

ADRIANE SANCTIS DE BRITO

**Seeking capture, resisting seizure: legal battles under the Anglo-Brazilian
treaty for the suppression of slave trade (1826-1845)**

Doctoral thesis

Supervisor: Professor Dr. Samuel Rodrigues Barbosa

University of São Paulo
Faculty of Law
São Paulo-SP
2018

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treaty for the suppression of slave trade (1826-1845)**

Doctoral thesis submitted to the graduate program on law at the Faculty of Law at the University of São Paulo, in partial fulfilment of the requirements for the doctoral degree in the field of Philosophy and Legal Theory, under the supervision of Professor Samuel Rodrigues Barbosa.

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To contain political subjectivism, nineteenth and twentieth century jurists put their faith invariably on logic and texts, history and power to find a secure, objective foothold. Each attempt led to disappointment. One's use of logic depended on what political axioms were inserted as the premises. Texts, facts and history were capable of being interpreted in the most variable ways. In making his or her interpretations, the jurist was always forced to rely on conceptual matrices which could no longer be defended by texts, facts, or histories to which they provided meaning. They were, and are, arenas of political struggle.

KOSKENNIEMI, Martti. **The Politics of International Law**. Oxford: Hart, 2011.

SANCTIS DE BRITO, Adriane. Seeking capture, resisting seizure: legal battles under the Anglo-Brazilian treaty for the suppression of slave trade (1826-1845). 2018. 248p. Doctoral thesis – Faculty of Law, University of Sao Paulo, Sao Paulo, 2018.

The suppression of slave trade was an international-scale project undertaken by Britain during the nineteenth century. The execution of this project is usually depicted as a humanitarian crusade which relied on the power of British diplomacy in politics and of the British navy over the seas. Recently successful in the Napoleonic Wars, the mighty British Navy would now be sent to a new mission; yet the “navy’s work” would have the support of a different kind of weapons, constructed with familiar legal material and supplemented with the capacity of mobilizing states in peacetime: triple-formula treaties. Those treaties provided for a set of rights and duties connected to visitation, capture and adjudication of vessels suspected of slave trade. They constituted mechanisms of enforcement to the provisions of slave-trade abolition through a legal use of force. Such utmost formula for enforcement was accepted by key states from the nineteenth-century slave trade. Brazil was one of them. By then, Brazil was tied to a paradox that reflected on its *debut* in international law. It had to affirm its recent independence by conserving the ties with the Portuguese political and legal past with Britain. As a slavery-based state, Brazil acquiesced to the Anglo-Brazilian Treaty for the suppression of slave trade (1826) while seeking recognition to its separation from the Portuguese Crown. Following the legal structure that had been brought from warfare prize law, the triple-formula brought criteria to evaluate the legality of visitation to suspected vessels and their eventual capture. Accordingly, the central points discussed in the legal spheres of the triple-formula interpretation concerned the limits of the use of force against foreign ships, even when they did benefit slave trade abolition, they were not fought as humanitarian legal grounds. While the triple formula of the treaty was in motion (up to 1845), the core battles of legal interpretation dealt with adjudication proceedings, criteria of nationality and jurisdiction. In those battles, Britain constantly pushed for the expansion of its legal use of force in balance with the conservation of its implementation system. Brazil acted to limit such use of force while maintaining cooperation. The process of constant reconstruction of such legal meanings culminated in interpretative extensions under British unilateral dominance; procedural law and bureaucratic hurdles; and a deeper specialization of the triple formula in relation to prize law and the general law of nations. Examining the triple formula in motion brings yet an important aspect to a fuller understanding of the Brazilian role in obstructing abolition.

Brazil did not simply reject the treaty regime, as it might seem judging by its failure to implement an effective slave-trade proscription. When it came to the triple formula, Brazil actively engaged in implementing the terms under the treaty because this was a way of limiting Britain's use of force; to resist capture was both resisting abolition and the loss of autonomy. All in all, despite conserving some inequality of power from its starting point, the triple-formula regime created a field of contestation where both parties transformed and created their power conditions using the language of law.

Keywords: slave trade abolition, prize law, mixed commissions, Anglo-Brazilian Treaty of 1826, use of force

SANCTIS DE BRITO, Adriane. *Buscar a captura, resistir à apreensão: batalhas jurídicas sob o tratado anglo-brasileiro para a supressão do tráfico de escravos (1826-1845)*. 2018. 248f. Doutorado – Faculdade de Direito, Universidade de São Paulo, São Paulo, 2018.

A supressão do tráfico de escravos foi um projeto de escala internacional empreendido pela Grã-Bretanha no século XIX. A execução desse projeto é normalmente descrita como uma cruzada humanitária baseada no poder da diplomacia britânica na arena política e de sua marinha pelos mares. Depois do sucesso recente nas Guerras Napoleônicas, a sua poderosa marinha seria empregada em uma nova missão; agora o seu trabalho iria se apoiar em um tipo diferente de armamento, construído com um material já familiar e capaz de mobilizar estados em tempos de paz: tratados de tripla fórmula. Esses tratados previam um conjunto de direitos e deveres ligados à visita, captura e adjudicação de embarcações suspeitas, para colocar em prática a proibição do tráfico de escravos. Alguns dos principais estados envolvidos no comércio de escravos à época aderiram à fórmula britânica. O Brasil foi um deles. Naquele momento, o país vivia um paradoxo que se refletiu na sua forma de entrada no direito internacional: teve de afirmar sua recente independência através da conservação dos laços com o passado jurídico-político entre Portugal e Grã-Bretanha. Apesar de ser um estado de economia escravagista, o Brasil assinou o tratado de 1826 para a supressão do tráfico de escravos enquanto buscava o reconhecimento de sua separação da coroa portuguesa. Seguindo a estrutura jurídica trazida do direito de presas de guerra, a tripla fórmula impunha testes de legalidade sobre a visita a embarcações e sobre sua eventual captura. Assim, os conflitos de interpretação sobre as disposições correspondentes no tratado diziam respeito aos limites do uso da força sobre os navios em vez de se focarem nos fundamentos humanitários da abolição do tráfico de escravos. No período de vigência da tripla fórmula (até 1845), essas batalhas interpretativas abordaram principalmente regras processuais, critérios de nacionalidade e competência jurisdicional. Nessas batalhas, a Grã-Bretanha ao mesmo tempo forçava a expansão das possibilidades legais do uso da força e protegia seu sistema de implementação. O Brasil agia para limitar o uso da força pela Grã-Bretanha enquanto mantinha cooperação. A constante renovação de significados culminou em extensões interpretativas sob domínio unilateral britânico, em entraves procedimentais e burocráticos para restringir a aplicação do tratado e em uma auto-definição bem mais precisa da tripla fórmula em relação ao direito de presas e ao direito internacional geral. Examinar a tripla fórmula em movimento pode também alterar nossa percepção sobre o papel brasileiro na obstrução da abolição. Quando olhamos especificamente para a implementação da tripla

fórmula, percebemos que o Brasil não rejeitou simplesmente o tratado, como se apreende da sua falha em promover uma abolição efetiva. Na verdade, o país se engajou ativamente na implementação das disposições do tratado, justamente porque essa era uma forma de limitar o uso da força pela Grã-Bretanha. Disputar as capturas era tanto uma forma de resistir à abolição quanto de resistir à perda de autonomia. Em geral, apesar de conservar as desigualdades de ponto de partida, o regime da tripla fórmula criou um campo de disputas em que suas partes transformaram e criaram suas condições de poder usando a linguagem do direito internacional.

Palavras-chave: abolição do tráfico de escravos, direito de presas, comissões mistas, tratado Anglo-Brasileiro de 1826, uso da força

SANCTIS DE BRITO, Adriane. Versuch des Einfangs, Widerstand gegen Beschlagnahme: Rechtsstreitigkeiten unter dem anglo-brasilianischen Vertrag zur Unterdrückung des Sklavenhandels (1826-1845). 2018. 248S. Dissertation – Juristische Fakultät, Universität von São Paulo, São Paulo, 2018.

Die Unterdrückung des Sklavenhandels war ein Projekt auf internationaler Ebene, das im 19. Jahrhundert von Großbritannien unternommen wurde. Die Verwirklichung dieses Projekts wird üblicherweise als ein humanitärer Kreuzzug beschrieben, der sich auf der Macht der britischen Diplomatie in der politischen Arena sowie der Macht ihrer Marine auf den Meeren basiert. Nach dem letzten Erfolg in den Napoleonischen Kriegen sollte die mächtige Marine in einer neuen Mission eingesetzt werden; jetzt sollten die Bemühungen auf eine andere Art von Waffen zurückgreifen, die aus einem bereits vertrauten Material bestanden und in Friedenszeiten Staaten mobilisieren konnten: die Dreifachformel-Verträge. Diese Verträge schrieben eine Reihe von Rechten und Pflichten im Zusammenhang mit der Untersuchung, dem Einfang und der gerichtlichen Zuerkennung verdächtiger Schiffe vor, um das Verbot des Sklavenhandels durchzusetzen. Einige der wichtigsten Staaten, die zu dieser Zeit am Sklavenhandel beteiligt waren, hielten sich an die britische Formel. Brasilien war einer von ihnen. Damals erlebte Brasilien ein Paradox, das sich in seiner Form des Beitritts zum internationalen Recht widerspiegelte: Brasilien musste seine jüngste Unabhängigkeit durch die Aufrechterhaltung der Verbindungen zur juristisch-politischen Vergangenheit zwischen Portugal und Großbritannien bestätigen. Obwohl Brasilien ein Sklavenstaat war, unterzeichnete er den Vertrag von 1826 zur Unterdrückung des Sklavenhandels, während er die Anerkennung seiner Trennung von der portugiesischen Krone erstrebte. In Anlehnung an die rechtliche Struktur des Kriegsbeuterechts schrieb die Dreifachformel Legalitätstests für die Untersuchung von Schiffen und deren eventuellen Einfang vor. Die Auslegungskonflikte über die entsprechenden Vorschriften des Vertrages betrafen die Grenzen der Gewaltanwendung auf Schiffen, statt auf die humanitären Gründe für die Abschaffung des Sklavenhandels zu fokussieren. Während der Gültigkeitsdauer der Dreifachformel (bis 1845) ging es bei diesen Interpretationsstreitigkeiten hauptsächlich um Verfahrensregeln, Staatsangehörigkeitskriterien und Zuständigkeitsbereiche. In diesen Streitigkeiten erzwang Großbritannien gleichzeitig die Ausweitung der legalen Möglichkeiten der Gewaltanwendung und schützte sein Umsetzungssystem. Brasilien handelte dabei, sowohl um den Einsatz von Gewalt durch Großbritannien zu begrenzen als auch um die Kooperation beizubehalten. Die ständige Erneuerung der Bedeutungen gipfelte

in interpretativen Erweiterungen unter britischer unilateraler Herrschaft, in prozeduralen und bürokratischen Hindernissen für die Einschränkung der Anwendung des Vertrags und in einer viel präziseren Selbstdefinition der Dreifachformel in Bezug auf das Beuterecht und das allgemeine Völkerrecht. Die Untersuchung der Dreifachformel in Bewegung könnte auch unsere Wahrnehmung der brasilianischen Rolle bei der Verhinderung der Abschaffung verändern. Wenn man sich konkret mit der Umsetzung der Dreifachformel befasst, erkennt man, dass Brasilien den Vertrag nicht einfach abgelehnt hat, wie man es durch sein Versagen bei der Förderung einer effektiven Abschaffung der Sklaverei versteht. In der Tat hat Brasilien sich aktiv an der Umsetzung der Vorschriften des Vertrages beteiligt, gerade weil dies eine Möglichkeit war, die Gewaltanwendung Großbritanniens zu beschränken. Die Bekämpfung der Einfänge war sowohl eine Weise, der Abschaffung Widerstand zu leisten, als auch dem Verlust der Autonomie zu widerstehen. Trotz der Beibehaltung der Ungleichheiten beim Ausgangspunkt erschuf alles in allem das Dreifachformel-Regime ein Feld der Streitigkeiten, in dem seine Teile ihre Machtverhältnisse unter Verwendung der Sprache des Völkerrechts wandelten und erzeugten.

Schlüsselwörter: Unterdrückung des Sklavenhandels, Beuterecht, gemischte Kommissionen, anglo-brasilianischer Vertrag von 1826; Gewaltanwendung

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ABBREVIATIONS

Aberdeen Act of 1845 – An Act to amend an Act, 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, 8 August 1845. (Statutes 8th and 9th Victoria, cap. 122).

Act for the Abolition of Slave Trade of 1807 – An Act for the Abolition of Slave Trade, 25th March 1807 (47^o Georgii III, Sess. 1, cap. 36).

Act of 1831 – Lei de 7 de novembro de 1831

Act of 1843 - An Act for the more effectual Suppression of the Slave Trade, 24 August 1843 (6th and the 7th Victoria, cap. 98)

Act of Abolition of Slave Trade of 1818 – Act of the British Parliament “to explain and amend an Act passed in the 51st Year of His Majesty’s Reign, for rendering more effectual an Act made in the 47th Year of His Majesty’s Reign, for the Abolition of the Slave-trade” 10th June 1818. (58 Geo. III, Cap.98).

Act of Brussels Conference of 1890 - General Act of the Brussels Conference relative to the African slave trade, signed at Brussels, July 2, 1890.

Additional Articles of 1823 – Additional Articles between Great Britain and Portugal. Signed at Lisbon, 15 March 1823.

Alvará of 1818 – Alvará of 26 January 1818.

Anglo-Brazilian Treaty of 1826 – Convention between His Majesty and the Emperor of Brazil, for the abolition of the African Slave Trade. Signed at Rio de Janeiro, 23 November 1826.

Anglo-Portuguese Treaty of 1810 – Treaty of Friendship and Alliance between His Britanic Majesty and His Royal Highness the Prince Regent of Portugal. Signed at Rio de Janeiro, the 19 February, 1810.

Anglo-Portuguese Treaty of 1815 – Treaty between Great Britain and Portugal. Signed at Vienna, the 22 January 1815.

Anglo-Portuguese Treaty of 1817 – Additional Convention to the Treaty of the 22 January 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the 28th July, 1817.

BFSP – British Foreign State Papers

BPR – British Parliamentary Reports

Britain – United Kingdom of Great Britain and Ireland

CE - Conselho de Estado Brasileiro

Consolidation Act of 1824 – An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade, 24 June, 1824 (5th of Geo. IV cap. 113)

Declaration of Vienna of 1815 – Declaration of the Eight Courts (Austria, France, Great Britain, Portugal, Prussia, Russia, Spain and Sweden) relative to the Universal Abolition of the Slave Trade, signed at Vienna, 8 February 1815

HCPP, Class A – House of Commons Parliamentary Papers: Correspondence with the British Commissioners relating to slave trade

HCPP, Class B – House of Commons Parliamentary Papers: Correspondence with Foreign Powers relating to the Slave Trade.

Instructions of 1844 – General Instructions for Commanders of Her Majesty's Ships and Vessels employed in the Suppression of the Slave Trade, presented to both Houses of Parliament, by Command of Her Majesty, July, 1844.

