



Slave Trade Act 1824

1824 CHAPTER 113

An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade. [24th June 1824]

WHEREAS it is expedient that the various Acts and Enactments relating to Slavery and the Slave Trade should be consolidated and amended;

be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

All Acts relating to the Slave Trade, and the Exportation and Importation of Slaves, repealed.

That from and after the First Day of *January* in the Year of our Lord One thousand eight hundred and twenty-five, all the Acts and Enactments relating to the Slave Trade and the Abolition thereof, and the Exportation and Importation of Slaves, shall be and the same are hereby repealed, save and except in so far as they may have repealed any prior Acts or Enactments, or may have been acted upon, or may be expressly confirmed by this present Act.

II The Purchase, Sale, or Contract for Slaves declared unlawful; as also the Exportation and Importation of Slaves ; the Shipping of Slaves in order to Exportation or Importation ; the fitting out Vessels ; making Loans or Guarantees ; the Shipping of Goods, &c. or sewing on board Ships employed for any of the aforesaid Purposes ; or the insuring of Salve Adventurers.

And be it further enacted, That it shall not be lawful (except in such special Cases as are herein-after mentioned) for any Persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, Purchase, Sale, Barter, or Transfer of Slaves, or Persons intended to be dealt with as Slaves ; or to carry away or remove or to contract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves; or to import or bring, or to contract for the importing or bringing into any Place whatsoever, Slaves or other Persons, as or

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in order to their being dealt with as Slaves; or to ship, tranship, embarking, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the Purpose of their being carried away or removed, as or in order to their being dealt with as Slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the Purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as Slaves; or to fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have hereinbefore been declared unlawful; or to lend or advance, or become Security for the Loan or Advance, or to contract for the lending or advancing, or becoming Security for the Loan or Advance of Money, Goods, or Effects, employed or to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or to become Guarantee or Security, or to contract for the becoming Guarantee or Security for Agents employed or to be employed 'in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or in any other Manner to engage or to contract to engage directly or indirectly therein as a Partner, Agent, or otherwise; or to ship, tranship, lade, receive, Or put on board, or to contract for the shipping, transshipping, lading, receiving, or putting on board of any Ship, Vessel, or Boat, Money, Goods, or Effects, to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have hereinbefore been declared unlawful; or to take the Charge or Command, or to navigate. Or enter and embark on board, or to contract for the taking the Charge or Command, or for the navigating or entering and embarking on board of any Ship, Vessel, or Boat, as Captain, Master, Mate, Petty Officer, Surgeon, Supercargo, Seaman, Marine, or Servant.,; or in any other Capacity, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same Occasion, in respect of which they shall so take the Charge Or Command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the Objects, by the Contracts in relation to the Objects, which' Objects arid Contracts have herein-before been declared unlawful; or to insure Or to contract for the insuring of any Slaves, or any Property, or other Subject Matter, engaged or employed, or intended to be engaged or employed, in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have hereinbefore been declared unlawful.

III Penalty for dealing in Slaves, or exporting or importing them, &c. ; or shipping Slaves for the Purpose of Exportation or Importation.

And be it further enacted, That (except in such special Cases as are in and by this Act permitted) if any Persons shall deal or trade in, purchase, sell, barter or transfer, or contract for the dealing or trading in, Purchase, Sale, Barter, or Transfer of Slaves, or Persons intended to be dealt with as Slaves, or shall carry away or remove or contract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves, or shall import or bring or contract for the importing or bringing into any Place, whatsoever Slaves or other Persons, as or in order to their being dealt with as Slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining,

or confining on board of any Ship, Vessel, Or Boat, Slaves or Other Persons for the Purpose of their being carried away or removed, as or in order to their being dealt with as Slaves ; or to ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the Purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as ;Slaves, then and in every such Case the Person so offending and their Procurers, Counsellors, Aiders, and Abettors, .shall forfeit and pay for every such Offence the Sum of One hundred Pounds of lawful Money of *Great Britain* for each and every Slave so dealt in, traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transhipped, embarked, received, detained, or confined on board, or so contracted for as aforesaid; the One Moiety thereof to the Use of His Majesty, His Heirs and, Successors, and the other Moiety to the Use of any Person ,who shall inform, sue, and prosecute for the same; and all Property or pretended Property in such Slaves or Persons as aforesaid shall also be forfeited, and the said Slaves or Persons shall and may be seized and prosecuted as herein-after is mentioned and provided.

IV Penalty for fitting out Slave Ships.

And be it further enacted, That (except in such special Cases or, for such special Purposes as are in and by this Act permitted) if any Persons shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting or taking to freight or on hire, any Ship, Vessel , or Boat, in order to accomplish any of the Objects, or the Contracts relation to the Objects, which Objects and Contracts have hereinbefore been declared unlawful, such Ship, Vessel, or Boat, together with all her Boats, Guns, Tackle, Apparel, and Furniture, and together likewise with all Property, Goods, or Effects found on board, belonging to the Owner or Owners, Part Owner or Part Owners of any such Ship, Vessel, or Boat, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided.

V Penalty for embarking Capital in the Slave Trade.

And be it further enacted, That (except in such special Cases or for such special Purposes as are in and by this Act permitted) if any Persons shall knowingly and wilfully lend or advance, or become Security for the Loan or Advance, or shall contract for the lending or advancing, or becoming Security for the Loan or Advance of Money, Goods, or Effects, employed or to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have hereinbefore been declared unlawful, then and in every such Case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall forfeit and pay for every such Offence double the Value of all the Money, Goods, and Effects so lent, advanced, or secured, or so contracted for as aforesaid, to be recovered and applied as is herein-after mentioned Mild provided.

VI Penalty for guaranteeing Slave Adventures.

And be it further enacted, That (except in such special Cases or for such special Purposes as are in and by this Act permitted) if any Persons shall knowingly and wilfully become Guarantee or Security, or contract for the becoming Guarantee or Security for Agents employed, or to be employed in accomplishing any of the Objects,

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or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful, or shall in any Other Manner engage or contract to engage directly or indirectly 'therein, as a Partner, Agent, or otherwise, then and in every such Case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall forfeit and pay for every such Offence double the Value of all the Money, Goods, and Effects so by them secured or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

VII Penalty for shipping Goods to be employed in the Slave Trade.

And be it further enacted, That (except in such special Cases or for such special Purposes as are in and by this Act permitted), if any Person shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or Contract for the shipping, transshipping, lading, receiving, or putting on board of any Ship, Vessel, or Boat, any Money, Goods, or Effects to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful, then and in every such Case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall forfeit and pay far every such Offence double the Value of all the Money, Goods, and Effects so shipped, transhipped, laden, received, or put on board, or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

VIII Penalty for insuring Slave Adventures.

And be it further enacted, That (except in such special Cases or for such special Purposes as are in and by this Act permitted) if any Person shall knowingly and wilfully insure or contract for the insuring of any Slaves, or any Property or other Subject Matter engaged or employed intended to be engaged or employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful, then and in every such Case the Person so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall forfeit and pay for every such Offerice the Sum of One hundred Pounds of lawful Money of *Great Britain* for every such Insurance or Contract for the same, and also Treble the Amount of the Premium of any such Insurance or Contract for the same, the one Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of any Person who shall inform, sue, and prosecute for the same, and every such Insurance shall be absolutely null and void.

IX Dealing in Slaves on the High Seas, &c. to be deemed Piracy.

And be it further enacted, That if any Subject or Subjects of His Majesty, or any Person or Persons residing or being within any of the Dominions, Forts, Settlements, Factories, or Territories, now or hereafter belonging to His Majesty, or being in His Majesty's Occupation or Possession, or under the Government of the United Company of Merchants of *England* trading to the *East Indies*, shall, except in such Cases as are in and by this Act permitted, after the First Day of *January* One thousand eight hundred and twenty-five, upon the High - Seas, or in any Haven, River, Creek, or Place where the Admiral has Jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any Person or Persons as a Slave or Slaves, or for the Purpose of his, her, or their being imported or brought as a Slave or Slaves, into any Island, Colony, Country, Territory, or Place whatsoever, or for the Purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave

or Slaves, or shall after the said First Day of *January* One thousand eight hundred and twenty-five, except in such Cases as are in and by this Act permitted, upon the High Seas, or within the Jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any Ship, Vessel, or Boat, any Person or Persons for the Purpose of his, her, or their being carried away, conveyed, or removed as a Slave or Slaves, or for the Purpose of his, her, or their being imported or brought as a Slave or Slaves into any Island, Colony, Country, Territory, or, Place whatsoever, or for the Purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves, then and in every such Case the Person or Persons so offending shall be deemed and adjudged guilty of Piracy, Felony, and Robbery, and being convicted thereof shall suffer Death without Benefit of Clergy, and Loss- of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to suffer.

X Persons dealing in Slaves, or exporting or importing, Slaves ; or shipping Slaves in order to Exportation or Importation ; or fitting out Slave Ships ; or embarking Capital in the Slave Trade ; or guaranteeing Slave Adventures ; or shipping Goods, &c. to be employed in the Slave Trade ; or serving on board Slave Ships as Captain, Master, &c. Surgeion, &c. ; or insuring Slave Adventures ; or forging Instruments relating to the Slave Laws. declared guilty of Felony, &c.

