

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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and of the Storthing of the Kingdom of *Norway*, penal Laws according to the Spirit of the Legislation of each of the said Countries, which Laws shall visit with a Punishment proportionate to the Magnitude of the Crime, any Participation whatever by *Swedish* or *Norwegian* Subjects in the Slave Trade; and in the meantime and until these subsequent Arrangements could be put in force, the Tenor of the Royal Ordinance of the Seventh Day of *February* One thousand eight hundred and twenty-three, of which a Copy is annexed to the said Treaty, marked with the Letter A., is formally maintained and confirmed by the said First Article: And whereas by the Second Article of the said Treaty, in order more completely to prevent all Infringement of the Spirit of the said First Article, His Majesty and His Majesty the King of *Sweden* and *Norway* do declare, that the Vessels belonging to their respective Subjects, which contrary to all Expectation may be found employed in the said forbidden Traffic, shall by that Act lose all Right to claim the Protection of their Flag; and His Majesty and His Majesty the King of *Sweden* and *Norway* mutually consent, that the Ships of their Royal Navies, which shall be provided with special Instructions for this Purpose as therein-after mentioned, shall visit such Merchant Vessels of the Two Nations as may be suspected on reasonable Grounds of being concerned in the Traffic of Slaves contrary to the Provisions of the said Treaty, and in case thereof, may detain and bring away such Vessels, in order that they may be brought to Trial in the Manner stipulated in the Fourth Article of the said Treaty: And whereas by the Third Article of the said Treaty, in order to explain the Mode of Execution of the preceding Article, it is agreed, First, that such reciprocal Right of Visit and Detention shall not be exercised within the *Mediterranean Sea*, nor within the *European* Seas lying without the Straits of *Gibraltar*, to the Northward of the Thirty-seventh Degree of North Latitude, and within and to the Eastward of the Meridian of *Ferro*; Secondly, that all Ships of the Royal Navies of the Two Nations, which shall be thereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a Copy in the *English*, *Swedish*, and *Norwegian* Languages of the Instructions annexed to the said Treaty, and which Instructions shall be considered as an integral Part thereof, provided that they shall not be altered or modified but with the common Consent of His Majesty and of His Majesty the King of *Sweden* and *Norway*; Thirdly, that the Names of the several Vessels furnished with such Instructions, the Force of each, and the Names of their several Commanders, shall be from Time to Time communicated forthwith by the Power issuing the same to the other High Contracting Party; Fourthly, that the Ships of each of the Royal Navies authorized to make such Visit as aforesaid shall not exceed the Number of Twelve belonging to either of the High Contracting Parties, without the previous Consent of the other High Contracting Party; Fifthly, that the Right of Visit, such as thus reciprocally agreed on by His Majesty and His Majesty the King of *Sweden* and *Norway*, shall not be directly exercised upon Merchant Vessels sailing under the Convoy of one or more Ships of War of either His Majesty or His Majesty the King of *Sweden* and *Norway*, but that if, contrary to all Expectation, the Commander of a Ship of War of either of the Two Governments employed in