Instructions to the Treaty of 1817 – Instructions intended for the British and Portuguese Ships of War employed to prevent the illicit Traffic in Slaves. Annexed to the Additional Convention to the Treaty of the 22nd January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the 28th July, 1817.

Memoranda of 1819 – Memoranda for the Guidance of the Commissions, 1819.

MRE – Relatório do Ministério das Relações Exteriores apresentado à Assembleia Geral Legislativa Brasileira

Palmerston Act of 1839 – An Act for the Suppression of Slave Trade, 24th August, 1839. (Statutes of 2nd and 3rd Victoria, cap. 73).

Paris Peace Treaty of 1814 – Definitive Treaty of Peace and Amity between Austria, Great Britain, Portugal, Prussia, Russia and Sweden, and France, signed at Paris, 30 May 1814 »

Regulations for the Mixed Commissions of 1817 – Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, in the Brazils and at London. Annexed to the Additional Convention to the Treaty of the 22nd January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at London, the 28th July, 1817.

Repealing Act of 1842 – An act to repeal so much of an “Act of the Second and Third Years of Her Majesty, for Suppression of the Slave Trade, as relates to Portuguese Vessels”, 12 August 1842 (Statutes 5th and 6th Victoria, cap. 114).

Separate Article of 1817 – Separate article to the Convention to the Treaty of the 22nd January, 1815, between His Britannic Majesty and His Most Faithful Majesty, for the purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed in London, 11 September 1817.

Treaty of Brazilian Independence of 1825 – Tratado de Paz, e Aliança entre o Sr. Pedro I Imperador do Brasil e D. João VI Rei de Portugal

INTRODUCTION

“Suppression was a gigantic combined operation. Foreign Secretaries who negotiated the treaties, and the ambassadors and consuls who carried out the ceaseless battle against diplomatic evasiveness, spent a great part of their time in striving to set the Navy free to do its work.” (WARD, 1969, p. 116)

When the *Act for the Abolition of Slave Trade of 1807* passed in the parliament, Great Britain was not the only state to abolish the previously widely accepted and fomented traffic. Denmark had abolished slave trade in 1803 and the United States would have a similar prohibition in 1808. Yet it was Britain that would come to be known as the bastion of international slave trade suppression in numerous celebratory historical accounts. How was Great Britain different?

Britain expanded its domestic abolition into an international policy¹. Ward’s account, quoted above, is a revealing example of many exalted readings of the British quest. He portrays a complex operation, involving diplomatic representatives working hard in the backstage to design and enforce treaties, all directed at letting the navy “free” to do its “work”. British seamen would be responsible for the main act, that of spotting, stopping, capturing, and bringing to adjudication vessels suspected of being engaged in slave trade. After all, that was the way Britain knew of fighting and winning: over the seas, using its incomparable navy.

There is no shortage of studies on the motivation behind Britain’s undertaking of the international effort to abolish slave trade. Along the years, there have been explanations aggregating elements of moral, religious, and economic grounds.² It is of

¹ See NELSON, Bernard H, *The Slave Trade as a Factor in British Foreign Policy 1815-1862*, **The Journal of Negro History**, vol. 27, no. 2, pp. 192–19, 1942.

² Among the most cited contributions to this debate are COUPLAND, Reginald, **The British Anti-Slavery Movement**, [s.l.]: Oxford University, 1933; WILLIAMS, Eric, **Capitalism & Slavery**, Chapel Hill: University of North Carolina, 1944; TEMPERLEY, Howard, **British antislavery, 1833-1870**, London: Longman, 1972; ELTIS, David, **Economic Growth and the Ending of the Transatlantic Slave Trade**, Oxford: Oxford University, 1987; DRESCHER, Seymour, **Econocide - British Slavery in the Era of Abolition**, Chapel Hill: University of North Carolina, 2010; BLACKBURN, Robin, **The Overthrow of**

course likely, and those accounts are evidence of it, that all those factors played a role, and that each one of those elements might have had different weight after the moment Britain adopted slave trade abolition as a state policy and throughout the nineteenth century, when changes in context certainly affected immediate motivations.

The British government was definitely influenced, from the start, by pressures from antislavery groups.³ Their representatives argued the case for abolition in parliament in moral grounds to secure the 1807 Act.⁴ By then, Britain had lost the colonial asset of the United States, and that was possibly a factor as well, as it would no longer benefit directly from a slavery-based economy. Britain had also abolished slave trade not just internally, but also in its colonies, so it would also have the incentive of offsetting the advantages from slavery-based economies enjoyed by its international competitors.⁵ And while it is of course difficult to make a determination on to what extent this was perceived at the time, it might be said slavery abolition was also an important part in the prospect of greater changes to the global economic order, as “the mercantile economy” was “in the midst of being replaced by a capitalist order, wherein the United Kingdom was best placed to

Colonial Slavery, 1776-1848, [s.l.]: Verso, 1988; DAVIS, David Brion, **Inhuman bondage: the rise and fall of slavery in the New World**, Oxford: Oxford University, 2006.. For an account of the four-stage literature on abolitionism – (1) personal accounts of the nineteenth century portraying “slavery as a holy war”, (2) a notion of secular progress by historians as Coupland, (3) William’s anti-imperialist economic approach, (4) an abolitionist viewpoint recovery as in Davis –, see STAUFFER, John, **Abolition and Antislavery**, Oxford: Oxford University, 2012.. Especially insightful on showing the combination of different social, religious and economic factors involved in the movement of anti-slavery in Britain, beyond a line of explanation solely relying on the emergence of capitalism, see DRESCHER, Seymour, **Capitalism and Antislavery: British Mobilization in Comparative Perspective**, New York: Oxford University, 1987.

³ See TEMPERLEY, Howard, **British Anti-Slavery 1833-1870**, London: Longman, 1976.

⁴ Jean Allain. *Slavery in International Law: of human exploitation and trafficking*, 2013, p. 59. Ward argues that an important sign of the absence of a contemporaneous perception of economic interests in keeping the slave trade was the fact that the abolitionist case in Parliament was argued in moral grounds, even though “when Napoleon’s continental blockade prevented Europe from exporting sugar to Europe, the economists had some reason for not conducting a vehement counter-campaign against Clarkson and Wilberforce”. According to Ward, in that moment the French blockades of British commerce added up to the crisis of the United States independence (and refusal to continue the colonial exchanges with Britain) and of the decline of production of the British West Indies against the rise of slave-labour based sugar production in places like Brazil. WARD, William Ernest Frank. **The Royal Navy and the slavers: the suppression of the Atlantic slave trade**. London: George Allen and Unwin, 1969, p. 19-20}.

⁵ This point is widely shared; see e.g. VAN NIEKERK, J P. British, Portuguese, and American judges in Adderley Street: the international legal background to and some judicial aspects of the Cape Town Mixed Commissions for the suppression of the transatlantic slave trade in the nineteenth century (Part 1). **The Comparative and International Law Journal of Southern Africa**, vol. 37, no. 1, pp. 1–40, 2004 p. 6; KLOSE, Fabian. Humanitäre Intervention und internationale Gerichtsbarkeit. **Militaergeschichtliche Zeitschrift**, vol. 72, no. 1, pp. 1–22, 2013, p. 4.

prosper (and dominate) through its advocacy of free trade and the supremacy of its Royal Navy.”⁶.

Discussing predominant reasons behind the British quest is not the aim of this study, nor is delving into the libraries written on the history of slave trade and its abolition. This thesis intends to make a contribution to the discussion about the *means* used in the project of slave trade suppression, specifically the *legal* means.

Ward’s account quoted above — a description of the complex British quest against slave trade executed by navy men and diplomats — leaves a central element in the dark . The “freedom” enjoyed by the British navy was created and maintained by diplomats who were busy translating its “work” — in effect an expression of force and might of the British fleet — into *rights* held by Great Britain against other states (or, by extension, foreign citizens and their property). While a powerful tool in that history, international law remains overshadowed by narratives of how “[t]he Slave Trade was [...] suppressed by the twin weapon of *diplomatic pressure* and *exercise of naval power*”⁷.

This thesis was conceived as a modest contribution to a broader understanding of the constitutive role of international law to power in the field of the history of slave trade abolition. In this quest, I will understand international law in a broad sense as “[a law] with the *capacity to regulate relations between states as well as between states, peoples, and other international actors*, but it is also recognized as a *language of government* in certain contexts, as a *buddle of techniques*”⁸.

Law is not everywhere all the time; to some relations and in certain points of history, it may be less relevant. This is not the case for the quest for slave trade abolition, however. Lauren Benton and Lisa Ford’s research recently placed slave trade suppression in one of the many fronts of the British “rage for order” in the nineteenth century.⁹ They

⁶ ALLAIN, Jean. **Slavery in international law – of human exploitation and trafficking**. Leiden: Martinus Nijhoff, 2012, p. 59.

⁷ LLOYD, Christopher. **The Navy and the Slave Trade**. New York: Routledge, 2016, p. x., emphasis added.

⁸ LLOYD, Christopher. **The Navy and the Slave Trade**. New York: Routledge, 2016.

⁹ See BENTON; FORD, **Rage for Order - The British Empire and the origins of International Law 1800-1850**. Lauren Benton had other relevant publications in the field of global legal history and slave trade history; see e.g. BENTON, Lauren, **Law and Colonial Cultures: Legal Regimes in World History, 1400-1900**, [s.l.]: Cambridge University, 2002; BENTON, Lauren, Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism, **Comparative Studies in Society and History**, vol. 47, pp. 700–724, 2005.

brought law to light among complex accounts of the history of British empire and made sense of a set of initiatives of legal change by which Britain dictated the terms of various kinds of relations further away than the formal boundaries of its dominions.¹⁰ In that governance arrangement, both diplomatic pressure and naval power relied on international law to help push their goals; treaties for the suppression of slave trade—and the interpretation developed about them by Britain—were in the centre of the British maritime imperial control.¹¹

In the last years, the abolition of slave trade has been gaining more pages in historical accounts of international law. In all fairness, some of the work on the global history of slave trade or slavery abolition showed special interest on legal structures and brought important contributions to the international legal history.¹² Yet works *centred* on the role of international law in the process of slave trade suppression have been revealing new perspectives of a so-widely explored part of history.

Holger Lutz Kern published a brief account of the British strategic use of international law, among other available means, to implement the project of slave trade abolition. He highlighted the transformation of the main legal foundations of the British policy, coming from a unilateral extension of belligerent rights to the quest of British representatives for getting other states to the consent to a new set of rights applicable to peacetime.¹³ In a similar approach, Janine Voigt reconstructed the development in multilateral conferences among European countries towards slave trade abolition in international law.¹⁴ Jean Allain also contributed to the history of the conferences, also

¹⁰ BENTON; FORD, **Rage for Order - The British Empire and the origins of International Law 1800-1850** chapter 1..

¹¹ BENTON; FORD, **Rage for Order - The British Empire and the origins of International Law 1800-1850** chapter 1..

¹² See especially: BLACKBURN, Robin. **The American crucible - Slavery, Emancipation and Human Rights**. London: Verso, 2011; BOIS, DU, William Edward Burghardt, **The Suppression of the African Slave Trade to the United States of America 1638-1870**, New York: Longmans Green and Co, 1904.

¹³ KERN, Holger Lutz. Strategies of Legal Change: Great Britain, International Law, and the Abolition of the Transatlantic Slave Trade. **Journal of the History of International Law**, no. 6, pp. 233–258, 2004.

¹⁴ VOIGT, Janine. **Die Abschaffung des transatlantischen europäischen Sklavenhandels im Völkerrecht**. Zürich: Schulthess, 2000.

focusing on the European and US interpretations of the laws against slave trade in the 19th century.¹⁵

Other publications continued the line of research inaugurated with Leslie Bethell's seminal work on mixed commissions — special tribunals created to adjudicate on ships captured for being suspected to be engaged in slave trade.¹⁶ Among them, a much-debated book written by Jenny Martinez looks to slave trade suppression in search of “missing pieces” of the human rights history. Her point is that mixed commissions can be considered the first international human rights courts.¹⁷ Emily Haslam finds important lessons to criminal law in mixed commissions' practice.¹⁸

Besides human rights and criminal law, other authors have been studying slave trade suppression in the context of humanitarian interventions. Maeve Ryan looks to the nineteenth-century quest against slave trade as a historical example of the burdens of carrying out a humanitarian action.¹⁹ Fabian Klose proposes a new understanding for the genealogy of interventions by placing the efforts to suppress slave trade as its first case.²⁰

Apart from the differences in the objectives of each one of those studies, all of them have something in common. Their narratives talk about treaties and broad legal policies, which are informative in that by them we are able to conceive broad, colourful pictures of international law in that period of history. Yet, I argue, there is value in zooming in to those colourful images and looking at the grey areas, in between the pixels. That is a more fitting way of gaining true understanding of how international law *worked* to regulated

¹⁵ ALLAIN, Jean. **Slavery in international law – of human exploitation and trafficking**. Leiden: Martinus Nijhoff, 2012.; ALLAIN, Jean. **The Law and Slavery**. Leiden: Brill Nijhoff, 2015.

¹⁶BETHELL, Leslie. The Independence of Brazil and the Abolition of the Brazilian Slave Trade: Anglo-Brazilian Relations, 1822-1826. **Journal of Latin American Studies**, vol. 1, no. 2, pp. 115–147, 1969.

¹⁷MARTINEZ, Jenny S. **The Slave Trade and the Origins of International Human Rights Law**. Oxford: Oxford University, 2012. p. 6}.

¹⁸ HASLAM, Emily. International Criminal Law and Legal Memories of Abolition: Intervention, Mixed Commission Courts and “Emancipation.” **Journal of the History of International Law**, no. 18, pp. 420–447, 2016.

¹⁹ RYAN, Maeve, The price of legitimacy in humanitarian intervention: Britain, the right of search, and the abolition of the West African slave trade, 1807-1867, *in*: **Humanitarian Intervention**, [s.l.]: Cambridge University Press, 2011.

²⁰ KLOSE, Fabian. Enforcing abolition: the entanglement of civil society action, humanitarian norm-setting, and military intervention. *In*: KLOSE, Fabian (Ed.). **The Emergence of Humanitarian Intervention Ideas and Practice from the Nineteenth Century to the Present**. Cambridge: [s.n.], 2016.; KLOSE, Fabian. Humanitäre Intervention und internationale Gerichtsbarkeit. **Militaergeschichtliche Zeitschrift**, vol. 72, no. 1, pp. 1–22, 2013.

relations, as a language or a bundle of techniques. Changing the scale allows for an examination of international law as a field of contestation and for the observation of the exchanges, tensions and interpretations emerging from the common ground of law.

There is still another reason for my proposal. All those studies, when they are observing general moves in the policies against slave trade, either assume the British position — Martinez and Ryan openly declare to be writing for the sake of states undertaking “moral stands”— or focus on the British efforts as a methodological choice — works as Kern’s and Benton’s & Ford’s actually aim at understanding British policies only. The result are stories which portray foreign parties (to the British) either as recalcitrant to the humanitarian goals of the British pushes or resistant to abuses of British pushes legitimized by those goals.