And be it further enacted, That (except in such special Cases as are in and by this Act permitted or otherwise provided for) if any Persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the--dealing or trading in, Purchase, Sale, Barter, or "Transfer of Slaves, or Persons, intended to be dealt with as Slaves, or shall, otherwise than as aforesaid, carry away or remove, or con. tract for the carrying away or removing of Slaves or other Persons, as or in order to their being dealt with as Slaves ; or shall import or bring, or contract for the importing or bringing, into any Place whatsoever, Slaves or other Persons, as or in order to their being dealt with as Slaves: or shall, otherwise than as aforesaid, ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the Purpose of their being carried away or removed, as or in order to their being dealt with as Slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any Ship, Vessel, or Boat, Slaves or other Persons, for the Purpose of their being imported or brought into any Place whatsoever, as or in order to their being dealt with as Slaves; or shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any Ship, Vessel, or Boat, in order to accomplish any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or shall knowingly and wilfully lend or advance, or become Security for the Loan or Advance, or contract for the lending or advancing, or becoming Security for the Loan or Advance of Money, Goods, or Effects, employed or to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or shall knowingly and wilfully become Guarantee or Security, or contract for the becoming Guarantee or Security, for Agents employed or to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have, hereinbefore been declared unlawful, or in any other Manner to engage, or to contract to engage, directly or indirectly therein,

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as a Partner, Agent, or otherwise ; or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transshipping, lading, receiving, or putting on board of any Ship, Vessel, or Boat, Money, Goods, or Effects to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or shall take the Charge or Command, or navigate, or enter and embark on board, or contract for the taking the Charge or Command, or for the navigating or entering and embarking on board of any Ship, Vessel, or Boat, as Captain, Master, Mate, Surgeon, or Supercargo, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same Occasion, in respect of which they shall so take the Charge or Command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or shall knowingly and wilfully insure, or contract for the insuring of any Slaves, or any Property or other Subject Matter engaged or employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; or shall wilfully and fraudulently forge or counterfeit any Certificate, Certificate of Valuation, Sentence, or Decree of Condemnation or Restitution, Copy of Sentence or Decree of Condemnation or Restitution, of any Receipt. (such Receipts being required by this Act), or any Part of such Certificate, Certificate of Valuation, Sentence Or Decree of Condemnation or Restitution, Copy of Sentence or Decree of Condemnation or Restitution, or Receipt as aforesaid ; or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with Intent to defraud His Majesty, His Heirs or Successors, or any other Person or Persons whatsoever, or any Body Politic or Corporate ; then and in every such Case the Person or Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall be and are hereby declared to be Felons, and shall be transported beyond Seas for a Term not exceeding Fourteen Years, or shall be confined and kept to Hard Labour for a Term not exceeding Five Years, nor less than Three Years, at the Discretion of the Court before whom such Offender or Offenders shall be tried and convicted.

XI Seamen, &c. serving on board such Ships guilty of Misdemeanor.

And be it further enacted, That (except in such special Cases, or for such special Purposes as are in and by this Act expressly permitted) if any Persons shall enter and embark on board, or contract for the entering and embarking on board of any Ship, Vessel, or Boat, as Petty Officer, Seaman, Marine, or Servant, or in any other Capacity not herein-before specifically mentioned, knowing that such Ship, Vessel, or Boat is actually employed, or is in the same Voyage, or upon the same Occasion, in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have herein-before been declared unlawful; then and in every such Case the Persons so offending, and their Procurers, Counsellors, Aiders, and Abettors, shall be and they are hereby declared to be guilty of a Misdemeanor only, and shall be punished by Imprisonment for a Term not exceeding Two Years.

XII Saving the Option to sue for Penalties in the Vice Admiralty Courts.

Provided always, and it is hereby further enacted and declared, That nothing in this Act contained, making Piracies, Felonies, Robberies, and Misdemeanors of the several

Offences aforesaid, shall be construed to repeal, annul, or alter the Provisions and Enactments in this Act also contained, imposing Forfeitures and Penalties or either of them upon the same Offences, or to repeal, annul, or alter the Remedies given for the Recovery thereof; but that the said Provisions and Enactments imposing Forfeitures and Penalties shall in all respects be deemed and taken to be in full Force, it being the true Intent and Meaning of this Act, that the Right and Privilege heretofore exercised of suing in Vice Admiralty Courts for the Forfeitures or Penalties, shall remain in full Force and Effect as before the passing of this Act; and the Jurisdiction of the said Vice Admiralty Courts in all Cases of Forfeitures and Penalties imposed by this Act is hereby established, given, ratified, and confirmed.

XIII Nothing herein shall prevent Persons from purchasing Slaves in any Island, &c. belonging to Factory His Majesty, provided such Slaves shall be employed in the same Island, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall prevent or; be construed to prevent any Persons from dealing or trading in, purchasing, selling, bartering, or transferring, or from the contracting for the dealing or trading in, Purchase, Sale, Barter, or Transfer of any Slaves or Slave lawfully being within any Island, Colony, Dominion, Fort, Settlement, Factory or Territory belonging to or in the Possession of His Majesty, in case such Dealing or Trading, Purchase, Sale, Barter, Transfer or Contract shall be made and entered into with the true Intent and Purpose of employing or working such Slaves or Slave within such and the same Island, Colony, Dominion, Fort, Settlement, Factory or Territory, in which they, he, or she may lawfully be at the Time of the making or entering into any such Dealing or Trading, Purchase, Sale, Barter, Transfer, or Contract.

XIV Such Slaves may be removed Coastwise, or by Land, to any other Part of the same Island, &c. Where there are Two or more Islands comprized in the same Colonial Government, Proprietors of Slaves may remove them to any Island within the Government, the Governor granting Licence for that Purpose.

Provided always, and be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent any Person from carrying away or removing by Land or Coastwise, or from contracting for the carrying away or removing by Land or Coastwise, of any Slaves, lawfully being in any Part of any Island, Colony, Dominion, Fort, Settlement, Factory, or Territory belonging to or in the Possession of His Majesty, to any other Part of the same Island, Colony, Dominion, Fort, Settlement, Factory, or Territory: Provided always, that where Two or more Islands are comprized in the same Colonial Government, nothing in this Act contained shall prevent or be construed to prevent any Proprietor of Slaves, lawfully being in any one of such Islands, from carrying away or removing such Slaves to any other Island, within the same Government, for the Purpose of cultivating any Estate or Plantation belonging to such Proprietor himself) provided that such special Purpose of the Removal shall previously be made to appear to the Satisfaction of the Governor or Lieutenant Governor, or other Person having the Chief Civil Command for the Time being within such Government, who thereupon shall and may grant a Licence for such Removal, specifying therein the special Cause thereof; but before any Slave or Slaves shall, by virtue of any such Licence, be so removed or embarked on board of any Ship or Vessel for that Purpose, such Clearances or Permits and such Certificates shall be obtained as are herein-after mentioned and directed in regard to Domestic Slaves attending on their Owner or Master or his Family by Sea.

XV His Majesty in Council may authorize, until July 31, 1827, the Removal of Slaves from any British Island in the West Indies to another British Island there, in case it shall appear that such Removal is essential for the Welfare of the Slaves: And Such Stipulations and Conditions shall be established for the Benefit of such Slaves as His Majesty in Council shall think fit. Security to be taken.

Provided also, and be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by any Order or Orders to be by him or them from Time to Time issued, with the Advice of His or Their Privy Council, to authorize and permit, until the Thirty-first Day of *July* One thousand eight hundred and twenty-seven, and to the End of the next ensuing Session of Parliament, and no longer, the Removal of any Slaves from any Island in the *West Indies* belonging to or in the Possession of His Majesty, to any other Island in the *West Indies* belonging to or in the Possession of His Majesty, in case it shall be made appear to His Majesty, His Heirs and Successors, and His or Their Council, that such Removal is essential to the Welfare of the Slaves proposed to be so removed; Provided also, that it shall and may be lawful for His Majesty, His Heirs and Successors, by any such Order or Orders as aforesaid, to make and establish such Stipulations, Conditions, and Regulations for the Benefit of such Slaves, in the Island to which they may be so removed, as to His Majesty, His Heirs and Successors, with the Advice of His or Their Council, may seem meet, .and to take Security in double the Value of the Slaves so to be removed (such Value to be estimated according to the Price of Slaves in the Island to which such Slaves are to be taken) by Bond or Recognizance to be made and entered into by the Person or Persons to or on the Application of whom such Licence may be granted, with at least Two sufficient Sureties, for the due and faithful Observance and Performance of all such Stipulations, Conditions, and Regulations as aforesaid ; and all Orders in Council to be so issued as aforesaid shall be laid before both Houses of Parliament within Six Weeks next after the Commencement of each Session.

XVI Convict Slaves may, be transported from a British Island to a Foreign Settlement.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent the Transportation to any Foreign Colony or Place of any Slave or Slaves that shall have been convicted in any Court of Record, by due Course of Law, in any present or future *British* Island or Colony, of any Crime to which the Punishment of Transportation is or shall be annexed by the Law of such Island or polony ; but in every such Case a Copy of the Judgment or Sentence, certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such Convict shall be transported.