the Suppression of the Slave Trade, should have reasonable Grounds for suspecting that a Ship under Convoy of the other Government should in fact have on board Slaves destined for Sale, or be otherwise engaged in the Traffic of Slaves contrary to the Provisions of the said Treaty, the Commander of such Ship of War as aforesaid shall address himself to the Commander of the Convoy, in order to communicate his Suspicions, and the latter shall then proceed to visit the suspected Ship, accompanied by either the Commander of the Cruiser himself, or any Officer whom the latter may delegate as his Representative; and it is agreed that the Commander of the Convoy shall afford all the Aid and Assistance possible to the Visit of the suspected Ships, and to their eventual Detention, according to the Spirit and true Sense of the said Treaty: And whereas it is by the Fourth Article of the said Treaty agreed, in order to bring to Adjudication, with the least Delay and Inconvenience, the Ships of the Two Nations which may be detained for being engaged in a Traffic of Slaves, contrary to the Provisions of the said Treaty, that mixed Courts of Justice shall be formed, of an equal Number of Individuals to be named for this Purpose by their respective Sovereigns, and that One of the said Courts shall be established in One of the Possessions of His *Britannic* Majesty on the Coast of *Africa*, which shall be named at the Exchange of the Ratification of the said Treaty, and the other in the Island of *Saint Bartholomew* in the *West Indies*, belonging to His Majesty the King of *Sweden* and *Norway*, each of their said Majesties reserving to himself the Right of changing at his Pleasure the Place of Residence of the Court within his Dominions; and it is also thereby provided, that in the Event of the Absence, on account of Illness or any other unavoidable Cause, of One or more of the Commissioners, Judges, or Arbiters under the said Treaty, or in case of their Absence on Leave from their Government, duly notified to the Board of Commissioners sitting under the said Treaty, their Posts shall be supplied in the same Manner in which, by the Ninth Article of the Regulations for the Mixed Commissioners, those Vacancies are to be supplied which may occur by the Death of One or more of the Commissioners aforesaid; and it is thereby also agreed, that each Government shall name, to sit in each of these Courts, a Judge and an Arbiter, reserving, however, to itself, according to Circumstances and as it shall think proper, the Power either of naming for that Purpose permanent salaried Officers, or of eventually appointing duly qualified Individuals on the Spot, who shall, when the Case occurs, assemble in the Quality of Judges and Arbiters; and it is provided nevertheless, that after the Term fixed for the Meeting of the said Commissioners, their Proceedings in Examination and Adjudication shall not be delayed by reason of the Absence of any Judge or Arbiter to be appointed under the Provisions of the said Treaty, but that the same shall be had and determined by such Commissioners as shall or may be assembled, observing in all Things, as nearly as may be, the several Provisions of the said Treaty: And whereas, by the Fifth Article of the said Treaty, His Majesty and His Majesty the King of *Sweden* and *Norway* each engage to make good to the Subjects of the other any Losses which their respective Cruisers may cause them to experience by the illegal or arbitrary Detention of their Vessels; and it is thereby declared to be understood, that the

Visit

Visit and Detention shall not under any Pretext whatever be effected but by Ships which form a Part of the Two Royal Navies of their said Majesties, and which shall be provided with the special Instructions annexed to the said Treaty, and in pursuance to the Provisions thereof: And whereas by the Sixth Article of the said Treaty it is agreed, that in case the Officers commanding Vessels employed for the Suppression of the Slave Trade shall deviate in any respect whatever from the Stipulations of the said Treaty, the Government which shall conceive itself to be wronged by such Conduct shall have the Right to demand Reparation, and in such Case the Government to which the said Commanding Officers shall belong binds itself to cause Enquiry to be made into the Subject of the Complaint, and to inflict, should such Complaint be grounded, Punishment proportioned to the Transgression which may have been committed; And whereas by the Seventh Article of the said Treaty it is agreed, that in case of clear and undeniable Proof that during the immediate Voyage of a Vessel so visited as aforesaid, one or more Slaves shall, for the Purpose of Traffic, have been embarked on board of such Vessel, then and in such Case the Vessel in question shall be detained and brought to Trial in the Manner therein above mentioned in the Second Article of the said Treaty; and it is thereby further mutually agreed, that all Merchant Vessels which shall be found hovering or sailing near the Coasts of *Africa*, within One Degree to the Westward of the said Coasts, between the Twentieth Degree of North Latitude and the same Degree of South Latitude, or at anchor within any of the Rivers, Gulfs, or Creeks of these Coasts within the Limits herein above established, or at anchor in any Part within the said Limits, may be lawfully detained and brought before the established Tribunals, provided that in her Equipment there shall be found any of the Particulars therein-after mentioned; namely, first, that her Hatches are fitted with open Gratings instead of close Hatches, as usual in Merchants Vessels; secondly, that there are more Divisions or Bulk Heads in her Hold, or on her Deck, than are necessary for Trading Vessels; thirdly, that on board of her there is spare Plank either actually fitted in that Shape, or fit for readily laying a Second or moveable Deck, or Slave Deck; fourthly, that on board of her there are Shackles, Bolts, and Handcuffs; fifthly, that on board of her there is an unreasonable Quantity of Water in Casks or in Tanks, more than sufficient for the Consumption of her Crew as a Merchant Vessel; sixthly, that on board of her there is an unreasonable Number of Water Casks or other Vessels for holding Water, unless the Master shall produce a Certificate from the Custom House from the Place from which he cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or other Vessels should only be used for the Reception of Palm Oil or other lawful Commerce; seventhly, that on board of her there is a greater Quantity of Mess Tubs or Kids than is requisite for the Use of the Crew as a Merchant Vessel; eighthly, that on board of her there are Two or more Copper Boilers, or even that there is One of an unreasonable Size, larger than is requisite for the Use of her Crew as a Merchant Vessel; ninthly, that on board of her there is an unreasonable Quantity of Rice or