Consulting those works, the reader is left mesmerized by the British work as a flag-bearer or an empire augmenting its dominions. She is also left in doubt by how the other parties could have affected those plans the author describes. Yet every history of humanitarian accomplishment or even empires are jointly constructed: “The external world is no passive receptacle of imperial influences but plays the centre’s factions against each other using imperial favour or opposition to advance its agendas.”²¹.

This thesis will seek to offer understanding on the dynamics of international law in the slave-trade suppression, deliberately avoiding telling stories about heroes and villains, and focusing on the employment of international law in view of each party’s immediate projects. Through their *battles* of legal interpretation, we may start to make sense of the role of the legal technique as a power mobilizer. The approach will turn to revealing concepts and legal fictions as “highly condensed forms of rhetorical material that allow often highly controversial political and philosophical propositions to be passed on as part of legal routine”²². This will be a critical analysis that intends to recover that process and reanimate “the political potential embedded in legal fictions”.²³

²¹ KOSKENNIEMI, Martti. *Histories of International law: Dealing with Eurocentrism.* Rechtsgeschichte-Legal History, 2011. p. 162-163

²² ORFORD, Anne. *Meaning and Understanding in International Law and Intellectual History.* Conference on History, Politics, Law: Thinking Through the International, University of Cambridge, 16 May 2016. Available at: <http://www.lpil.org/media/>. (51:00).

²³ ORFORD, Anne. *Meaning and Understanding in International Law and Intellectual History.*

This approach is particularly valuable for creating counter-narratives to the usual perspective through which international law is thought and its history is told. It is not a matter of “adding more and more histories” to international law as to make it “truly comprehensive”²⁴. Instead, by looking at the dynamics of the “constant work of imagining and reimagining” that is the employment of legal interpretations, it reveals how their employers “used power through the various mechanisms they have”. This helps the differences conserved in legal structures and concepts come to the surface²⁵, and also highlights the capacity of change and empowerment through law.²⁶

Global accounts of slave trade abolition which *centre* in international law usually contain two stories in their narratives. The first one is about the British quest to establish treaties with other powers, where France and the United States mainly oppose British attempts to secure consent for rights of visit and capture; Spain and Portugal resist at first but later acquiesce to giving maritime police power to Britain in exchange of financial gain; among the European conferences, other states, one by one, are convinced by Britain to cooperate with slave trade abolition. The sequence is cut. A second scene shows last-resort measures Britain applies against the states that refused to implement treaties; the Palmerston Act gives Britain the power to act against Portuguese slave traders beyond treaty limitations; the Aberdeen Act does the same but against Brazilian slave traders.

Anglo–Brazilian relations do indeed have a central role in the overall history slave trade suppression of the nineteenth century, as Brazil was the main destination of captured Africans in the Americas and one of the last to effectively abolish transatlantic slave trade. This notwithstanding, the case of Brazil in legal accounts is usually mentioned in three ways. First, as the target of the Aberdeen Act, an widely-known formal start of harsher British measures in policing the seas for definitive slave trade abolition. Second, as a cause for the previous point, Brazil is mentioned as a recalcitrant state to the British moral pushes towards slave trade suppression, or as a state that insisted with pointless resistance to the imperial power of Britain to dictate the new rules. Third, Brazil is mentioned

²⁴ VEÇOSO, Fabia Fernandes Carvalho, Book Review - Mestizo International Law, **Journal of the History of International Law**, pp. 125–131, 2018, p. 128..

²⁵ ANGHIE, Antony. **Imperialism, Sovereignty and the Making of International Law**. Cambridge: Cambridge University, 2005.

²⁶ LORCA, Arnulf Becker. Universal International Law: Nineteenth-Century: Histories of Imposition and Appropriation. **Harvard International Law Journal**, vol. 51, no. 2, pp. 1–78, 2010.

because of the provision of the treatment of slave trade as piracy in that treaty — which is employed to legitimise the Aberdeen Act.

This thesis will look into the *Anglo–Brazilian legal battles as a discrete contribution in the better understanding of how the British and Brazilians employed international law in the matter of slave trade abolition*. Given the previously mentioned inclination of other works to consider Anglo–Brazilian relations just from 1845 (Aberdeen Act) onwards, I intend to make a contribution to start filling the gap in the preceding period with this thesis.

The *timeframe* of 1826 to 1845 covers the period from the signature of the Anglo–Brazilian Treaty for the suppression of slave trade to the expiration of most of its clauses in 1845. During that period, at least two sets of “battles” occurred between the parties of that treaty over its provisions. One of them dealt with the implementation of the proscription of slave trade and the treatment of Africans liberated through the treaty’s enforcement system against slave trade. While it is arguably the most relevant set of battles, considering the main point of slave trade abolition, that will not be the focus of this work.²⁷

This thesis will focus on the second set of battles that occurred under the Anglo–Brazilian Treaty for the suppression of slave trade. They comprised a series of disputes around the mechanisms provided by the treaty to enforce the (partial or total) proscription of slave trade. Combined, they constituted a set of rights in a triple formula for visitation, capture and adjudication of vessels suspected to be engaged on slave trade. By looking at the events from 1826 to 1845, we will examine the total life of the triple formula of the Brazilian treaty, from its conception to death.

I aim at employing historical description of those legal interpretative battles to reveal the political importance of rules that by a first sight might be perceived as mere means of objective execution of proceedings.²⁸ To that end, I start from the results of broader historical studies to reconstruct the concepts and directions that marked the Anglo–Brazilian treaty among the British quest of treaty-making. Second, primary sources

²⁷ A very rich and probably exhaustive contribution has been made to this set of battles in the recent book by Beatriz Mamigonian. MAMIGONIAN, Beatriz G. **Africanos livres: a abolição do tráfico de escravos no Brasil**. São Paulo: Companhia das Letras, 2017.

²⁸ ORFORD, Anne, In Praise of Description, **Leiden Journal of International Law**, vol. 25, no. 03, pp. 609–625, 2012.

served to supplement that information and to allow a reconstruction of the interpretative exchanges which constituted each of the battles. Such battles were made apparent from the very reading of the archives, informed by the interest in the uses of international law, and stood out as the main questions around which different tensions could be aggregated.

Among the primary sources I relied on, there are the diplomatic correspondence between British and Portuguese foreign secretaries and their *chargés d'affaires*; correspondence between Brazilian and British foreign secretaries and their *chargés d'affaires*; reports of the cases and proceedings before Anglo–Brazilian mixed commissions; reports of the British Law Office and of the Brazilian Council of State.²⁹

The choice of consulting those sources was informed by a first selection through the literature on Anglo–Brazilian relations of the period combined with a first look into the diplomatic correspondence and the British Law Office reports. From those starting points, I followed the trail of each set of battles into the other sources, whenever the other actor's manifestations seemed relevant for the contingencies. Sometimes battles occurred through correspondence between the Foreign Offices or diplomatic representatives, other times in mixed commissions, and other still involved many exchanges between different *loci* of interpretation through years of resignification.

This thesis will certainly *not* exhaust the legal disputes under the Anglo–Brazilian Treaty of 1826. Together, the set of battles intends to reveal how the spheres of implementation of the treaty created a series of interpretations and reinterpretations once they were put in motion. My intention is not to map all discussions that happened around the treaty, but rather to show the diversity of appropriation and innovations by both Brazilian and British interpretations. When put together in the context of the treaty, the battles serve to highlight the inequality instated by the regime and reveal, in between legal interpretations, the difference of power in the extent and strength of argumentation.

Chapter 1 explores the first steps of the British mobilization of international law towards slave trade suppression. In doing so, it shows the point of choosing treaties to

²⁹ In quoting primary sources, I have retained their original spelling and punctuation. Whenever a document was already presented in both Portuguese and British official translations, the English version was chosen to be quoted or to be informed as source. When talking about mixed commissions, I adopted the most frequent denominations found in primary sources. That is why the Anglo-Brazilian commissions will appear as the *Rio mixed commission* and the *Sierra Leone mixed commission* (instead of Freetown mixed commission or other uses).

formalise abolition and mechanisms for its enforcement. Lastly, the type of the Anglo–Brazilian treaty is placed among other results of the British treaty-making, as well as its main feature: the triple formula.

Chapter 2 addresses the functions and meanings of each of the elements of the triple formula (visitation, capture and adjudication). It begins with an interpretative discussion of the limits of the right of visit and search which reveals the stakes involved in the visitation of ships suspected of slave trade. Next, I present a complex set of regulations involved in the implementation of the visitation and capture of ships: what did the seamen of the nineteenth-century had to take into account when executing the first two steps of the triple formula? Then, I focus on the third step of the triple formula and the regulations for the mixed commissions: How were they composed? How were they supposed to work? Finally, what was the point of mixed commissions in the triple formula treaty regimes?

Chapter 3 deals with the Brazilian perspective of entering the network of British treaties for the suppression of slave trade. How did Brazilian independence first impact the international regulation against the slave trade? How was the transition from the Anglo–Portuguese treaty regime to the Anglo–Brazilian one? How did the acquiescence to the treaty interact with the Brazilian projects by then? Lastly, in general, what did that triple formula comprise?

Chapter 4 presents the Anglo–Brazilian battles of interpretation as a way of the state-parties to find opportunities in the constant resignification of the treaty provisions. Six set of battles expose the way Brazilians and British made use of the rules on the conditions and procedure of capture, on liability to pay indemnities; on the mixed commissions proceedings, and on the very extinction of the triple formula.

In the conclusion, I will reconsider the main findings of this research and return to the recent literature on slave trade abolition and international law to evaluate the contributions of the thesis to the field’s research agenda.

CONCLUSION

The Anglo–Brazilian Treaty for the suppression of slave trade was one of the products of the British quest of treaty-making which transferred a set of rights from the laws of war to peacetime. The mechanism of enforcement comprising visitation, capture and adjudication by mixed commissions offered a set of legal tools for the legal use of force. In chapter I, I showed the starting-point possibilities of such legal technologies and how they were supposed to work according to the design given by treaty and further normative production. Chapter II analysed the triple formula model; the ideal model for the enforcement of the British policy, which was also the one accepted by Brazil. I started to answer the question of how the Brazilian triple formula worked by exploring general rules and regulation applied to all triple-formula treaties.

In chapter III, the focus was on Brazil. The moment of the Brazilian independence generated a set of elements that would concur to compose the paradox to inform the Brazilian debut in international law: Brazil assumes a regime similar to the Anglo–Portuguese and confirms its ties of dependence to Britain and must, at the same time, resist its aims to affirm Brazilian autonomy and sovereignty.

Chapter IV explored the results from the combination of political projects and conceptual matrices to the interpretation of the bilateral treaty. The dynamics of the visit, capture and adjudication involved transforming meanings and opportunities. In those interactions, Brazil interprets the treaty as to create obstacles to proceedings and to limit the British use of force legitimized in its provisions. Britain pushes for meanings favouring its policing actions and manipulates the implementation of the cases to serve its changes of policy. Those overall dynamics of interpretation could be organized in at least three lines of strategy: interpretative extensions under the unilateral dominance of Britain; differentiation of the triple formula in relation to the general international law and prize law by *both parties*; extensive use of procedural law to create bureaucratic hurdles by Brazil.

The discussions of the preceding chapters help us have a better understanding on some important aspects relating to slave trade suppression and the interplay between Brazil and Great Britain that was central to it.

A first important point is documenting how *Brazilians actively engaged in the dynamics of interpretation* and by doing so created the argumentative onus which transformed British next legal approaches and the expectations about the content of the law the two parties were applying. From those cycles of interpreting and reinterpreting the treaty's provisions emerged changes with impact in the most realistic level. Before leaving the ports, a master and his crew would board *any ship* with any flag, and the moment of decision came on whether it should go for a Brazilian or Portuguese; from a certain point, they would need to check the precision of licenses and passports, so as not to be taken as an illegal slave trade voyage, or fraudulent, as to pass as something else in case of visitation. And it continued: at sea, where could they be captured? Could capture follow from a search that finds something classifiable as equipment for slave trading or was it necessary that slaves were actually on board?

At another level, the Brazilian engagement with the triple formula provisions point to a different image from the one usually found of Brazil in global histories of slave trade suppression. It did not entirely refuse to implement the Anglo–Brazilian treaty. At the same time it failed to abolish slave trade — and thus failed to implement one of the provisions of the treaty—, Brazil was actively engaged in applying the triple formula provisions. And by advocating for the conservation of the limitations of the treaty, it was also protecting its autonomy against the expansion of the British use of force.

The practical implementation of the triple formula paradoxically points to limitations to the project of suppression of slave trade itself. After reading all those discussions on proceedings, property, ships, deviations, it is possible that sometimes we might forget, for a moment, about the people who were treated as objects in that traffic and continued suffering from slavery, even after being set free.

Yet the point of showing those “unhuman battles” was to shed light to the whole lot of debates that happened in consequence of the formula of enforcement Britain connected with its project of suppressing slave trade which did not rely on humanitarian argumentation. By using the language of the triple formula to defend itself from the British effort to expand its room for manoeuvre, Brazil did not have to argue against the goal of abolishing slave trade, but against the pushes to use force.

This points in the completely opposite direction of what is argued by Jenny Martinez, for example, that the treaties (with their proscription and triple formula) legitimized the British effort to convince other states of the *morality* of the slave trade.⁶⁵⁹ She attributes special value to the mixed commissions in this process:

“The history of the antislavery courts is not only a story of military and economic power, however, but also a story about the power of ideas. Those who are realistic about state power often underestimate the extent to which ideology can affect human behavior and the behavior of the nation-states made up of those very same humans. Britain’s multidecade campaign against the slave trade demonstrates the fact that nations can be influenced by moral ideas as well as material self-interest.”⁶⁶⁰

From the case studied in this thesis, we can say that if there was any ideological influence was exerted by the British efforts of slave trade suppression, it is likely that the mixed commissions’ work did not have that much influence in the process. It is indisputable that mixed commissions had some kind of positive outcome in the sense they formally freed many and forced the continuous reinterpretation of treaties intended to suppress slave trade. It is equally unquestionable, however, that the law discussed within mixed commissions regulated the freedom of the seas, what could be lawfully transported and what was contraband. We must not leave the origin of this treaty regime out of sight because it constituted the very rationale of its mechanisms.

Britain used the triple formula with Brazil to legitimize its *use of force* and maybe through it convince Brazil of humanitarian goals. By disputing the interpretation of the treaty, Brazil was not resisting abolition *per se*, or disagreeing with its humanitarian goals, but resisting to the use of force by Britain. Differently from what Martinez defends,

⁶⁵⁹ “...close examination of the history of the abolition of the slave trade should cause international legal scholars to rethink the relationship between power, ideas, and international legal institutions. To the extent that the treaties against the slave trade and the mixed courts were effective, it was in no small part because Britain was willing to use its substantial economic and military power to support them. At the same time, the international legal regime gave Britain’s use of its economic and military power a legitimacy that it would have otherwise lacked, and it amplified Britain’s ability to influence other nations’ conduct with regard to the slave trade. Once other nations had agreed in principle to the immorality of the slave trade, it was difficult for them to overtly oppose efforts to suppress that trade.” MARTINEZ, Jenny S. **The Slave Trade and the Origins of International Human Rights Law**. Oxford: Oxford University, 2012.p. 165.

