,—Qu'une lettre officielle de 1772 mentionne déjà le nom de Hall's Brook, et que dans une lettre officielle postérieure de la même année, du même inspecteur, on trouve Hall's Brook représenté comme une petite rivière tombant dans le Connecticut:

Que la rivière dans laquelle se trouve Connecticut lake parait plus considérable que Hall's, Indian ou Perry's stream; que le Connecticut lake et les 2 lacs situés au nord de celui-ci semblent lui assigner un plus grand volume d'eau qu'aux 3 autres rivières; et qu'en l'admettant comme le lit du Connecticut, on prolonge davantage ce fleuve, que si l'on donnait la préférence à une de ces 3 autres rivières:

Enfin que la carte (A.) ayant été reconnue dans la Convention de 1827 comme indiquant le cours des eaux, l'autorité de cette carte semble s'étendre également à leur dénomination, vu qu'en cas de contestation tel nom de rivière, ou de lac, sur lequel on n'eut pas été d'accord, eut pu avoir été omis, que la dite carte mentionne Connecticut lake, et que le nom de Connecticut lake implique l'application du nom Connecticut à la rivière qui traverse le dit lac:

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NOUS SOMMES D'AVIS,—Que le ruisseau situé le plus au nord-ouest de ceux qui coulent dans le plus septentrional des 3 lacs, dont le dernier porte le nom de Connecticut lake, doit être considéré comme la source la plus nord-ouest (north-westernmost head) du Connecticut.

Et quant au troisième point, savoir, la question, quelle est la limite à tracer depuis la rivière Connecticut le long du parallèle du 45° degré de latitude septentrionale, jusqu'au Fleuve St. Laurent, nommé dans les Traités, Iroquois ou Cataraguy ?

Considérant,—Que les Hautes Parties intéressées diffèrent d'opinion, sur la question de savoir, si les Traités exigent un nouveau levé de toute la ligne de limite depuis la rivière Connecticut, jusqu'au fleuve St. Laurent, nommé dans les Traités, Iroquois ou Cataraguy, ou bien seulement le complément des anciens levés provinciaux :

Considérant,—Que le V^ième^ Article du Traité de Gand de 1814 ne stipule point qu'on levera telle partie des limites qui n'aurait pas été levées jusqu'ici, mais déclare que les limites n'ont pas été levées, et établit qu'elles le seront :

Qu'en effet ce levé, dans les rapports entre les 2 Puissances, doit être censé n'avoir pas eu lieu depuis le Connecticut jusqu'à la rivière St. Laurent, nommée dans les Traités, Iroquois ou Cataraguy, vu que l'ancien levé s'est trouvé inexact, et avait été ordonné non par les 2 Puissances d'un commun accord, mais par les anciennes autorités provinciales :

Qu'il est d'usage de suivre, en fixant la latitude, le principe de latitude observée :

Et que le Gouvernement des Etats Unis d'Amérique a établi certaines fortifications à l'endroit dit Rouse's Point, dans la persuasion que le terrain faisait partie de leur territoire, persuasion suffisamment légitimée par la ligne reputée jusqu'-alors correspondre avec le 45^ième^ degré de latitude septentrionale :

NOUS SOMMES D'AVIS,—Qu'il conviendra de procéder à de nouvelles opérations pour mesurer la latitude observée, afin de tracer la limite depuis la rivière Connecticut, le long du parallèle du 45^ième^ degré de latitude septentrionale, jusqu'au fleuve St. Laurent, nommé dans les Traités Iroquois ou Cataraguy ; de manière cependant, qu'en tout cas, à l'endroit dit Rouse's

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Point, le territoire des Etats Unis d'Amérique s'étendra jusqu'au fort qui s'y trouve établi, et compendra ce fort et son rayon kilométrique.

Ainsi fait et donné sous notre sceau royal, à la Haye, ce 10 Janvier, de l'an de Grâce 1831, et de notre règne le 18.

GUILLAUME.

Le Ministre des Affaires Etrangères.

VERSTOLK DE SOELEN.

ACT *of Congress of the United States, concerning Countervailing Duties of Tonnage on Foreign Vessels, in American Ports.* 13*th July*, 1832.