Farinha, Flour of the Mancoe of *Brazil* or Cassada, or Maize, or *Indian* Corn, beyond any probable requisite Provision for the Use of the Crew, and such Rice, Flour, Maize, or *Indian* Corn not being entered on the Manifest as Part of the Cargo for Trade; and it is further mutually agreed, that the Proof of these or of any one or more of these several Indications shall be considered as *primâ facie* Evidence of her actual Employment in the Slave Trade, and unless rebutted by satisfactory Evidence upon the Part of the Master or Owners, that such Ship or Vessel was otherwise legally employed at the Time of her Detention and Capture, the Ship or Vessel shall thereupon be condemned and declared lawful Prize: And whereas it is also in the Eighth Article of the said Treaty agreed, that the Acts or Instruments of which Mention is made in the said Treaty, and which being annexed thereto form an integral Part of it, are the following; the Proclamation of His Majesty the King of *Sweden* and *Norway*, which forbids anew to his Subjects the Slave Trade; an Extract of a Royal *Norwegian* Proclamation, dated the Sixteenth Day of *March* One thousand seven hundred and ninety-two, Paragraphs the First and Sixth; Instructions for the Vessels of the Royal Navies of *Great Britain*, and of *Sweden* and *Norway*, employed in preventing the Slave Trade; and Regulation for the Mixed Courts of Justice: And whereas the said Proclamation, to which the Words "Annex A." are prefixed, is as follows:

Proclamation.

WE, *Charles John*, by the Grace of God King of *Sweden* and *Norway*, and of the *Goths* and *Vandals*, do hereby make known; That desiring sincerely to maintain the Principles manifested by Our well-beloved Father His Majesty the King *Charles* the XIII., of glorious Memory, concerning the Slave Trade, which Principles perfectly coincide with Our own Sentiments, We have declared and do hereby declare —

That any *Swedish* and *Norwegian* Ship, which against all Expectation shall be found employed in the Slave Trade, shall be deemed in consequence of that Transgression to have lost all Right to Our Protection, or to that of Our Functionaries:

That We shall learn with Satisfaction the Discovery and the Punishment of all Abuse of the *Swedish* and *Norwegian* Flag in a Traffic so odious; and that accordingly We have admitted, that every Ship bearing the *Swedish* or *Norwegian* Flag, which shall be found employed in the Slave Trade, shall be considered as if it did not bear the above-mentioned Flag.

All those whom it may concern shall regulate themselves according to the present.

In Witness whereof We have signed it with Our own Hand, and have caused to be affixed thereunto Our Royal Seal.

Done at the Castle of *Stockholm*, the Seventh Day of *February* 1823.

(L.S.) (Signed) *Charles John.*

(Countersigned) *Skogman.*

And whereas the said Extract of a Royal *Norwegian* Proclamation, to which the Words "Annex B." are prefixed, is as follows:

Extract of a Royal Proclamation, dated the 16th of March 1792; Paragraphs 1st and 6th.