⁶⁶⁰ MARTINEZ, Jenny S. **The Slave Trade and the Origins of International Human Rights Law**. Oxford: Oxford University, 2012.p. 167.

the question remains open as whether we should consider it was a good way of implementing a humanitarian goal. In precisely that point, the history of the implementation of the Anglo–Brazilian triple formula might contribute to the reflecting about the history and the present of humanitarian interventions.

Another point is that Lauren Benton’s claim that the system of slave trade suppression must be seen as a prize law-based system showed its value.⁶⁶¹ Adding up the history of Brazilian interactions with Britain on the side of triple formula in light of the origins of that regime helps revealing a more detailed version to the oversimplification of depicting Brazil as a simple recalcitrant state that stubbornly resisted to the humanitarian ideal of freedom.⁶⁶² Beyond that, if the model of prize law is not taken into account, some of the Brazilian arguments seem like merely desperate and delirious claims.

It might not be a coincidence that the anti-slave trade system has its prize law model usually forgotten. Narratives that emphasize the post-1845 phase of the anti-slave trade British quest usually focus on force and its humanitarian justification.⁶⁶³ The prize law structure is hardly humanitarian. It rather relies on the linkage of property-nationals-states.

When most of accounts of the anti-slave trade quest set off from the British point of view, accepting humanitarianism as the noble end to be achieved by the system, the means are left underexplored. The very interaction with foreign states that was part of the growth and imposition of the British empire are ignored or else depicted as some kind of naïve resistance or immoral stubbornness.

Granted slave trade abolition was an evidently international process, it comes without surprise that more research has been conducted on the role of international law in that context — especially after the considerable growth of interest in the history of international law.⁶⁶⁴ Yet most of the current literature dealing with slave trade abolition

⁶⁶¹ BENTON, Lauren. Review-The Slave Trade and the Origins of International Human Rights Law. *Victorian Studies*, vol. 56, no. 1, pp. 127–129, 2013.

⁶⁶² MARTINEZ, Jenny S. *The Slave Trade and the Origins of International Human Rights Law*, chapter 7.

⁶⁶³ See the introduction to this thesis.

⁶⁶⁴ Especially after the so-called “turn to history”: GALINDO, George. Martti Koskenniemi and the Historiographical Turn in International Law. *European Journal of International Law*, n. 16, p. 539-559, 2005

and international law are centred in British or Anglophone perspectives, either because of the sources that inform them, or due to methodological choices. Most of them either focus on a history of the legal tools employed by Britain in its imperial expansion or aim at a global history of slavery or slave trade abolition.

As Matthew Brown puts it, current efforts of global histories lack engagements with Latin America, not as a peripheral victim, but as a constituent part of global processes. The stories told here are examples that the place for a history comprising of Latin-American positions are not relegated to the “roads not taken” but do “conform the world ‘we’ live today”.⁶⁶⁵

This is not simply a political stand. Since law is an argumentative practice, partial descriptions tend to create stories of heroes and villains because they lack the actions and reactions of concrete legal argumentation. I argue that the results of this thesis may contribute to prove that is true specially in the anti-slavery historiography.

This thesis shows that the constant reinvention for the justification of the British influence over the seas and over slavery-based nations passed by transformations induced by the very interactions with Brazilian interpretations. The dynamics seek and capture show the mutual construction of legal interpretation. Should one not seek seizure, the other would not resist capture and vice versa. In that history, law has a constitutive relevance when giving things names⁶⁶⁶ and therefore highlighting what they mean in the universe of rights and duties, of legality and illegality.⁶⁶⁷

⁶⁶⁵ BROWN, Matthew, The global history of Latin America, *Journal of Global History*, vol. 10, pp. 365–386, 2015, p. 368.

⁶⁶⁶ BARBOSA, Samuel Rodrigues. Book launch “Africanos Livres”. **31 August 2017, University of São Paulo.**

⁶⁶⁷ “Through law, we sometimes describe our societies in terms of rights-bearing individuals acting upon each other, sometimes as goods, services and capital crossing frontiers. Sometimes we describe the world of political alternatives in terms of environmental degradation, globalisation of democracy, a place of terror or one of sexually transmitted disease. We situate events sometimes in national histories, sometimes in world history. Each such telling is an intervention in the world that makes some things visible, renders other things invisible.” KOSKENNIEMI, Martti. The Fate of Public International Law: Between Technique and Politics. *The Modern Law Review*. v. 70, n. 1, pp. 1-30, 2007 p. 17.

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APPENDIX

A. BILATERAL TREATIES FOR SLAVE TRADE SUPPRESSION

Results based on the *Oxford Collection of International Law Treaties* on the topic of slave trade in the nineteenth century and additions from mentions in secondary documents (*).

Treaty between Great Britain and Portugal, signed at Vienna, 22 Jan. 1815

Additional Convention between Great Britain and Portugal for the Prevention of the Slave Trade, signed at London, 28 July 1817

Treaty between Great Britain and Spain for the Abolition of the Slave Trade, signed at Madrid, 23 Sept. 1817

Treaty between Great Britain and the Netherlands, signed at The Hague, 4 May 1818

Treaty between the East India Co. (Great Britain) and Muscat, signed 10 Sept. 1822

Explanatory and Additional Articles to the Slave Trade Treaty between Great Britain and Spain, signed at Madrid, 10 Dec. 1822

Explanatory and Additional Articles to the Treaty of 4 May 1818 between

Great Britain and the Netherlands, signed at Brussels, 31 Dec. 1822 and Jan. 25, 1823*.

Additional Articles between Great Britain and Portugal, signed at Lisbon, 15 Mar. 1823

Declaration between Great Britain and Tunis, signed at Bardo, 1 Jan. 1824

Slave Trade Treaty between Great Britain and Sweden-Norway, signed at Stockholm, 6 Nov. 1824

Convention between Brazil and Great Britain for the Abolition of the African Slave Trade, signed at Rio de Janeiro, 23 Nov. 1826

Treaty between Great Britain and the Kings of Brekama (Gambia), signed on board the steam vessel of Brekama, 29 May 1827

Treaty between Great Britain and King of Cumbo (Gambia), signed at Bathurst, 4 June 1827

Treaty between Great Britain and the King of Bulola (Sierra Leone), signed at Lawrence Town, 23 June 1827

Supplementary Slave Trade Convention between France and Great Britain, signed at Paris, 22 Mar. 1833

Treaty between France and Great Britain and Denmark for the Accession of Denmark to the Slave Trade Conventions of 1831 and 1833, signed at Copenhagen, 26 July 1834

Treaty between France and Great Britain and Sardinia for the More Effective Suppression of the Slave Trade, signed at Turin, 8 Aug. 1834

Additional Article relative to the Slave Trade between Great Britain and Sweden, signed at Stockholm, 15 June 1835

Treaty between Great Britain and Spain for the Abolition of the Slave Trade, signed at Madrid, 28 June 1835

Slave Trade Convention between France and Sweden, signed at Stockholm, 21 May 1836⁶⁶⁸

Treaty between France and Great Britain and Denmark for the Accession of Denmark to the Slave Trade Conventions of 1831 and 1833, signed at Copenhagen, 26 July 1834

Treaty between France and Great Britain and Sardinia for the More Effective Suppression of the Slave Trade, signed at Turin, 8 Aug. 1834

Additional Article relative to the Slave Trade between Great Britain and Sweden, signed at Stockholm, 15 June 1835

Treaty between Great Britain and Spain for the Abolition of the Slave Trade,

⁶⁶⁸ This was the only treaty for the suppression of slave trade to which Great Britain was not a party. (ALLAIN, 2015, footnote 57)

signed at Madrid, 28 June 1835

Slave Trade Convention between France and Sweden, signed at Stockholm, 21 May 1836

Additional Article to the Slave Trade Treaty of 4 May 1818 between Great Britain and the Netherlands, signed at The Hague, 7 Feb. 1837

Convention between France, Great Britain and the Hanse Towns (Bremen, Hamburg and Lubeck), for the Accession of the Latter to the Slave Trade Conventions, signed at Hamburg, 9 June 1837

Convention between France and Great Britain and Tuscany for the Accession of Tuscany to the Slave Trade Conventions, signed at Florence, 24 Nov. 1837

Treaty between Great Britain and Ras-ul-Khaimah (Trucial Sheikhdoms), signed at Shargah, 17 April 1838

Slave Trade Treaty between Chile and Great Britain, signed at Santiago, 19 Jan. 1839

Slave Trade Treaty between Great Britain and Venezuela, signed at Caracas, 15 Mar. 1839

Treaty between the Argentinian Republic and Great Britain for the Abolition of the Slave Trade, signed at Buenos Aires, 24 May 1839

Agreement between Great Britain and Ras-al-Khaimah (Trucial Sheikhdoms), signed at Ras-al-Khaimah, 3 July 1839

Slave Trade Treaty between Great Britain and Uruguay, signed at Montevideo,
13 July 1839

Slave Trade Convention between Great Britain and Haiti, signed at Port-au-Prince, 23 Dec. 1839

Slave Trade Treaty between France and Haiti, signed at Port-au-Prince, 29
Aug. 1840

Slave Trade Treaty between Bolivia and Great Britain, signed at Sucre, 25
Sept. 1840

Treaty between Great Britain and Texas for the Suppression of the African
Slave Trade, signed at London, 16 Nov. 1840

Slave Trade Treaty between Great Britain and Mexico, signed at Mexico City,
24 Feb. 1841

Slave Trade Treaty between Ecuador and Great Britain, signed at Quito, 24
May 1841

Additional and Explanatory Convention for the Abolition of the Slave Trade
between Chile and Great Britain, signed at Santiago, 7 Aug. 1841

Slave Trade Treaty between Great Britain and Portugal, signed at Lisbon, 3
July 1842

***Webster–Ashburton Treaty**, (1842) boundary of the U.S. and providing for
Anglo–U.S. cooperation in the suppression of the slave trade.

Declaration between Great Britain and Texas, supplemental to the Slave Trade Treaty, signed at Washington, 16 Feb. 1844

Treaty between Great Britain and King William of Bimbia (West Africa) for the Abolition of the Slave Trade, signed 17 Feb. 1844

Additional Articles relative to the Slave Trade between France and King Fanatoro of Fanama, Cap de Monte (Senegal), signed at Cap de Monte, 23 June 1845

Slave Trade Engagements between Great Britain and the Trucial Sheikdoms of Oman and Bahrein, signed 30 April-8 May 1847

Treaty of Friendship and Commerce, and for the Suppression of the Slave Trade between Great Britain and Borneo, signed at Brunei, 27 May 1847

Additional Articles between Great Britain and the Netherlands to the Slave Trade Treaty of 4 May 1818, signed at The Hague, 31 Aug. 1848

Declaration relative to the Slave Trade between Great Britain and the Chiefs of Gallinas (West Africa), signed at Dumbocorro, 4 Feb. 1849

Protocol of Conference between France and Great Britain for the Suppression of the Slave Trade, signed at London, 8 May 1849

Engagement between Great Britain and the Chief of Sohar (Persian Gulf) for the Abolition of the African Slave Trade, signed 22 May 1849

Declaration relative to the Slave Trade between Great Britain and the Chiefs of Gallinas (West Africa), signed at Minah, 6 Nov. 1849

Declaration relative to the Slave Trade between Great Britain and the Chiefs of Gallinas (West Africa), signed at Minah, 11 Nov. 1849

Treaty of Peace, Friendship, Commerce and the Slave Trade between Great Britain and the Naloes (West Africa), signed at Caniope, 21 Mar. 1851

Treaty for the Suppression of the Slave Trade between Great Britain and New Granada, signed at Bogota, 2 April 1851

Treaty of Peace, Friendship, Commerce, Slave Trade and Navigation between Great Britain and the Macbatee (West Africa), signed at Macbatee, 26 Dec. 1851

Treaty of Peace, Friendship, Slave Trade, Commerce and Navigation between Great Britain and the Kambia (West Africa), signed at Kambia, 26 Dec. 1851

Convention of Peace, Commerce, Slave Trade etc. between Great Britain and the Transvaal Boers, signed at Sand River, 17 Jan. 1852

Engagement for the Abolition of the Trade in Slaves between Great Britain and the King and Chiefs of Cabenda (West Africa), signed at Cabenda, 11 Feb. 1853

Slave Trade Treaty between Great Britain and the Queen of Mohilla (East Africa), signed at Fumbani, 16 Sept. 1854

Slave Trade Treaty between Great Britain and a principal Chief of Comoro (East Africa), signed at Ytsanda, 20 Sept. 1854

Slave Trade Treaty between Great Britain and the Chiefs of Epé (East Africa), signed 28 Sept. 1854

Slave Trade Treaty between France and King Kosoko of Palmas (West Africa), signed at Palmas, 8 Feb. 1855

Engagement between Great Britain and Ambrizette (West Africa) for the Abolition of the Slave Trade, signed at Ambrizette, 17 Sept. 1855

Agreement between Great Britain and the Aulaki (South-Western Arabia), for the Suppression of the Slave Trade, signed at Hour, 14 Oct. 1855

Treaty of Friendship, Commerce and Slave Trade between Liberia and Maryland, signed at Monrovia, 4 Jan. 1856

Agreement of Peace, Friendship, Slave Trade etc. between Great Britain and the Sheiks of the Habr Owul (Somaliland), signed at Berbera, 7 Nov. 1856

Engagement between Great Britain and the King and Chiefs of Kinsembo (West Africa), signed at Kinsembo, 13 July 1857

Agreement between Great Britain and the Comoro Islands (West Africa) for the abolition of the slave trade, signed at Muroi, 29 July 1861

Treaty for the Suppression of the African Slave Trade between Great Britain and the United States, signed at Washington, 7 April 1862

Slave Trade Agreement between Great Britain and Addo (West Africa), signed at Addo, 27 June 1863

Convention between Great Britain and the United States additional to the Slave Trade Treaty of 7 April 1863, signed at Washington, 3 June 1870

Additional Slave Trade Convention between Great Britain and Portugal, signed at London, 18 July 1871

Treaty between Great Britain and Muscat for the Abolition of the Slave Trade, signed at Muscat, 14 April 1873

Treaty between Great Britain and Zanzibar for the Suppression of the Slave Trade, signed at Zanzibar, 5 June 1873

Treaty between Great Britain and Zanzibar supplementary to the Slave Trade Treaty of 5 June 1873, signed at London, 14 July 1875

Engagement between Great Britain and the Chiefs of the South Bank of the River Congo (West Africa), signed 27 Mar. 1876

Treaty between Great Britain and King Anizanza (West Africa), signed at the River Congo, 19 April 1876

Convention between Egypt and Great Britain for the Suppression of the Slave Trade, signed at Alexandria, 4 Aug. 1877

Convention between Germany and Great Britain extending to the German Empire the Slave Trade Treaty of 20 Dec. 1841, signed at London, 29 Mar. 1879

Convention between Great Britain and Turkey for the Suppression of the African Slave Trade, signed at Constantinople, 25 Jan. 1880

Convention between Great Britain and Johanna (East Africa) for the Suppression of Slavery and the Slave Trade, signed at Bambao, 10 Oct. 1882

Convention between Great Britain and Mohilla (East Africa) for the Suppression of Slavery and the Slave Trade, signed at Doani, 24 Oct. 1882

Declaration between Great Britain and Turkey amending the Slave Trade Treaty of 25 Jan. 1880, signed at Constantinople, 3 Mar. 1883

Slave Trade Convention between Abyssinia and Great Britain, signed at Adowa, 3 June 1884

Arrangement between Germany and Great Britain respecting the Suppression of the Slave Trade in East Africa, signed at London, 3/5 Nov. 1888

Treaty between Great Britain and Italy for the Suppression of the African Slave Trade, signed at London, 14 Sept. 1889

General Act of the Brussels Conference relating to the African Slave Trade between Austria-Hungary, Belgium, Congo, Denmark, France, Germany, Great Britain, Italy, the Netherlands, Persia, Portugal, Russia, Spain, Sweden-Norway, Turkey, the United States and Zanzibar, signed 2 July 1890

Treaty between Great Britain and Spain for the Suppression of the African Slave Trade, signed at Brussels, 2 July 1890

Convention between Egypt and Great Britain for the Suppression of Slavery and the Slave Trade, signed at Cairo, 21 Nov. 1895

B.MULTILATERAL TREATIES FOR SLAVE TRADE SUPPRESSION

Results based on the *Oxford Collection of International Law Treaties* on the topic of slave trade in the nineteenth century and additions from mentions in secondary documents (*).