XVII Domestic Slaves may accompany, their Masters, under the following Regulations : Name and Occupation shall be inserted in the Ship's Clearance. Extract from Slaves Registry shall be put on board, and produced on Arrival. Regulations to be observed on Re-embarkation. Penalties inflicted, if Regulations be not complied with.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent any Slave, who shall be really and truly the Domestic Servant of any Person residing or being in any Island, Colony, Plantation, or Territory, belonging to or under the Dominion or in the Possession of His Majesty, from attending such his; Owner or Master, or any Part of his Family, by Sea, to any Place whatever ; nevertheless, under the following Regulations ; that is" to say, First, the Name and Occupation of every

such Domestic Slave or Slaves shall be inserted in or indorsed upon the Clearance or Permit to depart of such Ship or Vessel, by or in the Presence of the Collector, Comptroller, or other Chief Officer of the Customs of the Port or Place from which such Ship or Vessel shall clear outwards on any Voyage, who shall, without Fee or Reward, certify under his Hand, that the Slave or Slaves so embarked or carried were reported or described to him as Domestic Servants ; Secondly, the Master or Owner of any such Domestic Slave or Slaves shall obtain from the Registry of the Colony to which the same shall belong, an Extract, certified by the Registrar thereof, showing that such Domestic Slave or Slaves has or have been duly entered in the Slave Registry of the said Colony; by their Name and Description or Names and Descriptions therein specified, which Extract and Certificate shall always be on board the Ship or Vessel in which any such Domestic Slave or Slaves is or are carried; and upon such Slave or Slaves being brought into or landed in any *British* Colony, the Extract and Certificate of his, her, or their Registration in the Colony from which he, she, or they may have come, shall be forthwith produced to the Collector or Principal Officer of the Customs, and a Copy thereof shall be by him delivered to the Registrar of Slaves in the Colony into which he, she, or they may be brought; and if the Domestic Slave or Slaves shall be again removed from the Colony into which they may have been so brought; previous to the next Period for making Returns of Slaves therein, the Collector shall, previous to the Embarkation of such Domestic Slave or Slaves, return to the Party requiring it the original Extract and Certificate of Registration delivered into his Office to be kept on board the Ship or Vessel in which such Domestic Slave or Slaves may be carried ; and if the Regulations herein contained be not complied with, the Owners of the said Slave or Slaves shall forfeit the Sum of One hundred Pounds for every such Slave or Slaves so illegally dealt with, and the Master or other Person having the Charge of such Ship or Vessel shall in every such Case forfeit the Sum of One hundred Pounds for each and every Domestic Slave so unlawfully taken on board.

XVIII Slaves maybe employed in Navigation, under certain Regulations.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent any Slave or Slaves from being employed in Navigation, in Numbers not exceeding in any One Vessel or Boat those usually employed in navigating such Vessels or Boats; nevertheless where he or they shall be designedly so employed in navigating from any *British* Island, Colony, Plantation, or Territory, the Regulations prescribed for the Transit of Domestic Slaves as aforesaid shall be duly observed.

XIX As also in fishing, or other their ordinary Occupations.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent any Slave or Slaves from being employed in fishing, or any other his ordinary Business or Occupation upon the Seas; nevertheless, where he or they shall be so employed in the Course of a Navigation designedly undertaken from any *British* Island, Colony, Plantation, or Territory, the Regulations prescribed for the Transit of Domestic Slaves as aforesaid shall be duly observed.

XX Slaves may be employed in the Military and Naval Services.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent any Slave or Slaves from being put on board any Ship or Vessel by the Order of His Majesty's Commander in Chief, either by Sea or Land, in any Island, Colony, Plantation, or Territory belonging to or under the Dominion of His Majesty, in order

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to be employed in His Majesty's Military or Naval Service, and from being by such Order so employed, however or wheresoever the said Service may require.

XXI Slaves in Vessels in Distress may be assisted.

Provided also, and be it further enacted, That nothing in this Act contained shall prevent the transshipping and assisting at Sea any Slave or Slaves which shall be in any Ship or Vessel in Distress.

XXII Directing the Manner in which captured Slaves shall be disposed of.

And be it further enacted, That all Slaves and all Persons treated, dealt with, carried, kept, or detained as Slaves, which shall be seized or taken as Prize of War or liable to Forfeiture under this Act, shall and may, for the Purposes only of Seizure, Prosecution, and Condemnation as Prize or as Forfeiture, be considered, treated, taken, and adjudged as Slaves and Property, in the same Manner as Negro Slaves have been heretofore considered, treated, taken, and adjudged when seized as Prize of War, or as forfeited for any Offence against the Laws of Trade and Navigation respectively; but the same shall be condemned as Prize of War or as forfeited to the sole Use of His Majesty, His Heirs and Successors, for the Purpose only of divesting and barring all other Property, Right, Title, or Interest whatever, which before existed or might afterwards be set up or claimed in or to such Slaves or Persons so seized, prosecuted, or condemned ; and the same nevertheless shall in no case be liable to be sold, disposed of, treated, or dealt with as Slaves by or on the Part of His Majesty, His Heirs or Successors, or by or on the Part of any Person or Persons claiming or to claim from, by, or under His Majesty, His Heirs and Successors, or under or by Force of any such Sentence or Condemnation : Provided always, that it shall be lawful for His Majesty, His Heirs and Successors, and such Officers, Civil or Military, as shall by any General or Special Order of the King in Council be from Time to Time appointed to receive, protect, and provide for such Persons as shall be so condemned, either to enter and enlist the same or any of them into His Majesty's Land or Sea Service as Soldiers, Seamen, or Marines, or to bind the same or any of them, whether of full Age or not, as Apprentices for any Term not exceeding Seven Years, to such Person or Persons, in such Place or Places, and upon such Terms and Conditions, and subject to such Regulations as to His Majesty shall seem meet, and as shall by any General or Special Order of His Majesty in Council be in that Behalf directed and appointed ; and any Indenture of Apprenticeship, duly made and executed by any Person or Persons to be for that Purpose appointed by any such Order in Council for any Term not exceeding Seven Years, shall be of the same Force and Effect as if the Party thereby bound as an Apprentice had himself or herself when of full Age upon good Consideration duly executed the same; and every such Person who shall be so enlisted or entered as aforesaid into His Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

XXIII In case Persons detained in Slavery shall escape, any Officer may provide for and protect them.

Provided always, and be it further enacted, That in case any Person or Persons illegally held or detained in Slavery shall hereafter by Shipwreck or otherwise be cast upon, or shall escape to or arrive at any Island or Colony, Fort, Territory, or Place under the Dominion or in the Possession of His Majesty, it shall and may be lawful for

His Majesty, His Heirs and Successors, or for any such Officers Civil or Military as aforesaid, to deal with, protect, and provide for any such Person or Persons, in such and the same Manner as is hereinbefore directed with respect to Persons condemned as Prize of War, or as forfeited under this Act.

XXIV Where Apprentices under the Provisions of the Acts for the Abolition of the Slave Trade, are ill-treated by their Masters, they may apply to the Judge of the Vice Admiralty, who shall summarily decide therein. Judge may fine the Master any Sum not exceeds 100l. and may cancel the Indenture.

And be it further enacted, That whenever any Person apprenticed under the Provisions of any of the Acts for the Abolition of the Slave Trade, shall be ill-treated by the Master to whom he is apprenticed, or by any other Person by his Directions, or with his Knowledge, Approbation, or Consent, it shall and may be lawful for such Person so apprenticed and so ill-treated, to apply himself, or by any other Person on his Behalf, to the Judge of the Vice Admiralty Court nearest to which his said Master shall be residing; and the said Judge shall have Authority and is hereby empowered and required to take Cognizance of the said Complaint, and to summon the said Master, Witnesses, and other Persons before him, and examine into the same summarily, and decide thereupon ; and if the said Complaint shall, in the Judgment of the said Court, be satisfactorily proved, it shall be lawful for the said Judge to fine the said Master any Sum not exceeding One hundred Pounds of good and lawful Money of *Great Britain*, and to enforce Payment thereof by Distress, and Imprisonment; and also, if it shall seem to him meet, to cancel the Indentures of Apprenticeship; and any Fine so enforced shall go to and belong to our Sovereign Lord the King, His Heirs and Successors.

XXV Captors of Slaves taken as Prize of War to be allowed a Bounty, not exceeding 20l. for every Man taken.

Provided always, and be it further enacted, That where any Slaves or Persons treated, dealt with, carried, kept, or detained as Slaves taken as Prize of War by any of His Majesty's Ships of War or Privateers duly commissioned, shall be finally condemned as such to His Majesty's Use as aforesaid, there shall be paid to the Captors thereof, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Bounty as His Majesty, His Heirs and Successors, shall direct by any Order in Council, so as the same shall not exceed the Sum of Twenty Pounds lawful Money of *Great Britain* for every Man, Woman, and Child that shall be so taken and condemned, and shall be delivered over to the proper Officer or Officers, Civil or Military, appointed to receive, protect, and provide, for the same ; which Bounties shall be divided amongst the Officers, Seamen, Marines, and Soldiers on board His Majesty's Ships of War or hired armed Ships, in-Manner, Form, and Proportion, as by His Majesty's Proclamation for granting the Distribution of Prizes to be issued for that Purpose shall be directed and appointed, and amongst the Owners, Officers, and Seamen of any private Ship or Vessel of War, in such Manner and Proportion as by any Agreement in Writing which they shall have entered into for that Purpose shall be directed.

XXVI The Governor and Party prosecuting to be allowed a Bounty. If Seizure made at Sea 10l. per Man, &c. If not made at Sea, 7l. 10s. per Man.