1°.—From the beginning of the Year 1803, all Traffic in Negroes, for the Subjects of the King, is to be abolished on the Coasts of *Africa*, and wherever it may be practised out of the Royal Possessions in the *West Indies*, so that after that Period no Negro nor Negress shall be bought, either on the Coast or elsewhere, on account of or by any of the Subjects of the King, nor be transported in Vessels belonging to Subjects of the King, nor be imported into the Possessions of the *West Indies* for Sale there; and that all Sale in Contravention of this Proclamation shall be regarded as illegal. * * * * * * *

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6°.—The Exportation of Negroes and Negresses from the Islands of the *West Indies* is forbidden from this Day, very severely, and those are only excepted from the Effect of this Prohibition whom the Laws permit to go out of the Country, and those to whom the Governor General and the Regency in the *West India* Islands, may grant a similar Permission, according to Circumstances, and in particular Cases:

And whereas by the First Article of the said Instructions before referred to, and made an integral Part of the said Treaty, it is provided, first, that every Ship of the Royal Navies of the United Kingdom of *Great Britain* and *Ireland* or of *Sweden* and *Norway*, which, furnished with the said Instructions, shall, in conformity with the Second and Seventh Articles of the said Treaty, have a Right to visit the Merchant Ships of either of the Two Powers actually engaged or suspected to be engaged in the Slave Trade, may, except in the Seas exempted by the Third Article of the said Treaty, proceed to such Visit, and should any Slaves be found on board, brought there for the express Purpose of the Traffic, or that the Ship can in general be included in the Cases provided against in the said Second and Seventh Articles, the Commander of the said Ship of the Royal Navy may detain it, and having detained it he is to bring it as soon as possible for Judgment to the Places stipulated by the Fourth Article of the said Treaty; and that Ships on board of which no Slaves shall be found intended for Purpose of Traffic, shall not be detained on any Account or Pretence whatever; and that Negro Servants or Sailors that may be found on board the said Vessels cannot in any Case be deemed a sufficient Cause for Detention: And whereas by the Second Article of the said Instructions it is provided, that whenever a Ship of either of the Royal Navies, so commissioned, shall meet a Merchantman liable to be searched, it shall be done in the mildest Manner, and with every Attention which is due between allied and friendly Nations; and in no Case shall the Search be made by an Officer holding a Rank inferior to that of Lieutenant of the Navy: And whereas by the Third Article of the said Instructions it is provided, that the Ships of either of the Royal Navies, so commissioned, which may detain any Merchant

Ship in pursuance of the Tenor of the present Instructions, shall leave on board all the Cargo as well as the Master and a Part at least of the Crew of the above-mentioned Ship; and that the Captor shall draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Ship, and the Changes which may have taken place in it, and that he shall deliver to the Master of the detained Ship a signed Certificate of the Papers seized on board the said Vessel, as well as of the Number of Slaves found on board at the Moment of Detention, and that the Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the Place where the Legality of the Capture is to be tried; but that, however, if urgent Motives, deduced from the Length of the Voyage, the State of Health of the Negroes, or other Causes, require that they should be disembarked entirely or in part, the Commander of the capturing Ship may take on himself the Responsibility of such Disembarkation, provided that the Necessity be stated in a Certificate in proper Form: And whereas, by the First Article of the Regulations for the Mixed Courts of Justice, and which Regulations are annexed to the said Treaty and form an integral Part thereof, it is provided, that the said Mixed Courts of Justice to be established by the said Treaty are appointed to decide upon the Legality of the Detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of the said Treaty; and that the above-mentioned Courts shall judge definitively and without Appeal, according to the said Treaty; and that the Proceeding shall take place as summarily as possible; and the said Courts are required to decide (as far as they shall find it practicable) within the Space of Twenty Days, to be dated from that in which every detained Vessel shall have been brought into the Port where they shall reside, first, upon the Legality of the Capture; secondly, in the Cases in which the captured Vessel shall have been liberated, as to the Indemnification which the said Vessel is to receive; and that in no Case shall the final Sentence be delayed on account of the Absence of Witnesses, or for Want of other Proofs, beyond the Period of Two Months, except upon the Application of any of the Parties interested, when, upon their giving satisfactory Security to charge themselves with the Expence and Risks of the Delay, the Courts may at their Discretion grant an additional Delay, not exceeding Four Months: And whereas by the Second Article of the said Regulations it is provided, that each of the said Mixed Courts shall be composed in the following Manner; that is to say, His Majesty and His Majesty the King of *Sweden* and *Norway* shall each of them name a Judge and an Arbiter, who shall be authorized to hear and decide without Appeal all Cases of Capture of Vessels, which in pursuance of the Stipulations of the said Treaty shall be brought before them; and that all the essential Parts of the Proceedings carried on before the said Mixed Courts shall be written down either in *English* or in *Swedish* or *Norwegian*; and that the Judges and the Arbiters shall make Oath to judge fairly and faithfully, to have no Preference either for the Claimants or the Captors, and to act in all their Decisions in pursuance of the Stipulations of the said Treaty; and that there shall be attached to each Court when assembled a Secretary or Registrar, who shall register all