Definitive Treaty of Peace between Austria, Great Britain, Prussia and Russia and France, signed at Paris, 20 Nov. 1815⁶⁶⁹

Declaration respecting the Abolition of the Slave Trade between Austria, France, Great Britain, Prussia and Russia, signed at Verona, 28 Nov. 1822

Treaty between Austria, Great Britain, Prussia and Russia for the Suppression of the African Slave Trade, signed at London, 20 Dec. 1841

Protocol of Conference relative to the Slave Trade between Austria, Great Britain, Prussia and Russia, signed at London, 3 Oct. 1845

Treaty between Austria, Great Britain, Prussia and Russia, and Belgium, for the Accession of Belgium to the Treaty of 20 Dec. 1841 for the Suppression of the Slave Trade, signed at London, 28 Feb. 1848

⁶⁶⁹ Slave trade suppression was not one of the main objectives of the treaty. The additional articles between France and Great Britain provided for the intention of both parts to make every effort towards abolition and for the commitment of France to reach total suppression within 5 years.

C.ANGLO-BRAZILIAN TREATY OF 1826

Source: *Oxford Collection of International Law Treaties*

CONVENTION BETWEEN HIS MAJESTY AND THE EMPEROR OF
BRAZIL,

For the ABOLITION OF THE AFRICAN SLAVE TRADE

Signed at Rio da Janeiro, Nov. 23, 1826.

WHEREAS, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, respectively acknowledge the obligation which devolves upon Them to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil:—

And whereas, in furtherance of that important object, His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said Trade, so far as relates to the Dominions and Subjects of the Brazilian Empire, shall take

place, Their said Majesties have accordingly named as Their Plenipotentiaries to conclude a Convention for this purpose, that is to say :—

His Majesty The King of the United Kingdom of Great Britain and Ireland, 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 Majesty The Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Dignitary of the Imperial Order of the Cross, Commander of the Order of Christ, and Minister and Secretary of State for Foreign Affairs;—and the Most Illustrious and Most Excellent Marquis of Santo Amaro. Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, Dignitary of the Imperial Order of the Cross, and Commander of the Orders of Christ, and of the Tower and Sword :—

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:—

ARTICLE I

At the expiration of three years, to be reckoned from the exchange of the Ratifications of the present Treaty, it shall not be lawful for the Subjects of The Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such Trade after that period, by any person, Subject of His Imperial Majesty, shall be deemed and treated as Piracy.

ARTICLE II.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, deeming it necessary to declare the engagements by which They hold Themselves bound to provide for the regulation of the said Trade, till the

time of its final abolition, They hereby mutually agree to adopt and renew, as effectually as it the same were inserted, word for word, in this Convention, the several Articles and Provisions of the Treaties concluded between His Britannick Majesty and The King of Portugal on this subject, on the twenty-second of Jan. 1815, and on the twenty-eighth of July 1817, and the several Explanatory Articles which have been added thereto.

ARTICLE III.

The High Contracting Parties further agree, that all the matters and things contained in those Treaties, together with the Instructions and Regulations, and forms of Instruments annexed to the Treaty of the twenty-eighth of July 1817,—shall be applied, *mutatis mutandis*, to the said High Contracting Parties and Their Subjects, as effectually as if they were recited, word for word, herein; confirming and approving hereby, all matters and things done by their respective Subjects under the said Treaties, and in execution thereof.

ARTICLE IV

For the execution of the purposes of this Convention, the High Contracting Parties further agree to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannick Majesty and The King of Portugal, under the Convention of the twenty-eighth of July 1817.

ARTICLE V

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

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals their Arms.

Done at Rio de Janeiro, the twenty-third day of Nov., in the year of our Lord one thousand eight hundred and twenty-six.

(L.S.) ROBT GORDON. (L.S.) MARQUEZ DE S. AMARO. (L.S.)
MARQUEZ DE INHAMBUPE.

D. ANGLO-PORTUGUESE TREATY OF 1815

Source: *Oxford Collection of International Law Treaties*

His Royal Highness the Prince Regent of Portugal having, by the 10th Article of the Treaty of Alliance, concluded at Rio de Janeiro, on the 19th February, 1810, declared His determination to co-operate with his Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual Abolition of the Slave Trade; and His Royal Highness, in pursuance of His said Declaration, and desiring to effectuate, in concert with His Britannic Majesty and the other Powers of Europe, who have been induced to assist in this benevolent object, an immediate Abolition of the said Traffic upon the parts of the coast of Africa which are situated to the northward of the Line: His Britannic Majesty and His Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the Continent of Africa, by its being delivered from the evils of the Slave Trade, have agreed to enter into a Treaty for the said purpose, and have accordingly named as their Plenipotentiaries; viz His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K. G. His said Majesty's Principal Secretary of State for Foreign Affairs, and His Majesty's Principal Secretary of State for Foreign Affairs, and His Plenipotentiary at the Congress of Vienna,

&c. &c. &c.; and His Royal Highness the Prince Regent of Portugal, the Most Illustrious and Most Excellent Dom Pedro de Sousa Holstein, Count of Palmella, a Member of His Royal Highness's Council, &c. &c. &c.; the Most Illustrious and Most Excellent Anthony de Saldanha da Gama, a Member of His Royal Highness's Council and of His Council of Finance &c. &c. &c.; and the Most Illustrious and Most Excellent Dom Joaquim Lobo da Silveira, a Member of His Royal Highness's Council, &c. &c. &c. His Royal Highness's Plenipotentiaries at the Congress of Vienna; who, having mutually exchanged their full Powers, found in good and due form, have agreed upon the following Articles:

- I. That from and After the ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase Slaves, or to carry on the Slave Trade, on any part of the coast of Africa to the northward of the Equator, upon any pretext, or in any manner whatsoever: Provided nevertheless, that the said provision shall not extend to any ship or ships having cleared out from the ports of Brazil, previous to the publication of such ratification; and provided the voyage, in which such ship or ships are engaged, shall not be protracted beyond six months after such publication as aforesaid.
- II. His Royal Highness the Prince Regent of Portugal hereby agrees, and binds Himself, to adopt, in concert with His Britannic Majesty, such measures as may best conduce to the effectual executive of the preceding engagement, according to its true intent and meaning; His Britannic Majesty engages, in concert with His Royal Highness, to give such orders as may effectually prevent any interruption being given to Portugueze ships resorting to the actual Dominions of the Crown of Portugal, or to the Territories which are claimed in the said Treaty of Alliance, as belonging to the said Crown of Portugal, to the southward of the Line, for the purposes of trading in Slaves, as aforesaid,, during such further period as the same may be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the Two Crowns.
- III. The Treaty of Alliance concluded at Rio de Janeiro, on the 19th February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect; without prejudice, however, to the ancient Treaties of Alliance, Friendship and Guarantee, which have so long and so happily

subsisted between the Two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

- IV. The High Contracting Parties reserve to themselves, and engage to determine, by a separate Treaty, the period at which the Trade in Slaves shall universally cease, and be prohibited throughout the entire Dominions of Portugal; the Prince Regent of Portugal hereby renewing His former declaration and engagement, that, during the interval which is to elapse before such general and final abolition shall take effect, it shall not be lawful for the subjects of Portugal to purchase or trade in Slaves, upon any parts of the Coast of Africa, except to the southward of the Line, as specified in the second Article of this Treaty; nor to engage in the same, or permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of Portugal.
- V. His Britannic Majesty hereby agrees to remit, from the date at which the ratification mentioned in the 1st Article shall be promulgated, such further payments as may then remain due and payable upon the loan of £600,000, made in London for the service of Portugal, in the year 1809, in consequence of a Convention signed on the 21st of April of the same year; which Convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.
- VI. The present Treaty shall be ratified, and the ratifications shall be exchanged at Rio de Janeiro, in the space of five months, or sooner, if possible.

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

Done at Vienna, this 22d of January, 1815.

Signed

CASTLEREAGH, (L.S.)

Conde de Palmella, (L.S.)

Antonio de Saldanha da Gama, (L.S.)

D. Joaquim Lobo da Silveira, (L.S.)

ADDITIONAL ARTICLE.

It is agreed, that in the event of any of the Portugueze settlers being desirous of retiring from the Settlements of the Crown of Portugal on the coast of Africa to the northward of the Equator, with the Negroes, *bona fide* their domestics, to some other of the possessions of the Crown of Portugal, the same shall not be deemed unlawful, provided it does not take place on board a Slave-trading vessel, and provided they be furnished with proper passports and certificates, according to a form to be agreed on between the two Governments.

The present Additional Article shall have the same force and effect as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified, and the ratifications exchanged at the same time.

Done at Vienna, this 22d of January, 1815.

Signed

CASTLEREAGH, (L.S.)

Conde de Palmella, (L.S.)

Antonio de Saldanha da Gama, (L.S.)

D. Joaquim Lobo da Silveira, (L.S.)

E.ANGLO-PORTUGUESE TREATY OF 1817

Source: *Oxford Collection of International Law Treaties*

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty of the United Kingdom of Portugal, Brazil and Algarves, adhering to the principles which they have manifested in the Declaration of the Congress of Vienna, bearing date the 8th of February, 1815, and being desirous to fulfil faithfully, and to their utmost extent, the engagements which they mutually contracted by the Treaty of the 22d January, 1815, and till the period shall arrive when, according to the tenor of the fourth Article of the said Treaty, His Most Faithful Majesty has reserved to Himself, in concert with His Britannic Majesty, to fix the time when the trade in slaves shall cease entirely, and be prohibited in His Dominions, and His Majesty the King of the United Kingdom of Portugal, Brazil, and Algarves, having bound Himself, by the second Article of the said Treaty, to adopt the measures necessary to prevent His subjects from all illicit traffic in slaves; and His Majesty the King of the United Kingdom of Great Britain and Ireland, having, on His part, engaged, in conjunction with His Most Faithful Majesty, to employ effectual means to prevent Portugueze vessels trading in slaves, in conformity with the laws or hindrance from British cruizers; Their said Mejesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of these objects, and have therefore named as Plenipotentiaries, *ad hoc*, viz:

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Stewart, Viscount Castlereagh, K.G. His Principal Secretary of State for Foreign Affairs, &c. &c. &c.; and His Majesty the King of the United Kingdom of Portugal, Brazil and Algarves, the Most Illustrious and Most Excellent Lord, Don Pedro de Souza Holstein, Count of Palmella, Councillor of His said Majesty, Envoy Extraordinary and Minister Plenipotenciary to His Britannic Majesty, &c. &c. &c.; who, after having exchanged their respective full Powers, found to be in good and due form, have agreed upon the following Articles:

- I. The object of this Convention is, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.

The two High Contracting Powers declare, that they consider as illicit any traffic in Slaves carried on under the following circumstances:

1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel, or under any flag whatsoever.

2nd. By Portugueze vessels in any of the harbours or roads of the coast of Africa, which are prohibited by the first Article of the Treaty of the 22nd January, 1815.

3rd. Under the Portugueze or British flag for the account of the subjects of any other Government.

4th. By Portugueze vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

- II. The territories in which the traffic in Slaves continues to be permitted, under the Treaty of the 22nd of January, 1815, to the subjects of His Most Faithful Majesty, are the following:

1st. The Territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator, that is to say, upon the eastern coast of Africa, the Territory laying between Cape Delgado and the May of Lourenço Marques, and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

2nd. Those Territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty had declared He has retained His rights, namely,

The Territories of Molembo and Cabinda upon the eastern coast of Africa, from the 5th degree 12' do the 8th degree south latitude.

- III. His Most Faithful Majesty engages, within the space of two months after the exchange of the ratifications of this present Convention, to promulgate in His capital, and in the other parts of His dominions, as soon as possible, a Law which shall prescribe the punishment of any of His subjects, who may in future participate in an illicit traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils, under any flag, other than that of Portugal; and His Most Faithful Majesty engages to assimilate, as much as possible, the Legislation of Portugal in this respect, to that of Great Britain.
- IV. Every Portugueze vessel which shall be destined for the Slave Trade, on any point of the African coast, where this traffic still continues to be lawful, must be provided with a Royal passport, conformable to the model annexed to this present Convention, and which model forms an integral part of the same. The passport must be written in the Portugueze language, with an authentic translation in English annexed thereto, and it must be signed, for those vessels sailing from the port of Rio de Janeiro, by the Minister of Marine: and, for all other vessels which may be intended for the said traffic, and which may sail from any other ports of the Brazils, or from any other of the Dominions of His Most Faithful Majesty not in Europe, the passports must be signed by the Governor in Chief of the Captaincy to which the port belongs: and as to those vessels which may proceed from the ports of Portugal, to carry on the traffic in slaves, their passports must be signed by the Secretary of the Government for the Marine Department.
- V. The two High Contracting Powers, for the more complete attainment of their object, namely, the prevention of all illicit traffic in Slaves, on the part of their respective subjects, mutually consent, that the ships of war of their Royal navies which shall be provided, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, (in the event only of their actually finding slaves on board,) may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose, as shall hereinafter be specified.

Provided always, that the commanders of the ships of war of the two Royal navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall have received for this purpose.

As this Article is entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur unjustly, by the arbitrary and illegal detention of their vessel:

It being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of the arbitrary detention; provided always, that the visit and detention of slave ships, specified in this Article, shall only be effected by those British and Portuguese vessels which may form part of the two Royal navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Convention.

- VI. No British or Portuguese cruizer shall detain any slave ship, not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there for express purpose of the traffic; and those on board Portuguese ships must have been taken from that part of the coast of Africa where the slave trade was prohibited by the Treaty of the 22nd of January 1815.
- VII. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own Government with a copy of the instructions annexed to the present Convention, and which shall be considered as an integral part thereof.