Provided also, and be it further enacted, That on the Condemnation to the Use of His Majesty, His Heirs and Successors, of any Slaves or Persons treated, dealt with,

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carried, kept, or detained as Slaves, seized and prosecuted not as Prize of War, but as forfeited for any Offence against this Act (when such Seizure has been made at Sea by the Commander or Officer of any of His Majesty's Ships or Vessels of War), there shall be paid to the Commander or Officer of such Ship or Vessel of War, who shall so seize, inform, and prosecute, for every Man, Woman, and Child so condemned and delivered over, the Sum of Ten Pounds like Money, subject nevertheless to such, Distribution of the said Bounties or Rewards for the said Seizures made at Sea, as His Majesty, His Heirs and Successors, shall think fit and direct by any Order in Council made for that Purpose ; and where such Seizure shall not have been made at Sea by the Commander or Officer of any of His Majesty's Ships or Vessels of War, there shall be paid to and to the Use of the Person who shall have sued, informed, and' prosecuted the same to Condemnation, the Sum of Seven Pounds Ten Shillings lawful Money aforesaid, for every Man, Woman, and Child that shall be so condemned and delivered over, and also the like Sums to and to the Use of the Governor or Commander in Chief of any Colony or Plantation wherein such Seizure .shall be made.

XXVII Mode of obtaining such Bounty.

Provided always, and be it further enacted, That in order to entitle the Captors to receive the said Bounty Money, the Numbers of Men, Women, and Children so taken, condemned, and delivered over, shall be proved to the Commissioners of His Majesty's Treasury, by producing a Copy duly certified of the Sentence and Decree of Condemnation, and also a Certificate under the Hand of the said Officer or Officers, Military or Civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to His Majesty's Instructions and Regulations as aforesaid.

XXVIII Decision of doubtful Claims to be determined by the Judge of Admiralty.

Provided also, and be it further enacted, That in any Cases in which Doubts shall arise whether the Party or Parties claiming such Bounty Money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, subject nevertheless to an Appeal to the Lords Commissioners of Appeals in Prize Causes.

XXIX Limitation of Appeal.

Provided always, and be it further enacted, That no Appeals shall be prosecuted from any Decree or Sentence of any Court of Admiralty or Vice Admiralty, touching any of the Matters provided for in this Act, unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Decree or Sentence was pronounced, except where such Decree or Sentence shall be passed in any Vice' Admiralty Court at the *Cape of Good Hope* or to the" Eastward thereof, in which Cases Eighteen Months shall be allowed for the Prosecution of the said Appeal.

XXX Saving the Rights of Greenwich Hospital.

Provided also, and be it further enacted, That nothing in this Act contained shall be construed to repeal or alter a certain Act passed in the Fifty-seventh Year of His late Majesty King *George* the Third, intituled *An Act to settle the Share of Prize Money, Droits of Admiralty and Bounty Money, payable to Greenwich Hospital, and for securing to the said Hospital all unclaimed Shares of Vessels found derelict, and*

of Seizures for Breach of the Revenue, Colonial Navigation, and Slave Abolition Laws ; but that the Provisions of the said Act shall be and they are hereby declared to be applicable to the several Matters and Things in this Act contained, the same as if the said Provisions were specially enumerated and enacted herein.

XXXI Persons apprenticed under the Act, on the Expiration of their Apprenticeship, how to be disposed of.

Provided also, and be it further enacted, That it shall be lawful for His Majesty in Council, from Time to Time to make such Orders and Regulations for the future Disposal and Support of such Persons as shall have been bound Apprentices under this Act, or the Acts hereby repealed, after the Term of their Apprenticeship shall have expired, or the Indenture of Apprenticeship shall have been cancelled, as to His Majesty shall seem meet, and as may prevent such Persons from becoming at any Time chargeable upon the Island, Colony, or Settlement in which they shall have been so bound Apprentices as aforesaid.

XXXII Mode of providing for Slaves captured or seized during the Period of Adjudication. If Party claiming Slaves shall neglect to provide for them pending Proceedings, they shall be dealt with as prescribed by this Act for Slaves condemned to His Majesty's Use ; but no Bounty shall be payable for them, unless finally condemned.

And toe it further enacted. That when any Slaves or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be captured or seized as Prize of War, or as forfeited or-liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any Law, and brought to Adjudication in the High Court of Admiralty, or in any Court of Vice Admiralty, or in any Court of His Majesty's Colonies or Plantations, or elsewhere within His Majesty's Dominions, which is or may be authorized to hold Jurisdiction in such Cases, it shall be lawful for the Person or Persons claiming any Right or Property in, or the Possession of such Slaves, and he is hereby required to put such Slaves on Shore; and it shall be lawful for the Collector or other Chief Officer of the Customs in such Fort or Place in which such Slaves shall be brought to Adjudication, and he is hereby required to direct Enquiry to be made whether the Persons or Person claiming any Right or Property in, or the Possession of such Slaves, shall have furnished, or shall be willing and able to furnish sufficient Food and Necessaries for the Support and wholesome Maintenance of the said Slaves, during the Proceedings which may have been or may be instituted respecting such Slaves; and such Collector or other Chief Officer of the Customs shall, as soon as may be, report to the Governor or Lieutenant Governor, or other Person exercising the Authority of Governor in such Colony, or Plantation or Place, the Result of such Enquiry ; and if it shall appear to the said Governor or Lieutenant Governor, or other Person exercising the Authority of Governor, that sufficient Food and Necessaries for the wholesome Maintenance of such Slaves, during the Proceedings so instituted or to be instituted as aforesaid, have not been furnished; and if the Person or Persons claiming any Right or Property in or to such Slaves shall refuse or afterwards neglect or omit to supply proper Food and Necessaries for the Support and wholesome Maintenance of the said Slaves during such Proceedings, the said Governor or Lieutenant Governor, or other Person exercising the Authority of Governor in such Colony, or Plantation, or Place, being satisfied of the Truth of the Report so made to him, shall authorize the said Collector or Chief Officer of the Customs to take on himself the immediate Care and Custody of such Slaves, and to provide proper Food and Necessaries for such Slaves, during

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the Proceedings so instituted or to be instituted in any such Court as aforesaid, until the said Court shall have made its Decree, having the Force and Effect of a definitive Sentence, condemning or restoring the said Slaves; and in case the said Court shall, by such Decree, absolutely restore or condemn such Slaves, the said Court shall on Application made by the said Collector or Chief Officer of the Customs so providing or having provided for the Support and Maintenance of such Slaves as aforesaid, direct the Accounts for the Provisions and Necessaries so supplied for the said Slaves to be brought into the Registry of the Court and examined, and direct the same, when confirmed, to be a Charge on the said Slaves, to be defrayed by the Person receiving Possession thereof under the Decree of such Court: Provided nevertheless, that in case the Court shall not immediately restore or condemn the said Slaves by Decree, having the Force and Effect of a definitive Sentence, but shall direct further Proof to be made in the Cause, Whereby the Restitution or Condemnation shall be deferred, and the Person claiming any Right or Property in, or the Possession of the said Slaves, shall not have supplied, or at any Time pending Proceedings in that Court, shall refuse Or neglect to supply proper Food and Necessaries for the said Slaves, it shall be lawful for the Court to direct a Valuation to be made of such Slaves, and to decree such Slaves, after such Valuation had and approved by the Court, to be delivered over to such Officer or Person nan may be appointed by His Majesty to receive Slaves condemned it His Majesty's Use, according to the Provisions of this Act, and the same shall be dealt with and-'treated in MI respects according to the said Provisions, save and except that the Bounty shall not be due or payable for such Slaves, but in the Event of final Condemnation, according to the Provisions of this Act.

XXXIII Proceedings with respect to Slaves in case of Appeal from a definitive Sentence.

And toe it further enacted, That in all Cases in which there shall have been a Decree having the Force and Effect of a definitive Sentence, restoring or condemning the said Slaves, and the same shall be suspended by Appeal, it shall be lawful for the Court, notwithstanding such Appeal, and it is hereby required to proceed forthwith to direct the Slaves so detained to be valued as above directed ; and after such Valuation had and approved by the Court, to be delivered over to such Officer or Person as may be appointed to receive Slaves condemned to His Majesty's Use, according to the aforesaid Provisions, as if the same had been finally condemned to His-Majesty; and such Slaves shall be treated and dealt with in all respects in the same Manner as if they had been finally condemned to His Majesty, save and except that the Bounties shall not be due or payable thereon, but in the Event of final Condemnation to His Majesty, according to the Provisions of this Act.

XXXIV Where Slaves shall be restored in the Court of Appeal, Restitution in Value shall be awarded, deducting the Expences of Maintenance.

And be it further enacted, That in ail Cases in which such Slaves shall have been delivered over as before directed, and shall -be finally restored in the Court of Appeal, Restitution in Value shall be made for the Use of the Claimant or Proprietor thereof, According to the Valuation made as above directed, together with Interest thereon, such Sums being deducted therefrom as may have been expended for the Support and Maintenance of the said Slaves", by the Collector of Chief Officer of the Customs as above directed; and the Value so adjusted shall be paid out of the Consolidated Fund in the same Manner as Bounties are directed to be paid for Slaves condemned to His Majesty Under this Act, on the Production of an official Copy of the final Sentence of Restitution, with the Valuation of the said Slaves endorsed thereon by the Registrar

of the said Court) or his Deputy, subject nevertheless, when the Restitution shall be decreed by the Court of Appeal, to the Review and Correction of the said Valuation,

XXXV In case of Decree of Restitution, Costs or Damages maybe awarded where Capture appears unjustifiable.

Provided always, and be it enacted, That nothing herein contained shall prevent the said Courts or any of them having Jurisdiction in -the principal Cause, from adjudging and decreeing the Captors, Seizors, or Prosecutors in any such Cause as aforesaid, to pay, out of their own proper Monies, such Sums in the Nature of Costs or Damages as the said Court shall decree, when it shall appear to such Court that the Capture, Seizure, or Prosecution, or the Appeal thereon on the, Behalf of the Captor, Seizor, or Prosecutor, shall not be justified by the Circumstances of the Case.