its Acts, and who, previous to his taking Charge of his Post, shall make Oath before the Court to conduct himself with Respect for their Authority, and to act with Fidelity in all the Affairs which may belong to his Charge; and that in the Case contemplated by the Fourth Article of the said Treaty the permanent or temporary Salaries of the Members of the Mixed Courts shall be paid by their respective Sovereigns, those of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by His *Britannic* Majesty, and those of the Secretary of the Court to be established in the *West Indies* by His Majesty the King of *Sweden* and *Norway*: And whereas, in regard to the incidental Expences of the said Courts, it is by the said Second Article of the said Regulation provided, that each Government shall defray the Half, and that the Expences carried to Account by the Officer charged with the Reception and Care of the detained Ships, as well as with the Execution of the Sentence (Marshal of the Court), and any other Disbursement occasioned by the bringing a Vessel to Judgment, shall be defrayed from the Funds arising from the Sale of the Vessel, in case of Condemnation, and by the Captor if the detained Vessel should be released: And whereas by the Third Article of the said Regulations it is provided, that the Form of the Process shall be as follows; that is to say, the Judges of the Two Nations shall in the first Place proceed to the Examination of the Papers of the Vessel, and to receive the Depositions of the Captain, who, if he should so wish, shall be allowed to employ Counsel to conduct his Defence, and of Two or Three at least of the principal Individuals on board of the detained Vessel, as well as the Declaration on Oath of the Captor, should it appear necessary in order to be enabled to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the said Treaty, and in order that according to the said Judgment it may be condemned or liberated; and in the Event of the Two Judges not agreeing in the Sentence they ought to pronounce, whether as to the Legality of the Detention or the Indemnification to be allowed, or any other Question which might result from the Stipulations of the said Treaty, they shall draw by Lot the Name of One of the Two Arbiters, who, after having considered the Documents of the Process, shall consult with the above-mentioned Judges on the Case in question, and the final Sentence shall be pronounced conformably to the Opinion of the Majority of the above-mentioned Judges and of the above-mentioned Arbiter: And whereas by the Fourth Article of the said Regulations it is provided, that in the authenticated Declaration which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel at the Time of Detention, the above-mentioned Captor shall be bound to declare his Name and the Name of his Vessel, as well as the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board of the Ship at the Time of the Detention: And whereas by a Fifth Article of the said Regulations it is provided, that as soon as Sentence shall have been pronounced which shall be duly founded, the detained Vessel if liberated, and the Cargo in the State in which it shall then be found,

found, shall be restored to the Master or the Person who represents him, who may before the same Court claim a Valuation of the Damages which they may have a Right to demand, and that the Captor himself, and in his Default his Government, shall remain responsible for the above-mentioned Damages: And whereas by the said Fifth Article of the said Regulations, His Majesty and His Majesty the King of *Sweden* and *Norway* bind themselves to pay within the Term of a Year from the Date of the Sentence the Costs and Damages which may be granted by the above-named Court, it being understood that such Costs and Damages shall be at the Expence of the Power of which the Captor shall be a Subject: And whereas by the Sixth Article of the said Regulations it is provided, that in case of the Condemnation of a Vessel she shall be declared lawful Prize, as well as her Cargo, of whatever Description it may be, with the Exception of the Slaves who may be on board as Objects of Commerce; and that the said Vessel, as well as her Cargo, shall be sold by public Sale for the Profit of the Two Governments; and as to the Slaves, they shall receive from the Mixed Courts a Certificate of Emancipation and shall be delivered over to the Government to which the Captor belongs, to be employed as Servants or free Labourers; and each of the Two Governments binds itself to guarantee the Liberty of such Portion of these Individuals as shall be respectively consigned to it: And whereas it is thereby also provided, that the Expences for supporting the Slaves between the Time of their Capture and the Condemnation shall be levied on the Fund arising from the Sale of the condemned Vessel, but afterwards those Expences shall be charged to the Government of the Country which is to enjoy the Advantage of their Labour; and that the Charges incurred for the Support and the Return of the Crew of the condemned Vessels shall be defrayed by the Government of which they are the Subjects: And whereas by the Seventh Article of the said Regulations it is provided, that the Mixed Courts shall also take Cognizance and decide according to the Third Article of this Regulation, on all Claims for Compensation on account of Losses occasioned to Vessels detained under Suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution shall have been decreed, the Court shall award to the Claimant or Claimants, his or 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 Claimant or Claimants may have actually sustained by such Capture and Detention; that is to say,