These Instructions shall be written in Portuguese and English and signed for the vessels of each of the two Powers, by the ministers of their respective marine.

The two High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by common agreement, and by the consent of the two High Contracting Parties.

VIII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year at furthest, from the exchange of the ratifications of the present Convention, two mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside one in a possession belonging to His Britannic Majesty — the other within the Territories of His Most Faithful Majesty; and the two Governments, at the period of the exchange of the ratifications of the present Convention, shall declare, each for its own Dominions, in what places the Commissions shall respectively reside. Each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own Dominions, provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other in the Brazils.

These Commissions shall judge the causes submitted to them without appeal, and according to the Regulation and Instructions annexed to the present Convention, of which they shall be considered as an integral part.

IX. His Britannic Majesty, in conformity with the stipulations of the Treaty of the 22nd of January, 1815, engages to grant, in the manner hereafter explained, sufficient indemnification to all proprietors of Portugueze vessels and cargoes captured by British cruizers, between the 1st of June, 1814, and the period at which the two Commissions, pointed out in Article VIII of the present Convention, shall assemble at their respective posts.

The two High Contracting Parties agree that all claims of the nature herein-before mentioned, shall be received and liquidated by a mixed Commission, to be held at London, and which shall consist of an equal number of the individuals of the two nations, named by their respective Sovereigns, and upon the same principles stipulated by the 8th Article of this Additional Convention, and by the other Acts form an integral part of the same. The aforesaid Commission shall commence their functions six months after the ratification of the present Convention, or sooner, if possible.

The two High Contracting Parties have agreed that the proprietors of vessels captured by the British cruizers cannot claim compensation for a larger number of slaves than that which, according to the existing laws of Portugal, they were permitted to transport, according to the rate of tonnage of the captured vessel.

The two Hight Contracting Parties are equally agreed, that every Portugueze vessel captured with slaves on board for the traffic, which shall be proved to have been embarked within the territories of the coast of Africa, situated to the north of Cape Palmas, and not belonging to the Crown of Portugal, – as well as all Portugueze vessels captured with slaves on board for the Treaty of the 22nd January, 1815, and on which it can be proved that the aforesaid slaves were embarked in the roadsteds of the coast of Africa, situated to the north of the Equator, shall not be entitled to claim any indemnification.

- X. His Britannic Majesty engages to pay, within the space of a year at furthest, from the decision of each case, to the individuals having a just claim to the same, the sums which shall be granted to them by the Commissions named in the preceding Articles.
- XI. His Britannic Majesty formally engages to pay the £ 300,000 of imdenification, stipulated by the Convention of the 21st of January, 1815, in favour of the proprietors of Portugueze vessels captured by British cruizers, up to the period of the 1st of June, 1814, in the manner following, viz.

The first payment of £150,000 six months after the exchange of the ratifications of the present Convention, and the remaining £150,000, as well as the interests at five per cent due upon the total sum, from the day of the exchange of the ratifications of the Convention of the 21st of January, 1815, shall be paid nine months after the exchange of ratifications of the present Convention. The interest shall be payable up to the day of the las payment. All the aforesaid payments shall be made in London, to the Minister of His Most Faithful Majesty, at the Court of His Britannic Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose.

- XII. The Acts or Instruments annexed to this Additional Convention, and which form an integral part thereof, are as follows:

No. 1. Form of passport for the Passport for the Portuguese merchant ships, destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the mixed Commissions, which are to hold their sittings on the coast of Africa, at the Brazils, and in London.

XIII. The present Convention shall be ratified, and the ratifications thereof exchanged at Rio de Janeiro, within the space of four months at the furthest, dating from the day of its signature.

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

Done at London, the 28th July, 1817.

Signed

Castlereagh, (L.S.)

Conde de Palmella (L.S.)

Form of Passport for Portuguese Vessels destined for the lawful Traffic in Slaves

(Place of the Royal Arms)

I, _____ Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c. &c.

(or Governor of this Province,)

(or Secretary of the Government of Portugal,)

make known to those that shall see the present Passport, that the vessel called _____ of _____ tons, and carrying ___ men, and ___ passengers, _____ Master, and _____ Owner, Portuguese, and subjects of the United Kingdom, is bound to the ports of _____ and _____ and coast of _____ from whence she is return to _____ the said Master and Owner having previously taken the required oath before the Royal Board of Commerce of this Capital, (or the Board of Inspection of this

Province,) and having legally proved that no foreigner has any share in the above vessel and cargo, as appears by the certificate of that Royal Board, (or Board of Inspection,) which is annexed to this Passport. The said _____ Master, and _____ Owner of the said vessel, being under an obligation to enter solely such ports on the coast of Africa where the Slave Trade is permitted to the subjects of the United Kingdom of Portugal, Brazil and Algarves; and to return from thence to any of the ports of this Kingdom, where alone they shall be permitted to land the Slaves whom they carry, after going through the proper forms, to shew that they have, in every respect, complied with the provisions of the *Alvará*, of the 24th of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to His Dominions of Brazil. And should they fail to execute any of these conditions, they shall be liable to the penalties denounced by the *Alvará* of⁶⁷⁰ _____ against those who shall carry on the Slave Trade in an illicit manner. And as in going or returning she may, either at sea or in port, meet officers of ships and vessels of the same kingdom, the King our Lord orders them not to give her any obstruction; and His Majesty recommends to the officers of the fleets, squadrons, and ships of the Kings, princess, Republics and Potentates, the friends and allies of the Crown, not to prevent her from prosecuting her voyage, but, on the contrary, to afford her any aid accommodation she may want for continuing the same; being persuaded that those recommended by their Princes will, on our part, experience the same treatment. In testimony of which His Majesty has ordered her to be furnished by me with this Passport, signed and sealed with the great Seal of the Royal Arms, which shall have validity only for _____ and for one voyage alone.

Given in the Palace of _____ the _____ of _____ in the year after the birth of Our Lord Jesus Christ

_____ (L.S) _____ N. _____

By order of his Excellency,

_____ the Officer who made out the Passport.

⁶⁷⁰ This *Alvará* to be promulgated in pursuance of the III^d Article of the Additional Convention of the 28th July, 1817.

This Passport, (No. _____) authorizes any number of Slaves not exceeding _____ being _____ per ton (as permitted by the *Alvará* of ⁶⁷¹) _____ to be on board of this ship at one time, excepting always such Slaves employed as sailors or domestics, and children born on board during the voyage.

(Signed as above, by the proper Portugueze Authorities.)

Signed

CASTLEREAGH, (L.S.) CONDE DE PALMELLA,
(L.S.)

Instructions intended for the British and Portugueze Ships of War employed to prevent the illicit Traffic in Slaves

- I. Every British or Portugueze ship of war shall, in conformity with Article 5 of the Additional Convention of this date, 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; and should any slaves be found on board according to the tenor of the 6th Article of the aforesaid Additional Convention;—and as to what regards the Portugueze vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa where the traffic in slaves can no longer be legally carried on, in consequence of the stipulations in force between the two High Powers: these cases alone, the commander of the said ship of war may detain them; and having detained them, he is to bring them, as soon as possible, for judgement before that of the two mixed Commissions appointed by the 8th Article of the Additional

⁶⁷¹ That is to say, the *Alvará* of the 24th of November, 1813, or any other Portuguese Law which may hereafter be promulgated in lieu thereof.

Convention of this date, which shall be the nearest, or which the commander of the capturing ship shall upon his own responsibility think he can soonest reach from the spot where the slave-ship shall have been detained.

Ships on board of which no slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

- II. No merchantman or slave-ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadsted belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representation may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.
- III. The High Contracting Powers having in view the immense extent of the shores of Africa, to the north of the Equator along which this commerce continues prohibited, and the facility thereby afforded for illicit traffic, on points where either the total absence, or at least the distance of lawful authorities, bar ready access to those authorities, in order to prevent it, have agreed, for the more readily attaining the salutary end which they propose, to grant, and they do actually grant to each other the power, without prejudice to the rights of Sovereignty, to visit and detain, as if on the high seas, any vessel having slaves on board, even within cannon-shot of the shore of their respective territories on the continent of Africa to the north of the Equator, in case of there being no local authorities in the preceding recourse might be had, as has been stated in the preceding Article. In such case, vessels so visited may be brought before the mixed Commissions, in the form prescribed in the 1st Article of the preceding instructions.

- IV. No Portuguese merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found any where near the land, or on the high seas, south of Equator, unless after a chase that shall have commenced north of the Equator.
- V. Portuguese vessels furnished with a regular passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Portuguese subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Portuguese navigation, by steering some degree to the northward, in the search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved; or lastly, in the case of their passengers proving that they were bound for a Portuguese port not within the continent of Africa, Provided always, that, with regard to all slave-ships detained to the north of the Equator, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave-ships detained to the south of the Equator, in conformity with the stipulation of the preceding Article the proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated, that the number of slaves found on board a slave-ship by the cruisers, even should the number not agree with that contained in their passport, shall not be a sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Portuguese Tribunals in the Brazils, in order to their being punished according to the laws of the country.

- VI. Every Portuguese vessel, intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the Additional Convention of this date, shall be commanded by a native Portuguese; and two-thirds, at least, of the crew, shall likewise be Portuguese. Provided always, that its Portuguese or foreign construction shall in no wise effect its nationality, and that the negro sailors shall always be reckoned as Portuguese, provided they belong, as slaves, to subjects of

the Crown of Portugal, or that they have been enfranchised in the Dominions of His Most Faithful Majesty.

- VII. Whenever a ship of war shall meet a merchant vessel liable to be searched, it shall be done in the most mild 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 in the Navy.
- VIII. The ships of war which may detain the slave-ships, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain and a part, at least, of the crew of the above-mentioned slave-ship: the captain shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it: he shall deliver to the captain of the slave-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.

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 by one of the two mixt Commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely, or in part, before the vessels could arrive at the place of residence of one of the said Commissions, 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.

- IX. No conveyance of slaves from one port of the Brazils to another, or from the Continent or Islands of Africa, to the Possessions of Portugal out of America, shall take place as objects of commerce, except in ships provided with passports from the Portugueze Governments, ad hoc.

Done at London, on the 28th of July, 1817.

Signed
CASTLEREAGH, (L.S.) CONDE DE PALMELLA,
(L.S.)

Regulation for the mixed Commissions, which are to reside on the Coast of Africa, in the Brazils, and at London

- I. The mixed Commissions to be established by the Additional Convention of this date, upon the Coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such slave vessels as the cruisers of both nations shall detain, in pursuance of this same Convention, for carrying on an illicit commerce in slaves.

The above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22nd of January, 1815, and of the Additional Convention to the said Treaty, signed at London on this 28th day of July, 1817.

The Commissions shall give sentence as summarily as possible, and they are required to decide, (as far as they shall find it practicable), within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the ports where they reside; 1st, upon the legality of the capture; 2nd, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that in all cases the final sentence shall not 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 experience and risks of the delay, the Commissioners may, at their discretion, grant an additional delay not exceeding four months.

- II. Each of the above-mentioned mixt Commissions, which are to reside on the coast of Africa, and in the Brazils, shall be composed in the following manner:

The two High Contracting Parties shall each of them name a Commissary Judge, and a Commissioner of Arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulation of the Additional Convention of this date, may be laid before them. All the essential parts of the proceedings carried on before these mixt Commissions shall be written down in the language of the country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration, shall make oath, in presence of the principal Magistrate of the place in which the Commission may reside, 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 Treaty of the 22nd January, 1815, and of the Additional Convention to the said Treaty.

There shall be attached to each Commission a Secretary or Registrar, appointed by the Sovereign of the Country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

III. The form of the process shall be as follows:

The Commissary 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 on oath of the Captain 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 Captain 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 able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Additional Convention of this date, and in order that, according to this judgement, it may be condemned or liberated. And in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention or the indemnification to be allowed, or on any other question which might result from the stipulations of the

Convention of this date, —they shall draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration.

- IV. As often as the cargo of Slaves found on board of a Portuguese slave ship shall have been embarked on any point whatever of the coast of Africa, where the Slave Trade continues lawful to the subjects of the Crown of Portugal, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally *by land* from any other part whatever of the continent.
- V. In the authenticated declaration which the captor shall make before the Commission, 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 the detention, the above-mentioned captor shall be bound to declare his name, 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 living on board of the slave ship, at the time of the detention.
- VI. As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors; who may, before the same Commission, claim a valuation of the damages which they may have a right to demand: the captor himself, and in his default, his Government, shall remain responsible for the above-mentioned damages. The two High Contracting Parties bind themselves to defray, within the term of one year, from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power which the captor shall be a subject.
- VII. In case of the condemnation of a vessel for an unlawful voyage, 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 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 Commission a certificate of emancipation, and shall be established, to be

employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

- VIII. Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit trade in Slaves, not condemned as lawful prize by the mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the third Article of the present regulation.

And in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant, or his, or their lawful attorney or attorneys[*sic*], for his or their use, a just and complete indemnification:

First, 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, in case of total loss, the claimant or claimants shall be indemnified;

1st. For the ship, her tackle, apparel, and stores;

2ndly. For all freight due and payable;

3dly. For the value of the cargo of merchandize, if any;

4thly. For the slaves on board at the time of detention, according to the computed value of such slaves at that place of destination; deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage; deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale when payable at such port; and

5thly. For all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified,

—

First, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable;

Secondly, a demurrage when due, according to the schedule annexed to the present Article;

Thirdly, a daily allowance for the subsistence of slaves, of one sbilling [*sic*], or one hundred and eighty reis for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise,

Fourthly, —for any deterioration of cargo or slaves;

Fifthly, — for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; Sixthly, an allowance of five per cent on the amount of capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and

Seventhly, —for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest, at the rate of five per cent. per annum on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid *at par*, as above stipulated.

The two High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have 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 a Commissioner of Arbitration, that the captor has 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 detention, the demurrage stipulated by the present Article.