XXXVI Ships condemned for illicit Traffic in Slaves may be registered as British Ships.

And be it further enacted, That all Ships or Vessels, whether *British* or Foreign, which shall be condemned in any Court of Admiralty or Vice Admiralty in any Part of His Majesty's Dominions, for any Offence in relation to the Slave Trade, or under any of the mixed Commission Courts herein-after mentioned, or which may in future be established in pursuance of any Treaty or Convention between this Country and any Foreign Power, shall, from and after such Judgment or Condemnation respectively, be entitled to a Certificate of Registry as a *British* Ship, and thereupon have and enjoy all the Privileges and Advantages of *British*-built Ships and Vessels, being first duly registered according to the Provisions of an Act made in the Twenty-sixth Year of the Reign of His late Majesty, and shall be deemed and taken as such, and shall be entitled to have and enjoy all and every the same Rights, Liberties, Privileges, and Advantages in all respects whatsoever with *British*-built Ships and Vessels, and shall be subject and liable to all and every the Rules and Regulations that *British*-built Ships or Vessels are subject and liable to ; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

XXXVI⁵⁹ G.3 C.120 authorizing the King to appoint a Registrar for Colonial Slaves, confirmed ; his Salary, Clerks, and Officers. Office Fees ; and Application thereof. Oath of Office.

And whereas in and by an Act, passed in the Fifty-ninth Year of His late Majesty King *George* the Third, intituled *An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provisions with respect to the Removal of Slaves from British Colonies*, it is enacted, that it shall be lawful for His Majesty to nominate and appoint, by Warrant under the Hand and Seal of One of His Majesty's Principal Secretaries, of State, some fit and proper Person as the Registrar of Colonial Slaves, to receive the Copies of all Registries or Returns of Slaves, and of any Abstracts or Indexes referring thereto, which may have been, or which may at any Time hereafter be transmitted from any of His Majesty's Foreign Possessions, either in pursuance of any Order of His Majesty in Council, or of any Law or Ordinance duly passed in any of the *British* Colonies respectively, which said Registrar, and his Successors respectively, shall continue to hold the said Office during His Majesty's Pleasure ; and also, that the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, shall assign to the Registrar so appointed such a Salary, not exceeding in the whole the Sum of Eight hundred Pounds *per Annum*, as shall appear to them adequate and proper, and shall fix the Number of

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such Clerks, Officers, or other Persons, to assist the said Registrar, as may from Time to Time be necessary, and shall allow to them also such Salaries as may be proper, and also reasonable Sums for incidental Charges ; all which Salaries and Charges shall be defrayed and paid, in the same Manner as the Salaries and incidental Charges of the Offices of His Majesty's Principal Secretaries of State are now defrayed and paid ; and also, that the said Commissioners of the Treasury, or any Three or more of them, shall provide a proper and distinct Office for the said Registrar, and shall appoint the several Fees to be taken by the Registrar or his Assistants in the said Office, and shall cause Schedule of the same to be delivered to the said Registrar at the Time of his Appointment, which said Schedule, or a Copy thereof shall be always kept and hung, for public Information, in the Office of the Registrar ; provided always, that the Fees so received by the Registrar, or his Assistants, shall be carried to the public Account and the "Residue thereof, if any, after paying the Salaries of the Registrar, and other Persons employed in his Office, shall be applied under the Direction of the said Commissioners of the Treasury, in aid of the Expences of His Majesty's Civil List; and also, that the Person who may be at any Time appointed Registrar of Colonial Slaves shall, before he enters on the Execution of his said Office be sworn, before the Chief Justice, or One of the Justices of His Majesty's Courts of King's Bench or Common Pleas, or the Chief Baron, or One of the Barons of His Majesty's Court of Exchequer, in the Words following;

"I *A. B.* do solemnly promise and swear, That I will in all respects faithfully and uprightly perform the Duties of Registrar of Colonial Slaves, to the best of my Judgment and Ability.

So help me GOD."

Registrar ineligible as a Member of the House of Commons. Returns, &c. shall be delivered over to the Registrar, and be continued and corrected by him. Registrar's Attendance and Duties. Fees thereon. Purchase of Slaves or Advance of Money on Security of Slaves in the Colonies allowable only in case of Registration. What Slaves shall be considered registered for the Purpose of Purchase. By what Forms only Slaves in the Colonies may be conveyed or charged. Manner in which the Issue of Slaves named in Deeds shall pass or be charged thereby.

And also, that any Registrar of Slaves who may be appointed by virtue of this Act shall, during his Continuance in such Office, be incapable of being elected or of sitting as a Member of the House of Commons ; and also, that as soon as the Office of Registrar of Colonial Slaves shall be opened, Copies and Duplicates of the several Registries and Returns of Slaves in the several Colonies, and all Papers connected therewith, which may have been received by any of His Majesty's Secretaries of State, shall be delivered over to the said Registrar, and shall be by him kept in, the said Office; and the said Registrar shall from Time to Time carry on, continue, correct, and enlarge the Copies of the several Registries of Slaves respectively, pursuant to the further Returns of Slaves which may from Time to Time be received from the several Colonies, and shall form such Indexes and Abstracts, and such convenient Arrangements in Other Respects as may best promote Regularity in keeping the Said Books and facilitate Search therein ; and also, that every such Registrar or his Clerk or Assistants, so to be appointed as aforesaid, shall give due Attendance at the said Office every Day in the Week (except Sundays and such Holidays as are kept at the Bank of *England*), from the Hour of Ten of the Clock in the Morning to the Hour of Four of the Clock in the Afternoon, for the Dispatch of all Business belonging to the said Office; and that every such Registrar, or his Clerks or Assistants, shall, as often as required, make Searches concerning any Slave or Slaves that shall be registered or supposed to be registered in any of the said Books; and shall also, if required, give Certificates under the Hand of the said Registrar as to

the Registration or Non-registration of any such Slave or Slaves, with Extracts, when the same is or are found to be registered, of the Name and Description or Names and Descriptions thereof, and of the Plantation or Plantations Owner, or Owners to whom, the same is or are described to belong, and of any other Particulars relating thereto which may be stated in, the said Registry; and that such; Registrar shall be entitled to receive for every such Search, Certificate, or Extract, such Sums as shall be duly appointed in the Schedule of Fees, to be fixed by the said Commissioners of the Treasury as is hereinbefore provided for; and also, that it shall not be lawful for any of His Majesty's Subjects in this United Kingdom to purchase or to lend or advance any Money, Goods, or Effects upon the Security, of any Slave or Slaves in any of His Majesty's Colonies or Foreign Possessions, unless such Slave or Slaves shall appear by the Return received therein to have been first duly registered in the said Office of the Registrar of Colonial Slaves; and that every Sale, Mortgage, and Conveyance, or Assurance of, and every Charge or other Security upon any Slave or Slaves not so appearing to be registered, which shall be made or executed within this United Kingdom, to or in trust for any of His Majesty's Subjects, shall be absolutely null and void, in respect of any such unregistered Slave or Slaves; and that for this Purpose no Slave or Slaves shall be deemed and taken to be duly registered, unless it shall appear that a Return of such Slave or Slaves duly made by the Owner or Owners or other Persons in his or their Behalf, in the Manner and Form required by Law in the Colony, in which such Slave or Slaves may reside, or a Copy or Abstract of such Return, shall have been received in the Office of the said Registrar from the Colony in which such Slave or Slaves shall reside, within the Four Years next preceding the Date of such Sale, Mortgage, Conveyance, or Assurance, Charge, or Security as aforesaid; and also, that no Deed or Instrument made or executed within this United Kingdom, whereby any Slave or Slaves in any of the said Colonies' shall be intended to be mortgaged, sold, charged, or in any Manner transferred or conveyed, or any Estate or Interest therein created or raised, shall be good or valid in Law, to pass or convey, charge or affect any such Slave or Slaves, unless the registered Name and Description, or Names and Descriptions, of such Slave or Slaves, shall be duly set forth in such Deed or Instrument, or in some Schedule thereupon indorsed or thereto annexed, according to the then latest Registration, or corrected Registration, of such Slave or Slaves, in the said Office of the Registrar of Slaves: Provided always, that no Deed or Instrument shall be avoided or impeached by reason of a clerical Error in setting forth the Names and Descriptions of any Slave or Slaves therein, or in any Schedule thereto contained, nor shall the same be avoided or impeached by reason of any Disagreement between the Names and Descriptions and the Entries thereof, in the Books of the Registry, or Duplicate Registry, which shall have arisen from any Error or Default of the Registrar, his Assistant or Clerks, in extracting and certifying the said Names and Descriptions without the fraudulent Contrivance or wilful Default of the Parties to such Deed or Instrument: Provided also, that nothing herein, contained shall extend or be construed to hinder or prevent the Transfer or Assignment of any Security, Mortgage, or Charge, of or upon Slaves, granted, made, created, or executed antecedently to the passing of this Act, nor to avoid any Deed or Instrument whereby such Security, Mortgage, or Charge shall be hereafter transferred, nor to avoid, hinder, or impeach any Will, Codicil, or other Testamentary Paper, or any Probate or Letters of Administration, or any Bill of Sale, Assignment, Conveyance, Instrument, by or under the Authority of any Commission of Bankrupt, or any public Officer appointed to assign or convey any insolvent Estate and Effects, or by or under the Authority of any Court of Justice, or any Officer thereof, or in the Execution of any legal Process, by reason that the registered Names and Descriptions of any Slaves are not set forth in such Deed, Will, Codicil, Testamentary Paper, Probate of Letters of Administration, Bill" of Sale, Assignment, Conveyance, or Instrument; and also, that the Issue of any Slave or Slaves, named or described in any Deed or Instrument executed in the United Kingdom, or any

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Schedule thereto, born after the Return required by Law, in the Colony in which such Slave or Slaves may be resident, who shall afterwards be duly registered in the next Return required by Law in the said Colony; shall be deemed and considered to pass and be conveyed and affected as registered Slaves by such Deed or Instrument, as effectually to all Intents and Purposes as if such Issue were therein named and described, and any thing in this Act contained to the contrary notwithstanding; now be it declared and enacted, That the said several Enactments shall be and remain in full Force and Effect.