SEC. I. Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, that no other or greater duty of tonnage be levied in the ports of the United States on vessels owned wholly by subjects of Spain, coming from a port in Spain, than shall, by the Secretary of the Treasury, be ascertained to have been paid on American vessels in the ports of Spain previous to the 20th October, 1817.

II. And be it further enacted, that vessels owned wholly by Spanish subjects, coming from any of the colonies of Spain, either directly or after touching at any other port or place, shall pay, in the ports of the United States the same rate of duty on tonnage that shall be levied on American vessels in the Spanish colonial port from whence such Spanish vessels shall have last departed; the said amount to be ascertained by the Secretary of the Treasury, who is hereby authorised, from time to time, to give directions to the officers of the Customs of the United States for the collection of such duties, so as to conform the said duties to any variation that may take place in the duties levied on American vessels in such Spanish ports.

III. And be it further enacted, that whenever the President shall be satisfied that the discriminating or countervailing duties of tonnage levied by any Foreign nation on the ships

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or vessels of the United States shall have been abolished, he may direct that the tonnage duty on the vessels of such nation shall cease to be levied in the ports of the United States; and cause any duties of tonnage that may have been levied on the vessels of such Foreign nation, subsequent to the abolition of its discriminating duties of tonnage, to be refunded.

IV. And be it further enacted, that the 2nd and 3rd Sections of this Act shall be in force and take effect from and after the 1st day of January next.

[Approved 13th July, 1832.]

ACT *of the British Parliament, "to regulate the Trade of the British Possessions Abroad;" so far as it relates to Canada.*

[3 & 4 Will. IV. cap. 59.] [28th August, 1833.]

XXXI. And whereas it is expedient to make regulation respecting the inland trade of the *British* possessions in *America;* be it therefore enacted, that it shall be lawful to bring or import by land or by inland navigation into any of the *British* possessions in *America* from any adjoining *Foreign country*, any goods which might be lawfully imported by sea into such possession from such country, and so to bring or import such goods in the vessels, boats, or carriages of such country, as well as in *British* vessels, boats, or carriages.

XXXII. And be it further enacted, that no vessel or boat shall be admitted to be a *British* vessel or boat, on any of the inland waters or lakes in *America*, except such as shall have been built at some place within the *British* dominions, and shall be wholly owned by *British* subjects, and shall not have been repaired at any *Foreign* place to a greater extent than in the proportion of 10*s.* for every ton of such vessel or boat at any one time: provided always, that nothing hereinbefore contained shall extend to prevent the employment of any vessel or boat as a *British* vessel or boat on such inland waters or lakes which shall have wholly belonged to *British* subjects before the

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5th day of July, 1825, and which shall not have been since that day repaired as aforesaid in any *Foreign* place.

XXXV. And be it further enacted, that the same tonnage duties shall be paid upon all vessels or boats of the *United States* of *America*, importing any goods into either of the provinces of *Upper* or *Lower Canada*, as are or may be, for the time being, payable in the *United States* of *America* on *British* vessels or boats entering the harbours of the State from whence such goods shall have been imported.

BRITISH ORDER IN COUNCIL, *declaring the Port of Majaquadavie in North Brunswick to be a Free Port, for the importation of certain Articles from The United States. 4th March*, 1835.

At the Court at St. James's, the 4th day of March, 1835.

PRESENT,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 3rd and 4th year of His Majesty's reign, intituled "An Act to regulate the Trade of the British Possessions Abroad,"* it is, amongst other things, enacted, that no goods shall be imported into, nor shall any goods, except the produce of the fisheries in British ships, be exported from, any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions called Free ports, enumerated or described in the Table therein contained; and it is thereby, amongst other things, provided, that if His Majesty shall deem it expedient to extend the provisions of the said Act to any port or ports not enumerated in the said Table, it shall be lawful for His Majesty, by Order in Council, to extend the provisions of the said Act to such port or ports: and that from and after the day mentioned in such Order in Council all the privileges and advantages of the said Act, and all the

* See Page 236.