Schedule of demurrage or daily allowance for a Vessel of

100 tons to 120 inclusive,
 121 ditto-150 ditto,
 151 ditto-170 ditto,
 171 ditto-200 ditto,
 221 ditto-250 ditto, per diem
 251 ditto-270 ditto,
 271 ditto-300 ditto,
 and so on in proportion

- IX. When the proprietor of a ship, suspected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the mixed Commissions, (or in the case, as above-mentioned, of total loss) shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel was, by the Portugueze laws, authorised to carry, which number shall always be declared in his passport.
- X. The mixt Commission established in London by Article IX of the Convention of this date, shall hear and determine all claims for Portugueze ships and cargoes, captured by British cruizers on account of the unlawful trading in slaves, since the 1st of June, 1814, till the period when the Convention of this date is to be in complete execution; awarding to them, conformably to Article IX of the Additional Convention of this date, a just and complete compensation, upon the basis laid down in the preceding Articles, either for total loss, or for losses and damages sustained by the owners and proprietors of the said ships and cargoes. The said Commission established in London shall be composed and shall proceed exactly upon the basis determined in Articles 1,2, and 3, of the present regulation for the Commissions established on the coast of Africa and the Brazils.
- XI. It shall not be permitted to any of the Commissary Judges, nor to the Arbitratirs, nor to the Secretary of any of the parties concerned in the sentence which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

- XII. When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the mixt Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for removing, when they think fit, the individuals who may compose these Commissions.
- XIII. In the case of a vessel detained unjustly, under the pretence of the stipulations of the Additional Convention of this date, and in which the captor should neither be authorized by the tenour of the above-mentioned Convention, nor of the instructions annexed to it, the Government to which the detained vessel may belong shall be entitled to demand reparation; and in such case, the Government to which the captor may belong binds itself to cause the subject of complaint to be fully examined, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.
- XIV. The two High Contracting Parties have agreed, that in the event of the death of one or more Commissioners, Judges and Arbitrators composing the above-mentioned mixt Commissions, their posts shall be supplied, *ad interim*, in the following manner: on the part of the British Government, the vacancies shall be filled successively, in the Commission which shall sit within the possessions of His Britannic Majesty, by the Governor or Lieutenant Governor resident in that colony, by the principal Magistrate of the place, and by the Secretary; and in the Brazils, by the British Consul and Vice-Consul resident in the city in which the mixt Commission may be established.

On the part of Portugal, the vacancies shall be supplied, in the Brazils, by such persons as the Captain General of the Province shall name for that purpose; and considering the difficulty which the Portugueze Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the British possessions, it is agreed, that in case of the death of the Portugueze Commissioners, Judge, or Arbitrator, in those possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgement of such slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing the

sentence, if they think fit, to the Commission resident in the Brazils; and the Government to which the captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the appeal be judged in favour of the claimants: it being well understood that the ship and cargo shall remain, during this appeal, in the place of residence of the first Commission before whom they may have been conducted.

The High Contracting Parties have agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions, from death or any other contingency. And in case that the vacancy of each of each of the Portugueze Commissioners residing in the British possessions, be not supplied at the end of six months, the vessels which are taken there to be judged, after the expiration of that time, shall no longer have the right of appeal herein-before stipulated.

Done in London, the 28th of July, 1817.

Signed

CASTLEREAGH, (L.S.) CONDE DE PALMELLA,
(L.S.)

Separate Article

As soon as the total Abolition of Slave Trade, for the subjects of the Crown of Portugal, shall have taken place, the two High Contracting Parties hereby agree, by common consent, to adapt, to that state of circumstances, the stipulations of the Additional Convention concluded at London, the 28th of July last; but in default of such alterations, the Additional Convention of that date shall remain in force until the expiration of fifteen years from the day on which the general abolition of the Slave Trade shall so take place, on that part of the Portugueze Government.

The present Separate Article shall have the same force and validity as if it were inserted, word for word, in the Additional Convention aforesaid. It shall be ratified, and the ratifications shall be exchanged as soon as possible.

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

Done in London, this 11 September, 1817.

Signed

CASTLEREAGH, (L.S.)
(L.S.)

CONDE DE PALMELLA,

Declaration

Whereas a Convention, having for its object the prevention of the illicit Traffic in Slaves, was concluded between His Britannic Majesty and His Most Faithful Majesty, and signed at London on the 18th of July, 1817.

And whereas by the second Article of that Convention the Traffic in Slaves was declared still to be permitted to Portugueze subjects, only within certain territories therein described:

And whereas the Territories of Molembo and Cabinda are described by that Article to be in the Eastern coast of Africa; and whereas this description is evidently a verbal mistake, the said Territories of Molembo and Cabinda lying in fact upon the *Western*, and not upon the *Eastern* coast of Africa: —

It is hereby declared, by the undersigned, that the word *Eastern*, in that part of the second Article above alluded to shall be held to be annulled, and the word *Western* to

stand in its place; and the latter part of the Article in question shall accordingly be held to run thus: —

“The Territories of Molembo and Cabinda, upon the Western coast of Africa, from the fifth degree, twelve minutes, to the eighth degree south latitude.”

It was further agreed between the undersigned, that the present Declaration shall be considered as an integral part of the said Convention.

In witness and in faith of the above, the undersigned, His Britannic Majesty’s Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James’s, have hereunto set their hands and seals, at London, this third day of April, 1819.

Signed

CASTLEREAGH, (L.S.)

CONDE DE PALMELLA,

(L.S.)

F.ADDITIONAL ARTICLES OF 1823

Source: British and Foreign State Papers

Additional Articles to the Convention between His Britannick Majesty and His Most Faithful Majesty, signed in London, on the 28th of July, 1817.

His Majesty The King of The United Kingdom of Portugal, Brazil, and Alvarges, wishing to remove every obstacle to the faithful execution of the Convention signed in London, by their respective Plenipotentiaries, on the 28th of July, 1817, for the purpose of preventing their Subjects from engaging in any illicit Traffick in Slaves; and seeing the necessity in adding, for that intent, certain Articles to the said Convention, have, for this purpose, named their Plenipotentiaries, that is to say: – His majesty The King of the United Kingdom of Great Britain and Ireland, Edward Michael Ward, Esquire, his Chargé d’Affairs at the Court of Lisbon; and His Majesty The King of the United Kingdom of Portugal, Brazil and Algarves, Jose Bazilio Rademaker, Knight Professed in the Order of Christ, and Chief Clerk of the Department of State for Foreign Affairs: who, after having exchanged their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:

Article I

Whereas it is stated, in the First Article of the Instructions intended for the British and Portuguese Ships of War, employed to prevent the illicit Traffick in Slaves, that “Ships on board of which no Slaves shall be found, intended for the purposes of Traffick, shall not be detained on any account or pretence whatever:” and whereas it has been found by experience, that Vessels employed in the illegal Traffick have put their Slaves momentarily on shore, immediately prior to their being visited by Ships of War, and that such Vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention of the 28th of July, 1817: the two High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof that a Slave or Slaves, of either sex, has or have been put on board a Vessel for the purpose of illegal Traffick, in the particular voyage on which the Vessel be

captured, then and on that account, according to the true intent and meaning of the Stipulations of the above-mentioned Convention, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

Article II

Inasmuch as the Convention of the 28th of July, 1817, does not stipulate the mode of supplying the absence of the Commissioners, occurring from any other cause besides that of death, which is the only case provided for by the Fourteenth Article of the Regulation for the Mixed Commissions annexed to the said Convention; the two High Contracting parties have agreed, that, in the event of the recall, or of the absence on account of illness, or any other unavoidable cause, of any of the Commissioners, Judges, or Arbitrators; or in any case of their absence in consequence of leave from their Government (which must be notified to the representative of the Commission) their Posts shall be supplied in the same form and manner as is determined for the case of death by the above-mentioned Fourteenth Article of the said Regulation.

These Additional Articles shall have the same force and effect as if they were inserted, word for word, in the said Convention, and shall be considered as forming part of the same: they shall be ratified, and the Ratifications thereof exchanged in Lisbon, within three months, at least, after the date of their signature.

In witness thereof the Undersigned, being furnished with Full Powers to that effect, have signed these Articles, and affixed thereunto the Seals of their Arms.

Done at Lisbon, this fifteenth day of Mar., in the year of Our Lord one thousand eight hundred and twenty-three.

(L. S.) E. M. WARD
RADEMAKER

(L. S.) JOSE BAZILIO

G. BRAZILIAN CASES UNDER MIXED COMMISSIONS

The following tables present data collected from the *House of Commons Papers, Class A, Correspondence with the British Commissioners* (1822-1845).

Brazilian and Portuguese vessels adjudicated by the Anglo-Portuguese Mixed Commission at Sierra Leone since 1822

Information collected from House of Commons Parliamentary Papers, Class A, Correspondence with the British Commissioners.

Type and name of the vessel (Flag)	Flag	Date of capture	of	Date of Decree	of Decree	Decree	Number of slaves emancipated
[...]Minerva	BR	30 1824	Jan.	*withdrawn			---
Brig Bom Caminho	BR	10 1824	Mar.	15 1824	May	Condemned for being engaged in slave trade	326
Maria Pequena	PT	8 1824	May	14 1824	July	Condemned for being engaged in slave trade	11
Brigantine Dianna	BR	11 1824	Aug.	15 1824	Nov.	Condemned for being engaged in slave trade	114

Brigantine	Dos	BR	18	Sept.	15	Nov.	Condemned	253
Amigos Brasileiros			1824		1824		for being engaged in slave trade	
Brig Avizo		BR	(before)	8	19	Nov.	Condemned	424
			Nov. 1824		1824		for being engaged in slave trade	
Brig Cerqueira ⁶⁷²		BR	30	Jan.	16	April	Restitution	0
			1824		1824			
Schooner Bella Eliza		BR	23 rd	Nov.	31 st	Jan.	Condemned	359
			1824		1825		for being engaged in slave trade	
Schooner Bom Fim		BR	14	Jan.	19	Mar.	Condemned	146
			1825		1825		for being engaged in slave trade	
Sumaca Bom Jesus dos Navigantes		BR	17	July	14	Sept.	Condemned	266
			1825		1825		for being engaged in slave trade	
Schooner Uniao		BR	9	Sept.	4	Nov.	Condemned	249
			1825		1825		for being	

⁶⁷² Not admitted in the Rio Mixed Commission for appeal (17th May 1825).

							engaged in slave trade	
Brig Bahia	Paquete da	BR	22 nd 1825	Nov. 10	1826	Jan.	Condemned for being engaged in slave trade	385
Brigantine /Segunda Rosalia	San Joao	BR	25 1825	Nov. 1826	Mar. 21,	1826	Condemned for being engaged in slave trade	186
Brig Activo		BR	11 1826	Feb. 9	1826	May	Restitution	---
Sloop Esperança		BR	4 of 1825	Mar. 8	1826	June	Condemned for being engaged in slave trade	4
Brigantine Netuno		BR	4 of 1825	Mar. 8	1826	June	Condemned for being engaged in slave trade	84
Brig Defensor	Perpetuo	BR	18 of 182	April			Restored by captors	0
Ship Sam Benedito		BR	11 of 1826	June			Restitution	0

Brig Principe de Guiné	BR	---		26	Sept.	Condemned for being engaged in slave trade	579
Brigantine Heroína	BR	17	Oct.	24	Jan.	Condemnation (for breach of imperial passport)	0
		1826		1827			
Schooner Eclipse	BR	6	Jan.	16	Mar.	Condemnation (for irregular license)	0
				1827			
Ship Invencível	BR	21 st	Dec.	16	Mar.	Condemned for being engaged in slave trade	250
		1826		1827			
Schooner Venus	BR	6	Feb.	9	April	Condemned for being engaged in slave trade	188
		1827		1827			
Brigantine Amigos	Dos BR	8	Feb.	9	April	Condemned for being engaged in slave trade	308
		1827		1827			
Schooner Independencia	BR	28	Feb.	15	May	Condemnation (for breach of imperial	0
		1827		1827			

						passport)	
Schooner Carlota	BR	14	Mar.	30	April	Condemnation	0
		1827		1827		(for breach of imperial passport)	
Brig Venturoso(a)	BR	14	Mar.	30	April	Condemnation	0
		1827		1827		(for breach of imperial passport)	
Brig Trajano	BR	13	Mar.	30	April	Condemnation	0
		1827		1827		(for breach of imperial passport)	
Schooner Tentadora/ Tenterdora/Interdora	BR	14	Mar.	30	April	Condemnation	0
		1827		1827		(for irregular license)	
Brigantine Conceição de Marie	BR	4	Mar.	15	May	Condemned	198
		1827		1827		for being engaged in slave trade	
Schooner Providencia	BR	16	Mar.	30	April	Condemnation	0
		1827		1827		(for irregular license)	
Schooner Amigos	Trez BR	19	April	15	May	Condemned	3
		1827		1827		for being	

						engaged in slave trade	
Conceição do Rio	Paquete	BR	22d 1827	Mar.	15 May	Condemnation (for irregular license)	0
Brigantine Creola		BR	11 April 1827		9 June	Condemned for being engaged in slave trade	289
Brig Bahia		BR	3 rd 1827	April	19 June 1827	Condemnation (for breach of imperial passport)	0
Brig Silveirinha		BR	12 1827	Mar.	19 June 1827	Condemned for being engaged in slave trade	209
Sumacca Copioba		BR	15 1827	May	20 July 1827	Condemnation (for irregular license)	0
Schooner Toninha		PT	18 1827	June	21 July 1827	Condemned for being engaged in slave trade	58
Brig Henriqueta		BR	6	Sept.	29 Oct.	Condemned	542

				1827		1827		for being engaged in slave trade	
Schooner Dianna		BR	12	Oct. 8	1827	Dec. 8	1827	Condemned for being engaged in slave trade	83
Sumacca Voador	São João	BR	23 rd	Oct. 10	1827	Jan. 10	1828	Restitution	0
Schooner Vencedora	El	BR	24	Oct. 26	1827	Jan. 26	1828	Restitution	0
Schooner Esperanza		BR	13	April 26	1828	May 26	1828	Condemnation (for breach of imperial passport)	0
Schooner Voadora		BR	19	April 16	1828	June 16	1828	Condemned for being engaged in slave trade	61
Brig Vingador		PT	16	May 16	1828	June 16	1828	Condemned for being engaged in slave trade	624
Schooner Rosalia	Terceira	BR	20	April 17	1828	June 17	1828	Condemnation (for breach of	0

imperial
passport)

Schooner Josephina	BR	4	July 8	Aug.	Condemned	74
		1828	1828		for being engaged in slave trade	

*Brazilian vessels adjudicated by the Anglo-Brazilian Mixed Commission
at Sierra Leone from 1828 (establishment in 19 Aug. 1828) to 1845*

Type and name of the vessel (Flag)	Date of capture	Date of Decree	Decree	Numbe r of slaves emanci pated
Schooner Nova Viagem/Virgem	28 July 1828	18 Sept. 1828	Condemned for being engaged in slave trade	320
Brig Clementina	5 Aug. 1828	18 Sept. 1828	Condemned for being engaged in slave trade	156
Schooner Sociedade	8 Aug. 1828	3 rd Oct. 1828	Condemnation (for irregular license)	(for 0)
Brig-Schooner Voador	20 Aug. 1828	17 Nov. 1828	Condemnation (for breach of imperial passport)	(for 0)

Schooner Effigenia	Santa	17 Oct. 1828	26 Nov. 1828	Condemned for being engaged in slave trade	217
Schooner da França	Penha	3 rd Oct. 1828	16 Dec. 1828	Condemned for being engaged in slave trade	169
Sloop Conceição	Minerva da	17 Oct. 1828	19 Dec. 1828	Condemned for being engaged in slave trade	82
Schooner Zepherina		14 Sept. 1828	9 Dec. 1828	Condemned for being engaged in slave trade	153
Schooner Arcenia		30 Oct. 1828	19 Dec. 1828	Condemned for being engaged in slave trade	269
Schooner do Mar	Estrella	30 Oct. 1828	19 Dec. 1828	Condemnation (for irregular license)	0
Schooner Triumpho		23 rd Nov. 1828	17 Jan. 1829	Condemned for being engaged in slave trade	122
Schooner Eliza	Bella	7 Jan. 1829	27 Feb. 1829	Condemned for being engaged in slave trade	215
Brigantine Uniao		6 Feb. 1829	13 Mar. 1829	Condemned for being engaged in slave trade	366
Brig Andorinha		19 Feb. 1829	11 April 1829	Condemnation (for irregular license)	0
Schooner Barbara	Donna	15 Mar. 1829	13 April 1829	Condemned for being engaged in slave trade	351