XXXVIII Governor de facto shall be a Governor within this Act.

And be it further enacted That every Act which the Governor of any Island, Colony, Plantation, or Territory, belonging to or under the Dominion of His Majesty, is by this Act directed or authorized to do or perform, may be lawfully done or performed by the Person or Persons executing, *pro tempore*, the Office or Function of Governor of any such Island, Colony, Plantation, or Territory, by Authority from His Majesty, whether under the Style and Title of Governor, Lieutenant Governor, President of the Council, or under any other Style or Title whatsoever.

XXXIX Securities given in Contravention of this Act shall be void.

And be it further enacted, That every Mortgage, Bond, Bill, Note, or other Security, made in or to accomplish any of the Objects, or the Contracts in relation to the Objects, which Objects and Contracts have by this Act been declared unlawful, shall, except in the Case of a *bonâ fide* Purchaser or Holder of any such of the said Securities as are in their Nature negociable, who may have purchased or obtained the same, without Notice that the same were made or given for any such unlawful Purposes, be void.

XL In what Cases Offenders shall be exempted.

Provided always, and be it further enacted, That if any Person or Persons offending as a Petty Officer, Seaman, Marine, or Servant, against any of the Provisions of this Act, shall, within Two Years after the Offence committed, give Information on Oath before any competent Magistrate, against any Owner or Part Owner, or any Captain, Master, Mate, Surgeon, or Supercargo of any Ship or Vessel, who shall have committed any Offence against this Act, and shall give Evidence on Oath against such Owner or Part Owner, Captain, Master, Mate, Surgeon, or Supercargo, before any Magistrate or Court before whom such Offender may be tried; or if such Person or Persons so offending shall give Information to any of His Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires, Consuls, Residents, or other Agents, so that any Person or Persons owning such Ship or Vessel, or navigating or taking Charge of the same, as Captain, Master, Mate, Surgeon, or Supercargo, may be apprehended, such Person or Persons so giving Information and Evidence shall not be liable to any of the Pains or Penalties under this Act, incurred in respect of his Offence, and His Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires, Consuls, Residents, or other Agents, are hereby required to receive any such Information as aforesaid, and to transmit the Particulars thereof, without Delay, to One of His Majesty's Principal Secretaries of State, and to transmit Copies of the same to the Commanders of His Majesty's Ships or Vessels then being in the said Port or Place.

XLI Punishment for Perjury.

And be it further enacted, That if any Oath taken under this Act shall be wilfully false, or if such false Oath shall be unlawfully or wilfully procured or suborned, the Offender shall incur and suffer the like Pains and Penalties as are by Law inflicted upon Persons committing wilful and corrupt Perjury, or Subornation of Perjury respectively.

XLII Slaves removed without observing Regulations, forfeited. Penalty 100l. for every such Slave and Ship. Penalty upon Masters of Ships carrying Slaves without Certificate, 100l. for every such Slave.

And be it further enacted, That where any Slave or Slaves that may be lawfully removed shall be sent, removed, carried, or conveyed, without observing the Regulations, or any or either of them, required by this Act, such Slave or Slaves shall be forfeited to His Majesty, His Heirs and Successors ; and where any Slave or Slaves shall be found on board, who shall be untruly or fraudulently described in or upon the Clearance or Permit required by this Act, with Intent to violate or elude any of the Prohibitions or Regulations in this Act contained, the Owner, Master, or other Person by whom or by whose Procurement such Slave or Slaves shall be so untruly or fraudulently described, with such Intent as aforesaid, shall respectively forfeit and pay the Sum of One hundred Pounds lawful Money of *Great Britain* for every such Slave or Slaves; and also where the Non-observance shall consist in exporting, sending, removing, carrying, or conveying any Slave or Slaves (not being Domestic or Mariners, as in this Act aforesaid), without such certified Copy from the Registrar of the Colony, as by this Act is mentioned, the Ship or Vessel in which the same shall be so exported, sent, removed, carried, or conveyed, shall be forfeited to His Majesty, His Heirs and Successors; and where the Non-observance shall consist in embarking or carrying any Slave or Slaves without such Certificate, the Master or other Person having the Charge of the Ship or Vessel in which the same shall be so embarked and carried, without such Certificate as aforesaid, shall forfeit and pay the Sum of One hundred Pounds lawful Money aforesaid for every such Slave or Slaves.

XLIII Seizure of Forfeitures by whom made.

And be it further enacted, That all Ships, Vessels, Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, and all Goods and Effects that may become forfeited under this Act, shall and may be seized, by any Officer of His Majesty's Customs, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War, or any Officer bearing His Majesty's Commission in His Majesty's Navy or Army; and moreover, it shall and may be lawful for all Governors or Persons having the Chief Command, Civil or Military, of any of the Colonies, Settlements, Forts, or Factories belonging to His Majesty, and for all Persons deputed and authorized by any such Governor or Commander in Chief, to seize and prosecute all Ships and Vessels, Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, and all Goods and Effects whatsoever that shall or may become forfeited for any Offence under this Act.

XLIV Appropriation of Ships and Goods forfeited.

And be it further enacted, That the Proceeds of all Ships and Goods seized, prosecuted, and condemned for any Offence against this Act, except in such Seizures as shall be made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War, shall be divided, paid, and applied as follows ; that is to say, after deducting the Charges

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of Prosecution from the Gross Amount thereof, One-third of the Net Proceeds shall be paid into the Hands of such Person as His Majesty, His Heirs and Successors, may please to appoint, for the Use of His Majesty, His Heirs and Successors ; One-third Part thereof to the Governor or Commander in Chief of the Island, Colony, Plantation, Settlement, or Territory where the said Seizure shall have been made or prosecuted; and the other Third Part thereof to the Person or Persons who shall lawfully seize, inform, and prosecute the same to Condemnation; and in cases of Seizures made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War, One Moiety of the said Net Proceeds, after deducting the Charges of Prosecution as aforesaid, shall be paid into the Hands of such Person as His Majesty, His Heirs and Successors, may please to appoint, for the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Commanders or Officers of His Majesty's Ships or Vessels of War, who shall have made the Seizure, and prosecuted the same to Condemnation, subject nevertheless to such Distribution in the Seizures made by the Commanders or Officers of His Majesty's Ships or Vessels of War, whether at Sea or otherwise, as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

XLV Privileges Seizors.

And be it further enacted, That all Persons authorized to make Seizures under this Act shall, in making and prosecuting any such Seizures, have the Benefit of all the Provisions made by an Act of the Fourth Year of His late Majesty King *George the Third*, intituled *An Act for granting certain Duties in the British Colonies and Plantations in America ; for continuing, amending, and making perpetual an Act, passed in the Sixth Year of the Reign of His late Majesty King George the Second, intituled An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America,' for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expences of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the Twenty fifth Year of the Reign of King Charles the Second, intituled ' An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the 'Plantation Trade; 'and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations,- and improving and securing the Trade between the same, and Great Britain; or any other; Act made for the Protection of Officers seizing and prosecuting for any Offence against the said Act, relating to the Trade and Revenues of the *British Colonies or Plantations in America.**

XLVI General Issue and Treble Costs.

And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants

shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

XLVII Limitation of Suit for Penalties and Forfeitures.

And be it further enacted, That all Actions, Suits, Bills, Indictments, or Informations, for the Recovery of any of the Penalties or Forfeitures under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted, at any Time within Five Years after the Offence committed, by reason whereof such Penalty or Forfeiture shall be incurred : Provided always, that where any Slave or Slaves have been, or shall at any Time have been, illegally imported, nothing herein contained shall extend to prevent Proceeding being commenced to obtain the Condemnation or Forfeiture thereof, but that the said Slave or Slaves so illegally imported shall and may be condemned and forfeited at any Time after such illegal Importation.

XLVIII Mode of Trial for Offences against this Act.

And be it further enacted, That all Offences against this Act which shall be committed in any Country, Territory, or Place, other than this United Kingdom, or on the High Seas, or in any Port, Sea, Creek, or Place where the Admiral has Jurisdiction, and which shall be prosecuted as Piracies, Felonies, Robberies, or Misdemeanors, shall and may be enquired of, either according to the ordinary Course of Law, and the Provisions of an Act passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *An Act for Pirates*; or according to the Provisions of an Act passed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled *An Act to proceed by Commission of Oyer and Terminer against such Persons as shall confess Treason and Felony, without remanding the same to be, tried in the Shire where the Offence was committed*, as far as the same Act is now repealed; or, according to the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of His late Majesty King *William* the Third, intituled *An Act passed for the more effectual Suppression of Piracy*, in as, far as the same Act is now unrepealed ; or according to the Provisions of an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act passed for the more speedy Trial of Offences committed in distant Parts, upon the Seas* ; and all Persons convicted of any of the said Offences, to be enquired of, tried, and determined, under and by virtue of any Commission to be made or issued according to the Directions of the said Act of the Forty-sixth Year of His late Majesty's Reign aforesaid, shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures, as by this Act, or any Law or Laws now in force, Persons convicted of the same respectively would be subject and liable to, in case the same were respectively enquired of, tried, and determined and adjudged within this Realm, by virtue of any Commission made according to the Directions of the Statute of the Twenty-eighth Year of the Reign of King *Henry* the Eighth.