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provisions, penalties, and forfeitures therein contained, subject nevertheless to the limitations and restrictions thereinafter provided, shall extend, and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the time of passing the said Act; and after reciting that there are in the said possessions many places situated in rivers and in bays at which it may be necessary to establish ports for particular and limited purposes only, it is further enacted that it shall be lawful for His Majesty in any Order in Council made for the appointment of any Free port to limit and confine such appointments respectively to any and such purposes only as shall be expressed in such Order:

And whereas His Majesty doth deem it expedient to extend the provisions of the said Act for such purposes as are after mentioned, to the port of *Majaquadavie*, in the province of *North Brunswick*; now, therefore, in pursuance of the said Act of Parliament, and in exercise of the powers thereby in His Majesty in Council in that behalf vested, His Majesty doth, with the advice of his Privy Council, order, and it is hereby ordered, that from and after the 1st day of June next all the privileges and advantages of the said Act, and all the provisions, penalties, and forfeitures therein contained, subject nevertheless to the limitations and restrictions hereinafter provided, shall extend, and be deemed and construed to extend, to the said port of *Majaquadavie*, as fully as if the said port had been inserted and enumerated in the said Table at the time of passing the said Act; provided, nevertheless, that the said port of *Majaquadavie* shall be a *Free Port* under the said Act for the single purpose of importing from the United States of America articles for the use and consumption of His Majesty's subjects and others inhabiting the said port, and for no other purpose:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

C. C. GREVILLE.

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VENEZUELA.

CONVENTION *between His Majesty and the State of Venezuela. Signed at London, 29th October,* 1834.

WHEREAS a Treaty of Amity, Commerce, and Navigation, consisting of 15 Articles, was concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the State of Colombia, which said Treaty, together with an Additional Article thereto, was signed at Bogotá on the 18th day of April, 1825 ;* and whereas, after reciting that extensive commercial intercourse having been established for a series of years between the dominions of His Britannic Majesty in Europe, and the several provinces and countries of America which (then united) constituted the State of Colombia, it seemed good for the security as well as encouragement of such commercial intercourse, and for the maintenance of good understanding between His said Britannic Majesty and the said State, that the relations then subsisting between them should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce, and Navigation; it was in and by the said Treaty declared and agreed, that, under certain regulations and conditions therein specified, there should be reciprocal freedom of commerce between the territories of His Britannic Majesty in Europe, and the territories of Colombia: and whereas at the signing of the said Treaty, the provinces of Venezuela were united with, and formed a component part of, the State of Colombia, but have since that time finally and entirely separated themselves therefrom, and from all other countries or provinces then or now united therewith, and have become a separate and independent State, under a distinct Government: and whereas it is desirable that the commercial relations and intercourse now or lately subsisting between the territories of His Britannic Majesty in Europe, and the territories of the State of Venezuela, respec-

* See Vol. 3, Page 56.

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tively, should continue and be carried on in the same manner, and under the same regulations and conditions, as are expressed and specified in the aforesaid Treaty between His said Majesty and the State of Colombia, and that His Majesty should acknowledge the independence of the said State of Venezuela; it has been accordingly agreed to conclude a Convention for the purposes aforesaid.

The High Contracting Parties have therefore named as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John, Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of His Britannic Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Parliament, and his Principal Secretary of State for Foreign Affairs:

And the President, charged with the Executive Power of the State of Venezuela, the General of Division Mariano Montilla, a Member of the Order of the Liberators of Venezuela:

Who, after having communicated to each other their respective Full-powers, found to be in good and due form, have agreed upon and concluded the following Articles:

Art. I. His Majesty the King of the United Kingdom of Great Britain and Ireland, and the State of Venezuela, the independence of which State is hereby acknowledged, recognized, and declared by His said Majesty, mutually agree to adopt and confirm, as effectually as if the same were inserted word for word herein, the several Articles and provisions of the aforesaid Treaty concluded between His said Majesty and the State of Colombia, together with the aforesaid Additional Article thereto; and that all the matters and things contained in such Treaty and Additional Article shall, *mutatis mutandis*, from and after the conclusion of the present Convention, be applied to the High Contracting Parties, their subjects and citizens, as effectually as if they were recited word for word herein; confirming and approving hereby all matters and things done or to be done, by their respective subjects and citizens, under the aforesaid Treaty, and in execution thereof.