Firstly,—In case of Total Loss, the Claimant or Claimants shall be indemnified—

(*a.*) For the Ship, her Tackle, Apparel, and Stores.

(*b.*) For all Freight due and payable.

(*c.*) For the Value of the Cargo of Merchandize, if any, deducting for all Charges and Expences payable upon the Sale of such Cargoes, including Commission of Sale.

(*d.*) For all other regular Charges, in such Cases of Total Loss.

And,

Secondly,—In all other Cases, not of Total Loss, the Claimant or Claimants shall be indemnified—

(*a.*) For all Special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight, when due or payable.

(*b.*) A Demurrage when due, according to the Schedule annexed to the present Article.

(*c.*) For any Deterioration of Cargo.

(*d.*) An Allowance of Five *per Cent.* on the Amount of the Capital employed for the Purchase of Cargo, for the Period of Delay occasioned by the Detention; and,

(*e.*) For all Premium of Insurance on additional Risks.

And whereas it is also thereby agreed, that the Claimant or Claimants shall in all Cases be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until paid by the Government to which the capturing Ship belongs, the whole Amount of such Indemnification being calculated in the Money of the Country to which the captured Ship belongs, and to be liquidated at the Exchange current at the Time of the Award: And whereas, in order to avoid as much as possible every Species of Fraud in the Execution of the said Treaty, His Majesty and His Majesty the King of *Sweden* and *Norway* have, by the said Seventh Article of the said Regulations, also agreed, that if it should be proved in a Manner evident to the Conviction of the Judges of the Two Nations, and without having recourse to the Decision of an Arbiter, that the Captor had been led into Error by a voluntary and reprehensible Fault on the Part of the Captain of the detained Ship, in that Case only the detained Ship shall not have the Right of receiving during the Days of her Detention the Demurrage stipulated by the said Article: And whereas to the said Seventh Article of the said Regulation is affixed the following, being

A SCHEDULE of DEMURRAGE or Daily Allowance for a Vessel.

100 Tons	to 120	inclusive	£5 per Diem,
121	150		6 per Diem,
151	170		8 per Diem,
171	200		10 per Diem,
201	220		11 per Diem,
221	250		12 per Diem,
251	270		14 per Diem,
271	300		15 per Diem,

and so on in Proportion: And whereas it is by the Eighth Article of the said Regulations provided, that neither the Judges nor the Arbiters nor the Secretary of the Mixed Court shall be permitted to demand or receive, from any of the Parties concerned in the Sentences which they shall pronounce, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the said Regulations: And whereas it is by the Ninth Article of the said Regulations agreed by His Majesty and His Majesty the King of *Sweden* and *Norway*, that in the Event of the Death, Sickness, Absence on Leave, or any other legal Impeachment of One or more

of

of the Judges or Arbiters composing the Mixed Courts mentioned in the Fourth Article of the said Treaty, the remaining Individuals shall proceed, without Interruption, to the Judgment of the Ships that may be brought before them, and to the Execution of their Sentence: And whereas by the Ninth Article it is agreed, that the said Treaty shall be ratified, and the Ratification thereof exchanged within Six Weeks from the Day of Signature, or sooner if possible, and the same has been done accordingly: 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 for any Officers commanding any Ship of War of His Majesty duly authorized in that Behalf, and provided with Instructions according to the Provisions of the said Treaty, to visit and detain in any Seas, except in the Seas exempted in the Third Article of the said Treaty, all Ships and Vessels belonging wholly or in part to any Subject or Subjects of His Majesty the King of *Sweden* and *Norway*, which shall be suspected, upon reasonable Grounds, of being concerned in the Traffic of Slaves contrary to the Provisions of the said Treaty before recited, and to detain and bring to Adjudication all Ships, Vessels, and Cargoes by the said Treaty made subject to Detention and Condemnation, according to the Provisions of the said Treaty, and the Instructions and Regulations aforesaid.