XLIX Offences committed out of the Admiral's Jurisdiction.

And be it further enacted, That all Offences against this Act, which shall be committed in any Place where the Admiral has not Jurisdiction, and not being within the Local Jurisdiction of any ordinary Court of a *British* Colony, Settlement, Plantation, or Territory, competent to try such Offence, may be enquired of, tried, and determined, under and by virtue of any Commission to be issued according to the Directions of the said Act of the Forty-sixth Year of the Reign of His late Majesty King *George* the Third.

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L Process and Trial.

And be it further enacted, That all Offences committed against this Act may be enquired of, tried, determined, and dealt with, as if the same had been respectively committed within the Body of the County of *Middlesex*.

LI Recovery and Application of Forfeitures and Penalties.

And be it further enacted, That, unless in Cases specially provided for by this Act, all Forfeitures and Penalties shall and may be prosecuted, sued for, recovered, and applied as follows; that is to say, the several pecuniary Penalties and Forfeitures imposed and inflicted by this Act shall and may be sued for, prosecuted, and recovered in any Court of Record in *Great Britain*, or in any Court of Record or Vice Admiralty in any Part of His Majesty's Dominions, wherein the Offence was committed, or where the Offender maybe found after the Commission of such Offence; and all Seizures of Ships, Vessels or Boats, Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, Goods or Effects, subject to Forfeiture under this Act, shall and may be sued for, prosecuted, and recovered in any Court of Record in *Great Britain*, or in any Court of Record or Vice Admiralty in any Part of His Majesty's Dominions in or nearest to which such Seizures may be made, or to which such Ships or Vessels, Slaves, or Persons treated as Slaves as aforesaid, Goods or Effects (if seized at Sea or without the Limits of any *British* Jurisdiction) may most conveniently be carried for Trial; and all the said Penalties and Forfeitures, whether pecuniary or specific (unless where it is expressly otherwise provided for by this Act), shall go and belong to such Persons, in such Shares and Proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied, in such and the like Manner, and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties or Forfeitures incurred in *Great Britain* and in the *British* Colonies and Plantations in *America* respectively, by force of any Act relating to the Trade and Revenues of the said *British* Colonies or Plantations in *America*, now go and belong to, and may now be sued for, prosecuted, tried, recovered, distributed, and applied respectively in *Great Britain*, or in the said Colonies or Plantations respectively, under and by virtue of a certain Act made in the Fourth Year of His late Majesty King *George* the Third, intituled *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual an Act passed in the Sixth Year of the Reign of His late Majesty King George the Second, intituled An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America for applying the Produce of such Duties to arise by virtue of the said Act towards defraying the Expences of defending, protecting, and securing the said Colonies and Plantations ; for explaining an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain.*

LII Recital of certain Treaties &c. for preventing Traffic in Slaves.

And whereas certain Treaties and Conventions, and a Declaration, together with certain explanatory and additional Articles, still subsisting full in force, were made between His late Majesty King *George* the Third, and His Catholic Majesty the King of *Spain*, His Most Faithful Majesty the King of *Portugal*, and His Majesty the King of

the *Netherlands* respectively, for preventing Traffic in Slaves, of the Tenor and Effect following ; *videlicet*,

“*TREATY between Great Britain and Portugal, signed at Vienna the
Twenty-second of January One thousand eight hundred and fifteen.*”

Treaty with Portugal, dated Jan. 22, 1815.

IN the Name of the Most Holy and Undivided Trinity: His Royal Highness the Prince Regent of *Portugal* having, by the Tenth 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*, Knight of the Most Noble Order of the Garter, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, Colonel of the Regiment of Militia of *Londonderry*, His said Majesty's Principal Secretary of State for Foreign Affairs, and His Plenipotentiary at the Congress of *Vienna*; and His Royal Highness the Prince Regent of *Portugal*, the Most Illustrious and Most Excellent *Don Pedro de Soma Holstein*, Count of *Palmella*, a Member of His Royal Highness's Council, Commander of the Order of Christ, Captain of a Company of the Royal *German* Life Guard; the Most Illustrious and Most Excellent *Anthony de Saldanha de Gama*, a Member of His Royal Highness's Council and of His Council of Finance, Commander of the Military Order of *St. Benedict* of *Aviz*; and the Most Illustrious and Most Excellent *Don Joachim Lobo da Silveira*, a Member of His Royal Highness's Council, and Commander of the Order of Christ, 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:

Article 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.

Article 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 Execution of the preceding Engagement, according to its true Intent and Meaning ; and His *Britannic* Majesty engages, in concert with His Royal Highness, to give such Orders as may effectually prevent any Interruption being given to *Portuguese* Ships resorting to the actual Dominions of the Crown of *Portugal*, or to

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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.

Article III.—The Treaty of Alliance concluded at *Rio de Janeiro* on the Nineteenth Day of *February* One thousand eight hundred and ten, 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 existed between the Two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full Force and Effect.

Article 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 through, out 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 to permit their Flag to be used, except for the Purpose of supplying the Transatlantic Possessions belonging to the Crown of *Portugal*.

Article V.—His *Britannic* Majesty hereby agrees to remit, from the Date at which the Ratification mentioned in the First Article shall be promulgated, such further Payments as shall then remain due and payable upon the Loan of Six hundred thousand Pounds, made in *London* for the Service of *Portugal* in the Year One thousand eight hundred and nine, in consequence of a Convention signed on the Twenty-first Day of *April* of the same Year; which Convention, under the Conditions specified as aforesaid, is hereby declared to be void and of no Effect.

Article 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 Twenty-second Day of *January*, in the Year of our Lord One thousand eight hundred and fifteen.

| (Signed) | (Signed) |
|-----------------------------|---|
| (L.S.) <i>Castlereagh</i> . | (L.S.) <i>Conde de Palmella</i> . |
| | (L.S.) <i>Antonio de Saldanha de Gama</i> . |
| | (L.S.) <i>B. Joaquim Lobo da Silveira</i> . |

Additional Article.—It is agreed, that in the Event of any of the *Portuguese* 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 *bonâ fide* their Domestic, 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 upon 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.

In witness whereof the respective Plenipotentiaries have signed it, and have thereunto, affixed the: Seals of their Arms.

Done at, *Vienna* this Twenty-second Day of *January* in the" Year of our Lord One thousand eight hundred and fifteen.

| (Signed) | (Signed) |
|----------------------------|--|
| (L.S.) <i>Castlereagh.</i> | (L.S.) <i>Conde de Palmella.</i> |
| | (L.S.) <i>Antonio de Saldanha da Gama.</i> |
| | (L.S.) <i>B. Joaquim Lobo da Silveira.</i> |

Additional Convention to the Treaty of the Twenty-second January One thousand eight hundred and fifteen, 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 Twenty-eighth of , July One thousand eight hundred and seventeen, in the English and Portuguese Languages.
Convention to the Treaty with Portugal, dated July 28 1817.

HIS Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King 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 Eighth of *February* One thousand eight hundred and fifteen, and being desirous to fulfil faithfully, and to their utmost Extent, the Engagements which they mutually contracted by the Treaty of the Twenty-second of *January* One thousand eight hundred and fifteen, 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 *Portuguese* Vessels trading in Slaves, in conformity with the Laws of *Portugal* and the existing Treaties, from suffering any Loss or Hindrance from *British* Cruizers, their said Majesties 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*, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, Colonel of the *Londonderry* Regiment of Militia, Knight of the Most Noble Order of the Garter, and His Principal Secretary of State for Foreign Affairs; 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, Captain of the *German* Company of His Royal Guards, Commander of the Order of Christ, Grand Cross of the Order of *Charles* the Third of *Spain*, and his Envoy Extraordinary

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and Minister Plenipotentiary to His *Britannic* Majesty; who, after having exchanged their respective full-Powers, found to be in good and due Form, have agreed upon the following Articles:—

Article the First.—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.

2d. By *Portuguese* 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 Twenty-second *January* One thousand eight hundred and fifteen.

3d. Under the *Portuguese* or *British* Flag for the Account of the Subjects of any other Government.

4th. By *Portuguese* Vessels bound for any Port not in the Dominions of His Most Faithful Majesty.

Article the Second.—The Territories in which the Traffic in Slaves continues to be permitted, under the Treaty of the Twenty-second of *January* One thousand eight hundred and fifteen, 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 Bay of *Lourenço Marques*; and upon the Western Coast, all that which is situated from the Eighth to the Eighteenth Degree of South Latitude.

2d. Those Territories on the Coast of *Africa* to the South of the Equator, over which His Most Faithful Majesty has declared that he has retained his Rights ; namely,

The Territories of *Molembo* and *Cabinda* upon the Eastern Coast of *Africa*, from the Fifth Degree Twelfth Minute to the Eighth Degree South Latitude.

Article the Third.—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*.

Article the Fourth.—Every *Portuguese* 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 *Portuguese* Language, with an authentic Translation in *English* annexed thereto, and it must be signed for those Vessels sailing from the Port of Bio 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.

Article the Fifth.—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 with Special Instructions for this Purpose, as herein-after is 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 herein-after 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 with their respective Subjects may incur unjustly, by the arbitrary and illegal Detention of their Vessels.

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* or *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.