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II. The High Contracting Parties further mutually agree to adopt and confirm, as part of the present Convention, as effectually as if the same were inserted word for word herein, the Declaration explanatory of that part of the VIIth Article of the aforesaid Treaty concluded between His Britannic Majesty and the State of Colombia, wherein it was defined what ships should be considered as entitled to the privileges of British and Colombian ships, which Declaration was signed at London on the 7th day of November, 1825,* by the Right Honourable George Canning, then His Britannic Majesty's Principal Secretary of State for Foreign Affairs, on behalf of His said Majesty, and by Señor Manuel José Hurtado, Plenipotentiary of the State of Colombia, on behalf of the said State; and that the said Declaration, and the several provisions therein contained, shall, from and after the ratification of the present Convention, *mutatis mutandis*, be applied to His said Majesty and his subjects, and to the said State of Venezuela and its citizens, as effectually as if the same were inserted word for word herein.

III. The present Convention shall be ratified by His Majesty the King of the United Kingdom of Great Britain and Ireland, and by the President or Vice-President charged with the Executive Power of the State of Venezuela, with the consent and approbation of the Congress of the said State; and the ratifications shall be exchanged at London within the space of 6 months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 29th day of October, in the year of our Lord 1834.

(L. S.) PALMERSTON. (L. S.) M. MONTILLA.

POR cuanto se concluyo entre Su Magestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, y el Estado de Colombia, un Tratado de Amistad, Comercio, y Navegacion, constante de 15 Articulos, que junto con un Articulo Adicional,

* See Vol. 3, Page 69.

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se firmó en Bogotá el 18mo. dia de Abril, de 1825 ;* y por cuanto, despues de referir que habiendose establecido estensas relaciones comerciales por una serie de años entre los dominios de Su Magestad Británica en Europa, y varias provincias y paises de America que (unidos entonces) constituian el Estado de Colombia, habia parecido conveniente asi para la seguridad y fomento de aquella correspondencia comercial, como para mantener la buena inteligencia entre su dicha Magestad Británica y el dicho Estado, que las relaciones que entonces subsistian entre ambos fuesen regularmente reconocidas y confirmadas por medio de un Tratado de Amistad, Comercio, y Navegacion; en este Tratado se declaró y se convinó, que hubiera, bajo ciertos reglamentos y condiciones especificados en el, una reciproca libertad de comercio entre los territorios de Su Magestad Británica en Europa, y los territorios de Colombia: y por cuanto al firmar dicho Tratado, las provincias de Venezuela se hallaban unidas á Colombia, y formaban una parte componente de ella, pero desde aquel tiempo se han separado final y enteramente de ella, y de todos los paises ó provincias que estaban entonces, ó se hallan ahora unidas con ellas, y se han hecho un Estado separado é independiente bajo un Gobierno distinto: y por cuanto es conveniente que las relaciones y correspondencia comercial que ahora ó antes subsistian entre los territorios de Su Magestad Británica en Europa, y los territorios del Estado de Venezuela, respectivamente, se continuasen y llevasen á efecto de la misma manera, y bajos los mismos reglamentos y condiciones, espresados y especificados en el antedicho Tratado entre Su dicha Magestad y el Estado de Colombia, y que Su Magestad reconociese la independencia del dicho Estado de Venezuela, se ha convenido concluir una Convencion con los obgetos antedichos.

Al efecto, las Altas Partes Contratantes han nombrado como sus Plenipotenciarios, á saber:

Su Magestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, al Muy Honorable Henrique Juan, Vizconde Palmerston, Baron Temple, Par de Irlanda, Miembro del Muy

* See Vol. 3, Page 62.