Ships of War duly authorized may seize Swedish Vessels acting contrary to the said Treaty, except in certain Seas.

II. And be it further enacted, That all Ships and Vessels, belonging wholly or in part to any Subject or Subjects of His Majesty, which shall be suspected, upon reasonable Grounds, of being concerned in the Traffic of Slaves contrary to the Provisions of the said Treaty, shall be and are hereby declared and made, according to the said Treaty, Instructions, and Regulations aforesaid, subject to the Visitations of *British* or *Swedish* Vessels of War, duly authorized for that Purpose according to the Provisions of the said Treaty before recited; and that all Ships and Vessels, belonging wholly or in part to any Subject or Subjects of His Majesty, which shall be found being concerned in the Traffic of Slaves, contrary to the Provisions of the said Treaty, Instructions, and Regulations so recited as aforesaid, and all Boats, Apparel, Furniture, and Stores belonging to such Ships or Vessels, and all Slaves and Cargoes therein, shall be and are hereby declared to be and made subject to the Visit and Detention of *British* and *Swedish* Vessels of War, duly authorized for that Purpose according to the Stipulations of the said Treaty, and to Forfeiture according to the Provisions of the said Treaty, and the Instructions and Regulations thereto annexed, and for that Purpose shall be and are hereby made subject to the Adjudication of, and to Condemnation or other Judgment by the Judges and Arbiters to be appointed according to the Provisions of the said Treaty, and to the Instructions and Regulations annexed thereto and recited as aforesaid.

British Vessels trading in Slaves subject to Seizure by British or Swedish Vessels, and to Condemnation by the Judges appointed according to the Treaty.

III. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by

For appointing British Judges and

Arbiters according to the Treaty.

by One of His Majesty's Principal Secretaries of State, to appoint such Judges and Arbiters as are in and by the said Treaty, and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices, by appointing other Persons thereto; and to grant to such Judges and Arbiters as aforesaid Salaries, not exceeding such annual Sums as His Majesty shall from Time to Time direct; and such Judges and Arbiters are hereby authorized and empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaty, Instructions, and Regulations, as are by the said Treaty, Instructions, and Regulations, and by this Act, made subject to their Jurisdiction; and to proceed therein, and give such Judgments, and make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeable to the Provisions of the said Treaty, and the Instructions and Regulations annexed thereto, and recited as aforesaid, as fully and effectually to all Intents and Purposes as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

Salaries.

Appointment of Secretary or Registrar.

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 nominate and appoint a Secretary or Registrar to the Court which shall be established in His Majesty's Dominions, and from Time to Time to supply, by other Appointments, any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as His Majesty shall from Time to Time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the Duties of such Office as set forth and described in the said Treaty, Instructions, and Regulations respectively herein-before recited as aforesaid, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary for the due Discharge of the Duties of his Office, according to the Provisions of the said Treaty and Instructions and Regulations as aforesaid.

Filling up Vacancies ad interim.

V. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor, or Principal Magistrate of the Colony or Settlement in which such Court shall sit, within the Possession of His *Britannic* Majesty, to fill up every Vacancy which shall arise in such Court, either of Judge, Arbiter, or any Officer thereof appointed by His Majesty as aforesaid, according to the Provisions contained in the before-recited Regulations annexed to the said Treaty as aforesaid, *ad interim*, until such Vacancy or Vacancies shall be thereafter filled by some Person or Persons appointed by His Majesty for that Purpose.

Judges and Arbiters to be sworn.