Schooner Carolina	15 Mar. 1829	13 April 1829	Condemned for being engaged in slave trade	399
Schooner Mensajeira	15 Feb. 1829	24 June 1829	Condemned for being engaged in slave trade	117
Schooner Ceres	6 Aug. 1829	22 Sept. 1829	Condemned for being engaged in slave trade	128
Schooner Emilia	21 Aug. 1829	22 Sept. 1829	Condemned for being engaged in slave trade	435
Schooner Santa Jago	7 Aug. 1829	30 Sept. 1829	Condemned for being engaged in slave trade	148
Schooner Tentadora	1 Nov. 1829	1 May 1830	Condemned for being engaged in slave trade	320
Brig Emilia	31 Oct. 1829	1 May 1830	Condemned for being engaged in slave trade	148
Brigantine Emilia	9 Dec. 1829	1 May 1830	Condemned for being engaged in slave trade	128
Schooner Nao Lendia	10 Dec. 1829	1 May 1830	Condemned for being engaged in slave trade	159
Schooner Nossa Senhora da Guia	7 Jan. 1830	13 May 1830	Condemned for being engaged in slave trade	238
Brigantine Primeira Rosalia	23 Jan. 1830	13 May 1830	Condemned for being engaged in slave trade	242

Schooner Umbelino	15 Jan. 1830	13 May 1830	Condemned for being engaged in slave trade	163
Schooner Nova Resolução	2 Feb. 1830	13 May 1830	Condemned for being engaged in slave trade	42
Brigantine Ismenia	28 Nov. 1829	29 June 1831	Condemnation (for irregular license)	0
Incomprehensivel	23 Dec. 1836	17 Feb. 1837	Condemned	
Schooner Jacuhy	14 June 1839	18 July 1839	Condemned	196
Brig Empreendedor	23 June 1839	3 Aug. 1839	Condemned	---
Brigantine Simpathia	27 July 1839	7 Sept. 1839	Condemned	---
Brig Firmeza	25 July 1839	14 Sept. 1839	Condemned	---
Brig Intrepido	9 Aug. 1839	24 Sept. 1839	Condemned	---
Brig Augusto	5 Sept. 1839	19 Oct. 1839	Condemned	---
Brigantine Pampeiro	?	30 Oct. 1839	Condemned	---
Brigantine Golfino	19 Sept. 1839	?	Condemned	---
Brig Destemida	29 Sept. 1839	18 Nov. 1839	Condemned	---

Schooner Calliope	27 Oct. 1839	3 Dec. 1839	Condemned	---
Brigantine Sociedade Feliz	21 Nov. 1839	24 Dec. 1839	Condemned	---
Brigantine Conceição	28 Nov. 1839	6 Jan. 1840	Condemned for being engaged in slave trade	---
Brigantine Julia	29 Nov. 1839	6 Jan. 1840	Condemned for being engaged in slave trade	---
Polacca Santo Antonio Victorioso	2 April 1840	21 May 1840	Condemned for being engaged in slave trade	---
Brig Republicano	12 April 1840	5 June 1840	Condemned for being engaged in slave trade	---
Claudina	29 Aug. 1840	1 Oct. 1840	Condemned for being engaged in slave trade	---
Onze de Novembro	11 Oct. 1840	11 Nov. 1840	Condemned for being engaged in slave trade	---
Gratidão	14 Oct. 1840	16 Nov. 1840	Condemned for being engaged in slave trade	0
Emilia	9 Nov. 1840	9 Dec. 1840	Condemned for being engaged in slave trade	---
Feliz Ventura	29 Nov. 1840	11 Jan. 1841	Condemned for being engaged in slave trade	---

Bellona	14 Dec. 1840	11 Jan. 1841	Condemned for being engaged in slave trade	---
Nova Inveja	20 Jan. 1841	3 Mar. 1841	Condemned for being engaged in slave trade	---
Bom fim	20 Jan. 1841	13 Mar. 1841	Condemned for being engaged in slave trade	---
Juliana	12 Feb. 1841	6 April 1841	Condemned for being engaged in slave trade	---
Orozimbo	8 Jan. 1841	6 April 1841	Condemned for being engaged in slave trade	---
Firme	30 May 1841	---		---
Nova Fortuna	6 June 1841	---		---
Flor de América	29 June 1841	---		---
Donna Ellisa	30 June 1841	---		---
Schooner Galianna	1842	---	Condemned	---
Barque Ermelinda	1842	---	Liberated	---
Brigantine Antonio	St. 1842	---	Condemned	---

Polacca	27 June 1842	---	Condemned	---
Brigantine St. João Batista				
Brigantine Resolução	4 Sept. 1842	---	Condemned	---
Barque Ermelinda Segunda	11 July 1842	---	Condemned	---
Brigantine Bom fim	---	---	Condemned	---
Brig Clio	---	---	Condemned	---
Schooner Brilhante	---	---	Condemned	---
Barque Confidencia	17 Mar. 1843	5 July 1843	Condemned for being engaged in slave trade	---
Schooner Esperança	29 May 1843	18 July 1843	Condemned for being engaged in slave trade	---
Brig Furia	8 Aug. 1843	18 Sept. 1843	Condemned for being engaged in slave trade	529
Brigantine Independencia	8 Aug. 1843	10 Nov. 1843	Condemned for being engaged in slave trade	---
Brigantine	14 Sept. 1843	18 Nov. 1843	Liberated	

Conceição Flora				
Brig Temerario	3 Nov. 1843	2 Dec. 1843	Condemned for being engaged in slave trade	279
Brigantine Loteria				
	1 Nov. 1843	15 Dec. 1843	Condemned for being engaged in slave trade	---
Schooner Linda	20 Nov. 1843	29 Dec. 1843	Condemned for being engaged in slave trade	---
Brigantine Helena				
	---	---	Condemned	418
Brigantine Imperatrix				
	---	---	Condemned	---
Schooner L'Egeria				
	---	---	Condemned	---
Polacca Prudencia	Brig	---	Restitution	---
Schooner Santa Anna				
	---	---	Condemned	21
Brig Maria				
	---	---	Condemned	---
Schooner Rafael				
	27 Mar. 1844	27 May 1844	Condemned for being engaged in slave trade	---
Brigantine Conceição Feliz				
	6 May 1844	30 May 1844	Condemned for being engaged in slave trade	---

Schooner Minerva	17 April 1844	10 June 1844	Condemned for being engaged in slave trade	---
Brigantine Triumpho de Inveja	23 May 1844	18 June 1844	Condemned for being engaged in slave trade	---
Brig Izabel	1 June 1844	24 June 1844	Condemned for being engaged in slave trade	---
Schooner Tentador	3 June 1844	27 June 1844	Condemned for being engaged in slave trade	---
Brig Izabel/Isabel	16 July 1844	21 Aug. 1844	Condemned for being engaged in slave trade	---
Brig Aventureiro	13 Aug. 1844	19 Sept. 1844	Condemned for being engaged in slave trade	---
Schooner boat Grande Poder de Dios	16 Sept. 1844	2 Nov. 1844	Condemned for being engaged in slave trade	39
Schooner Aventura(o)	28 Sept. 1844	13 Nov. 1844	Condemned for being engaged in slave trade	362
Schooner Virginia	20 Oct. 1844	20 Nov. 1844	Condemned for being engaged in slave trade	---
Brig Imperador or Don Pedro	23 June 1844	14 Dec. 1844	Condemned for being engaged in slave trade	0

Schooner Diligencia	16 Nov. 1844	24 Dec. 1844	Condemned for being engaged in slave trade	177
Schooner Ave Maria	25 Oct. 1844	26 Dec. 1844	Condemned for being engaged in slave trade	---
Schooner Carolina	17 Dec. 1844	Feb. 1845	Condemned for being engaged in slave trade	---
Brigantine Esperança (2nd)	8 Jan. 1845	21 Feb. 1845	Condemned for being engaged in slave trade	---
Brigantine Esperança (1st)	19 Jan. 1845	3 Mar. 1845	Condemned for being engaged in slave trade	---
Launch Cazuya	30 Jan. 1845	25 Mar. 1845	Condemned for being engaged in slave trade	---
Launch Diligencia	23 Jan. 1845	2 April 1845	Condemned for being engaged in slave trade	---
Schooner Vivo	11 Feb. 1845	2 April 1845	Condemned for being engaged in slave trade	---
Brigantine Oliveira	2 Mar. 1845	5 April 1845	Condemned for being engaged in slave trade	---
Schooner Diligencia	8 Feb. 1845	9 April 1845	Condemned for being engaged in slave trade	---
Brig Atala	23 Feb. 1845	14 April 1845	Condemned for being engaged in slave trade	---

Brigantine Echo	2 Mar. 1845	21 April 1845	Condemned for being engaged in slave trade	412
Schooner Vinte Nove	27 Mar. 1845	21 April 1845	Condemned for being engaged in slave trade	---
Brigantine Donna Clara	18 April 1845	16 May 1845	Condemned for being engaged in slave trade	---

Vessels adjudicated by the Anglo-Portuguese Mixed Commission at Rio de Janeiro

Type and name of the vessel (Flag)	Nationality	Seizure	Date of capture	Date of Decree	Decree	N. of slaves emancipated
Schooner Emília	PT	GB	14 February 1821	31 July 1821	Condemned for being engaged in slave trade	---

Vessels adjudicated by the Anglo-Brazilian Mixed Commission at Rio de Janeiro

Type and name of the vessel (Flag)	Flag	Seizure	Date of capture	Date of Decree	Decree	N. of slaves emancipated
Brig Africano Oriental	PT	BR	Sept. 1830	12/17 Nov. 1830	Restitution and liberation	56
Bark Eliza	BR	BR	Sept. 1830	10 Dec. 1830	Restitution	0
Brig Dom Estevão de	PT	BR	6 Oct. 1830	10 Dec. 1830	Restitution and liberation	50

Atayde/d'At haide								
Schooner Destimida(o)	PT	GB	2 Dec. 1830	22	Jan. 1831	Restitution and liberation	and	50
Schooner Camila	PT	BR	(before) 1831	Dec. 24	1832	Restitution and liberation	and	5
Barque Maria da Glória	PT	GB	25 Nov. 1833	20	Dec. 1833	Lacking jurisdiction		0
Brig Paquete do Sul	PT	BR	23 May 1833	14	Jan. 1834	Condemned being engaged in slave trade	for	0
Schooner Duquesa de Braganza	PT	GB	15 June 1834	21	July 1834	Condemned being engaged in slave trade	for	249
Patacho Dois de Março	PT	BR	May 1834	27	Aug. 1834	Lacking jurisdiction		0
Patacho Santo Antonio	PT	BR	May 1834	4	Sept. 1834	Condemned being engaged in slave trade	for	91
Brig Rio da Prata	Mon tevid ean	GB	28 Nov. 1834	6	Feb. 1835	Condemned being engaged in slave trade	for	430

Brig Amizade Feliz	PT	BR	12 Feb. 1835	13 1835	May	Lacking jurisdiction	0
Schooner Angelica	PT	BR	17 Mar. 1835	17 1835	June	Lacking jurisdiction	0
Patacho Continente	BR	BR	7 July 1835	28 1835	July	Condemned for being engaged in slave trade	45
Schooner Aventura	PT	BR	7 June 1835	30 1835	July	Condemned for being engaged in slave trade	0
Smack Novo Destino	BR	BR	25 July 1835	18 1835	Sept.	Restitution	0
Brig Orion	PT	GB	17 Dec. 1835	18 1836	Jan.	Condemned for being engaged in slave trade	243
Smack Vencedora	PT	GB (N)	8 Jan. 1836	7 1836	Mar.	Restitution	0
Schooner Flor de Loanda	PT	GB	13 April 1838	15 June 1838	May/10 June 1838	Lacking jurisdiction	0
Brigantine/Patacho	BR	GB	13 April 1838	May 26/June 26		Condemned for being engaged in	202

Cesar				1838		slave trade		
Brigantine Brilhante	PT	GB	13 May 1838	25 1838	June	Condemned being engaged in slave trade	for	245
Brig- Schooner Diligente	PT	GB	1 Dec. 1838	10 Feb. 1839	Jan./15	Condemned being engaged in slave trade	for	246
Brig Felix(z)	PT	GB	27 Dec. 1838	30 1839	Jan.	Condemned being engaged in slave trade	for	229
Brig- Schooner Carolina	PT	GB	27 Mar. 1839	16 1839	April	Condemned being engaged in slave trade	for	211
Patacho Especulador	PT	GB	25 Mar. 1839	4 1839	May	Condemned being engaged in slave trade	for	268
Brig Ganges	PT	GB	7 April 1839	31 1839	May	Condemned being engaged in slave trade	for	386
Brig Leal	PT	GB	11 April 1839	17 1839	June	Condemned being engaged in slave trade	for	319
Barque Maria	PT	GB	29 May 1839	13 1839	Sept.	Condemned being engaged in	for	0

Carlota							slave trade	
Patacho Recuperador	PT	GB	28 May 1839	24	Sept. 1839	Restitution		0
Brig Pompeo(u)	PT	GB (N)	28 Aug. 1839	26	Oct. 1839	Restitution		0
Brig Dom de João Castro	PT	GB	17 Oct. 1839	28	Jan. 1840	Condemned for being engaged in slave trade		0
Patacho Providencia	PT	BR	July 1839	4	May 1840	Lacking jurisdiction		0
Patacho Africano Atrevido	PT	BR (N)	--	6	April 1840	Lacking jurisdiction		0
Patacho Paquete de Benguela	PT	GB	29 Aug. 1840	28	Sept. 1840	Condemned for being engaged in slave trade		274
Galliot Alexandre	BR	GB	2 Sept. 1840	10	Sept. 1840	Restitution		0
A canoe 40 feet long/ launch	--	BR	24 Sept. 1840	29	Oct. 1840	Lacking jurisdiction		---

Brig Asseiceira	PT	GB	31 Dec. 1840	8 1841	Marc.	Condemned being engaged in slave trade	for 323
Brig Nova Aurora	BR	GB	26 Feb. 1841	15 1841	April	Restitution	0
Patacho Castro	BR	GB	1 June 1841	25 1841	July	Restitution	0
Brig Convenção	BR	GB	3 Dec. 1841	30 1841	Dec.	Restitution	0
Brig Schooner Aracaty	BR	BR	18 Mar. 1842	16 1842	July	Condemnation	0
Brig Dous Amigos	BR	GB	14 June 1843	22 1843	July	Restitution	0
Polacca Bom Destino	BR	GB	7 Sept. 1844	7 1844	Oct.	Condemnation	0
Brigantine Nova Granada	BR	GB	8 Nov. 1844	--	--	--	--