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Honorable Consejo Privado de Su Magestad Británica, Caballero Gran Cruz de la Muy Honorable Orden del Baño, Miembro del Parlamento, y su Principal Secretario de Estado en el Departamento de Negocios Estrangeros:

Y el Presidente, encargado del Poder Executivo del Estado de Venezuela, al General de Division Mariano Montilla, de la Orden de los Libertadores de Venezuela:

Quienes, despues de haberse comunicado sus respectivos Plenos-poderes, hallados en buena y debida forma, han convenido y concluido los siguientes Articulos:—

Art. I. Su Magestad el Rey del Reino Unido de la Gran Bretaño é Irlanda, y el Estado de Venezuela, cuya independencia por esta reconoce y declara su dicha Magestad, convienen mutuamente en adoptar y confirmar, tan eficazmente como si se hubieran insertado palabra por palabra en esta Convencion, los diferentes Articulos y provisiones del antedicho Tratado concluido entre su dicha Magestad y el Estado de Colombia, junto con el antedicho Articulo Adicional de el, y que todos los negocios y materias contenidos en dicho Tratado y Articulo Adicional, serán aplicados, *mutatis mutandis*, desde la fecha de la presente Convencion, á las Altas Partes Contratantes, los subditos y ciudadanos de ellas, con tanta fuerza como si hubieran sido recapitulados palabra por palabra en esta; confirmando y aprobando por esta todos los negocios y materias hechos ó por hacer por sus respectivos subditos y ciudadanos, en virtud del antedicho Tratado y en cumplimiento de el.

II. Las Altas Partes Contratantes mutuamente convienen ademas, en adoptar y confirmar, como parte de la presente Convencion, y con la misma fuerza como si se hubiera insertado palabra por palabra en esta, la declaracion esplanatoria de aquella parte del Articulo VIImo del antedicho Tratado concluido entre Su Magestad Británica y el Estado de Colombia, en el cual se define que buques han de considerarse con derecho á gozar los privilegios de buques Británicos y Colombianos, la cual Declaracion se firmó en Londres el 7mo dia de Noviembre de 1825,* por el Muy Honorable George

* See Vol. 3, Page 70.

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Canning, entonces Principal Secretario de Su Magestad Británica en el Departamento de Relaciones Esteriores, de parte du su dicha Magestad, y por el Señor Manuel José Hurtado, Plenipotenciario del Estado de Colombia, de parte del dicho Estado, y que la dicha Declaracion, y las varias provisiones contenidas en ella, serán aplicadas, desde la fecha de la ratificacion de la presente Convencion, *mutatis mutandis*, á su dicha Magestad y sus subditos, y al dicho Estado de Venezuela y sus ciudadanos, con la misma fuerza como si se hubieran insertado en esta palabra por palabra.

III. La presente Convencion será ratificada por Su Magestad el Rey del Reino Unido de la Gran Bretaña é Irlanda, y por el Presidente ó Vice Presidente encargado del Poder Executivo del Estado de Venezuela, con consentimiento y aprobacion del Congreso del mismo; y las ratificaciones serán cangeadas en Londres en el termino de 6 meses, ó antes si fuese posible.

En testimonio de lo cual, los respectivos Plenipotenciarios lo firmaron y sellaron con el sello de sus armas.

Hecho en Londres, á 29 de Octubre, del año de nuestro Señor de 1834.

(L.S.) PALMERSTON. (L.S.) M. MONTILLA.

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ADDENDA.

BRITISH ORDER IN COUNCIL, *appointing Castries, in St. Lucia, to be a Free Warehousing Port.—30th September,* 1835.

At the Court at St. James's, the 30th day of September, 1835.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the 3rd and 4th year of the reign of His present Majesty, [cap. 59.] intituled "An Act to regulate the Trade of the British Possessions abroad,"* it is, amongst other things, enacted, that the several ports therein in that behalf mentioned shall be Free warehousing ports for all the purposes of the said Act; and it is thereby further enacted, that it shall be lawful for His Majesty, by Order in Council, from time to time, to appoint any port in His Majesty's possessions in America, to be a Free warehousing port for all or any of the purposes of the said Act; and that every port so appointed shall be, for all the purposes expressed in such Order, a Free warehousing port under the said Act, as if appointed by the same:

Now, therefore, in pursuance and exercise of the powers and authorities in His Majesty by the said Act in that behalf vested, His Majesty, by and with the advice of his Privy Council, doth order, and it is hereby ordered, that the port of *Castries*, in His Majesty's island of *St. Lucia*, shall be a Free warehousing port for all the purposes of the said Act:

And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary directions herein accordingly.

WM. L. BATHURST.

* See Page 236.