VI. And be it further enacted, That every Judge and Arbiter appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the Principal Magistrate then residing

and

and acting in the Colony, Settlement, or Place in which the Court shall be appointed to reside; which Oath every Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Court shall be appointed, is hereby authorized to administer in the Form following; (that is to say),

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors, or any other Person; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between His Majesty and His Majesty the King of *Sweden* and *Norway*, signed at *Stockholm* on the Sixth Day of *November* in the Year of our Lord One thousand eight hundred and twenty-four. So help me GOD.'

Secretary or Registrar to be sworn.

And every Secretary or Registrar appointed by His Majesty, or *ad interim* as aforesaid, under the Provisions of the said Treaty, Instructions, and Regulations, and of this Act, shall, before he enters on the Duties of his said Office, take an Oath before the *British* Commissary Judge as aforesaid, who is hereby empowered to administer the same, in the Form following; (that is to say),

'I *A. B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office; and that I will conduct myself with due Respect to the Authority of the Judges and Arbiters of the Commission to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour, either for Claimants or Captors, or any other Persons. So help me GOD.'

Oaths may be administered to Parties, &c. by the Court, &c.

VII. And be it further enacted, That it shall be lawful for the said Judges or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer Oaths to take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the Course of any Proceeding before the said Judges, or before the said Judges and Arbiter, in the Cases in which such Arbiter shall act with the said Judges under the said Treaty, Instructions, and Regulations, or this Act; and it shall also be lawful for the said Judges, or for the said Judges and Arbiter, in the Cases aforesaid, to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Suit, Proceeding, or Matter or Thing under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts, by such and the like Means, Powers, and Authorities, as any Court of Vice Admiralty may do.

Punishing Persons guilty of Perjury.

VIII. And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition or Affidavit had or taken upon or in any Proceeding before the said Judges, or Judge and Arbiter, under the said Treaty, Instruc-

Instructions, and Regulations, or this Act, shall be deemed guilty of Perjury, and being thereof convicted, shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place in which the Offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any Prosecution for such Offence in His Majesty's said Court of King's Bench, the Venue may be laid in the County of *Middlesex*.

No Claims or Suits for Ships captured, &c. to be brought, except before Mixed Courts appointed pursuant to Treaty.

IX. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever in the High Court of Admiralty, or in any other Court, or before any Judges or Persons whomsoever, other than the several Mixed Courts of Justice appointed under and by virtue of the said Treaty and this Act, for the Condemnation or Restitution of any Ship or Cargo or Slaves, or for any Compensation or Indemnification, or for any Loss or Damage, or for any Injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any Capture, Seizure, or Detention under the Authority or in pursuance of the Provisions of the said Treaty, or of the Instructions and Regulations thereto annexed, or of this Act; and that the Pendency of any Claim, Suit, or Proceeding instituted or which may be instituted before any of the said Mixed Courts so to be appointed under the Authority of the said Treaty and this Act, for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or of the Instructions and Regulations thereto annexed, or for any Compensation or Indemnification for any Loss or Damage in consequence of the taking, seizing, or detaining any such Ship, or the final Adjudication, Condemnation, Judgment, or Determination of any such Mixed Court, as the Case shall require, may be pleaded in Bar or given in Evidence under the General Issue; or in case no such Claim, Suit, or Proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions, and Regulations, and this Act, may in like Manner be pleaded in Bar, or given in Evidence under the General Issue; and every such Plea in Bar, or Evidence so given under the General Issue, shall be deemed and adjudged to be a good and complete Bar to any such Claim, Action, Suit, or Proceeding in the said High Court of Admiralty, or in any Court or Place other than such Mixed Courts; any thing in any Act or Acts or Law or Laws to the contrary in anywise notwithstanding.

This Act not to affect any thing in any Act for Suppression of the Slave Trade.

X. And be it further enacted, That nothing in this Act contained shall be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the Clauses, Penalties, Forfeitures, or Punishments contained and enacted in any Act or Acts made for the Suppression or Prevention of the Slave Trade; but that all such Acts, and all Clauses, Regulations, Penalties, Forfeitures, and Punishments therein respectively contained, shall remain in full

Force and Virtue, any thing in this Act contained to the contrary notwithstanding.

General Issue may be pleaded.

XI. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty, or the Instructions or Regulations thereto annexed, or of this Act, 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, 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 Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1827.