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ACT *of the British Parliament, "to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits';* and to make other provisions for the abolition of unnecessary Oaths;" —so far as it relates to Foreign Countries.*

[5 & 6 Will. 4. Cap. 62.] [*9th September*, 1835.]

XIII. And whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, nor in anywise pending or at issue, before the Justice of the Peace or other person by whom such Oaths or Affidavits have been administered or received: and whereas doubts have arisen whether or not such proceeding is illegal; for the more effectual suppression of such practice and removing such doubts, be it enacted, that from and after the commencement of this Act, it shall not be lawful for any Justice of the Peace or other person to administer, or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such Justice or other person hath not jurisdiction or cognizance by some Statute in force at the time being; provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences, or touching any proceedings before either of the Houses of Parliament or any Committee thereof respectively, nor to any oath, affidavit, or affirmation which may be required by the Laws of any *Foreign Country* to give validity to instruments in writing designed to be used in such *Foreign Countries* respectively.

XV. And whereas an Act was passed in the 5th year of the reign of His late Majesty King George the 2nd,

* 5 Will. 4, Cap. 8.

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[cap. VII.] intituled, "An Act for the more easy recovery of debts in His Majesty's plantations and colonies in America:" and whereas another Act was passed in the 54th year of the reign of His late Majesty King George the 3rd, [cap. XV.] intituled "An Act for the more easy recovery of debts in His Majesty's colony of New South Wales:" and whereas it is expedient that in future a Declaration should be substituted in lieu of the Affidavit on oath authorized and required by the said recited Acts; be it therefore enacted, that from and after the commencement of this Act, in any action or suit, then depending or thereafter to be brought or intended to be brought in any court of law or equity within any of the territories, plantations, colonies, or dependencies abroad, being within and part of His Majesty's dominions, for or relating to any debt or account wherein any person residing in *Great Britain* and *Ireland* shall be a party, or for or relating to any lands, tenements, or hereditaments or other property situate, lying, and being in the said places respectively, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing relating thereto by solemn declaration or declarations in writing in the form in the schedule hereunto annexed, made before any Justice of the Peace, Notary Public, or other officer now by law authorized to administer an oath, and certified and transmitted under the signature and seal of any such Justice, Notary Public duly admitted and practising, or other officer; which declaration, and every declaration relative to such matter or thing as aforesaid, in any *Foreign Kingdom* or *State*, or to the voyage of any ship or vessel, every such Justice of the Peace, Notary Public, or other officer, shall be and he is hereby authorized and empowered to administer or receive; and every Declaration so made, certified, and transmitted shall in all such actions and suits be allowed to be of the same force and effect as if the person or persons making the same had appeared and sworn or affirmed the matters contained in such Declaration *viva voce* in open court, or upon a commission issued for the examination of witnesses or of any party in such action or suit respectively; provided that in every such declaration there shall be expressed

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the addition of the party making such declaration, and the particular place of his or her abode.

XVI. And be it further enacted, that it shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed or instrument in writing, and to and for any other competent person, to verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid, and every such Justice, Notary, or other officer, shall be and is hereby authorized and empowered to administer or receive such Declaration.

XVIII. And whereas it may be necessary and proper in many cases not herein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters; be it therefore further enacted, that it shall and may be lawful for any Justice of the Peace, Notary Public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the Schedule to this Act annexed; and if any Declaration so made shall be false or untrue in any material particular, the person wilfully making such false Declaration shall be deemed guilty of a misdemeanor.

XIX. And be it enacted, that whenever any Declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act, or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation, or affidavit, shall be in like manner due and payable upon making and subscribing such Declaration.

XX. And be it further enacted, that in all cases where a Declaration in lieu of an Oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a Declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an Oath heretofore legally taken, such Declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the Schedule hereunto annexed.

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XXI. And be it further enacted, that in any case where a Declaration is substituted for an Oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

XXII. And be it enacted, that this Act shall commence and take effect from and after the 1st day of October in this present year, the year of our Lord 1835.

Schedule referred to by the foregoing Act.

I *A. B.* do solemnly and sincerely declare, that

and I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the 5th and 6th year of the reign of His present Majesty, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other provisions for the abolition of unnecessary Oaths."

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