Article the Sixth.—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 the 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 Twenty-second of *January* One thousand eight hundred and fifteen.

Article the Seventh.—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.

Article the Eighth.—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,

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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 Regulations and Instructions annexed to the present Convention, of which they shall be considered as an integral Part.

Article the Ninth.—His *Britannic* Majesty, in conformity with the Stipulations of the Treaty of the Twenty-second of *January* One thousand eight hundred and fifteen, engages to grant, in the Manner hereafter explained, sufficient Indemnification to all the Proprietors of *Portuguese* Vessels and Cargoes captured by *British* Cruizers between the First of *June* One thousand eight hundred and fourteen, 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 Eighth Article of this Additional Convention, and by the other Acts which form an integral Part of the same. The aforesaid Commissions 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 High Contracting Parties are equally agreed, that every *Portuguese* 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 *Portuguese* Vessels captured with Slaves on board for the Traffic Six Months after the Exchange of the Ratification of the Treaty of the Twenty-second of *January* One thousand eight hundred and fifteen, and on which it can be proved, that the aforesaid Slaves were embarked in the Roadsteads of the Coast of *Africa* situated to the North of the Equator, shall not be entitled to claim any Indemnification.

Article the Tenth.—His *Britannic* Majesty engages to pay within the Space, of a Year at farthest from the Decision of each Case, to the Individual having a just Claim to the same, the Sums which shall be granted to them by the Commissions named in the preceding Articles.

Article the Eleventh.—His *Britannic* Majesty formally engages to pay the Three hundred thousand Pounds Sterling of Indemnification, stipulated by the Convention of

the Twenty-first of *January* One thousand eight hundred and fifteen, in favour of the Proprietors of *Portuguese* Vessels captured by *British* Cruizers up to the Period of the First of *June* One thousand eight hundred and fourteen, in the Manner following; *viz.*

The First Payment of One hundred and fifty thousand Pounds Sterling Six Months after the Exchange of the Ratifications of the present Convention, and the remaining One hundred and fifty thousand Pounds Sterling, as well as the Interest at Five per Cent, due upon the total Sum from the Day of the Exchange of the Ratifications of the Convention of the Twenty-first of *January* One thousand eight hundred and fifteen, shall be paid Nine Months after the Exchange of the Ratifications of the present Convention. The Interest due shall be payable up to the Day of the last 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.

Article the Twelfth.—The Acts or Instruments annexed to this Additional Convention, and which form an integral Part thereof, are as follow:

- No. 1. Form of 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*.

Article the Thirteenth.—The present Convention shall be ratified, and the Ratifications thereof exchanged at Rio Janeiro, within the Space of Four Months at 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 Twenty-eighth Day of *July* in the Year of our Lord. One thousand eight hundred and seventeen.

(Signed)

(L.S.) *Castlereagh.*

(Signed)

(L.S.) *The Count of Palmella.*

Status: This is the original version (as it was originally enacted).

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

(Place for the Royal Arms.)
I, _____ Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, &c. &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 to 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*, *Brazils*, 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 show that they have in every respect complied with the Provisions of the *Alvará* of the Twenty-fourth of *November* One thousand eight hundred and thirteen, 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* of* _____ 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, Princes, 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 and 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 Pass-

* This *Alvará* to be promulgated in pursuance of the Third Article of the Additional Convention of the 28th July 1817.

Status: This is the original version (as it was originally enacted).

port, 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 _____
in the Year after the Birth of our Lord Jesus Christ.

(L. s.)

By Order of His Excellency,
The Officer who made out the Passport.

This Passport, numbered (_____), authorizes any Number of Slaves not exceeding _____ being _____ per Ton, (as permitted by the *Alvará* of † _____) 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 *Portuguese* Authorities.]

| | |
|----------------------|--------------------------------|
| (Signed) | (Signed) |
| <i>Castlereagh..</i> | <i>The Count of Palmella..</i> |

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

Instructions for British and Portuguese Ships of War.

Article I.—Every *British* or *Portuguese* Ship of War shall, in Conformity with Article V. 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 Sixth Article of the aforesaid Additional Convention,—and as to what regards the *Portuguese* 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, in 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 Judgment before that of the Two Mixed Commissions appointed by the Eighth Article of the Additional 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

Ships on board of which no Slaves shall be found intended for 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.

Article II.—No Merchantman or Slave Ship can, on any Account or Pretence whatever, be visited or detained whilst in the Port or Roadstead 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 Representations may be addressed to the Authorities of the Country, requesting them to take effectual Measures for preventing such Abuses.

Article 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

Status: This is the original version (as it was originally enacted).

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 to whom Recourse might be had, as has been stated in the preceding Article. In such Cases, Vessels so visited may be brought before the Mixed Commissions, in the Form prescribed in the first Article of the preceding Instructions.

Article 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 the Equator, unless after a Chace that shall have commenced North of the Equator.

Article 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 Degrees to the Northward in search of fair Winds, or for other legitimate Causes, such as the Dangers of the Seas duly proved ; or lastly, in the Case of their Passports 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 Stipulations 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 Cruizers, 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.

Article 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 affect 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.

Article 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.

Article 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 draw up in Writing an authentic Declaration,

which shall exhibit the State in which he found the detained Ship, and the Changes which may have taken place in it; 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 Mixed 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.

Article 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 *Portuguese Government ad hoc*.

Done at *London*, the Twenty-eighth Day of *July*, in the Year of our Lord One thousand eight hundred and seventeen.

| | |
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| (Signed) | (Signed) |
| <i>Castlereagh.. (L.S.)</i> | <i>(L.S.) The Count of Palmella.. (L.S.)</i> |

*Regulations for the Mixed Commissions, which are to
reside on the Coast of Africa, in the Brazils, and at London.*

Regulations for Mixed Commissions, as to Portugal.

Article 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 Cruizers 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 Twenty-second of *January* One thousand eight hundred and fifteen, and of the Additional Convention to the said Treaty, signed at *London*, on this Twenty-eighth Day of *July* One thousand eight hundred and seventeen.

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 Port where they shall reside, First, upon the Legality of the Capture ; Second, 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 the 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 Ex-pence and Risks of the Delay, the Commissioners may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Status: This is the original version (as it was originally enacted).

Article II.—Each of the above-mentioned Mixed 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 Commission 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 Mixed 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 Twenty-second *January* One thousand eight hundred and fifteen, and of the Additional Convention of 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.

Article III.—The Form of 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 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 Judgment, 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.

Article 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.

Article 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.

Article 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 a 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 Expence of the Power of which the Captor shall be a Subject.

Article 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 delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or free Labourers. Each of the Two Governments bind itself to guarantee the Liberty of such Portion of these Individuals as shall be respectively consigned to it.

Article VIII.—Every Claim for Compensation of Losses occasioned to Ships suspected of carrying on 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 Claimants, or his or their lawful Attorney or Attornies, 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; First, for the Ship, her Tackle, Apparel, and Stores 5 Secondly, for all Freight due and payable; Thirdly, for the Value of the Cargo of Merchandize, if any ; Fourthly, for the Slaves on board at the Time of Detention, according to the Computed Value of such Slaves at the Place of Destination ; deducting therefrom the usual fair average Mortality for the unexpired Period of the regular Voyage ; deducting also for all Charges and Expences payable upon the Sale of such Cargoes, including Commission of Sale when payable at such Port; and, Fifthly, for all other regular Charges in 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 Expences 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 Shilling, 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 or 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.

Status: This is the original version (as it was originally enacted).

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 her Detention, the Demurrage stipulated by the present

Schedule of Demurrage or daily Allowance

| | | |
|---|----|--------------------|
| For a Vessel of 100 Tons to 120 inclusive | £5 | } <i>per Diem,</i> |
| 121 Tons to 150 inclusive | 6 | |
| 151 Tons to 170 inclusive | 8 | |
| 171 Tons to 200 inclusive | 10 | |
| 201 Tons to 220 inclusive | 11 | |
| 221 Tons to 250 inclusive | 12 | |
| 251 Tons to 270 inclusive | 14 | |
| 271 Tons to 300 inclusive | 15 | |

and so in proportion.

Article IX.—When the Proprietors of a Ship suspected of carrying oil 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 *Portuguese* Laws authorized to carry, which Number shall always be declared in his Passport.

Article X.—The Mixed Commission established in *London* by the Article XIth of the Convention of this Date, shall hear and determine all Claims for *Portuguese* Ships and Cargoes captured by *British* Cruizers on account of the unlawful trading in Slaves, since the First of *June* One thousand eight hundred and fourteen, till the Period when the Convention of this Date is to be in complete Execution, awarding to them, conformably to the Article IXth of the Additional Convention of this Date, a just and complete Compensation, upon the Basis laid down in the preceding Article, 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 proceed exactly upon the same Basis determined in the Articles 1, 2 and 3, of the present Regulations for the Commissions established on the Coast of *Africa* and the *Brazils*.

Article XI.—It shall not be permitted to any of the Commissary Judges, nor to the Arbitrators, nor to the Secretary of any of the Mixed Commissions, to demand or receive, from any one of the Parties concerned in the Sentences which they shall pronounce, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the present Regulation.

Article XII.—When the Parties interested shall imagine they have cause to complain of any evident Injustice on the Part of the Mixed 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.

Article XIII.—In the Case of a Vessel detained unjustly, under Pretence of the Stipulations of the Additional Convention of this Date, and in which the Captor should neither be authorized by the Tenor 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.

Article XIV.—The Two High Contracting Parties have agreed, that in the Event of the Death of One or more of the Commissioners, Judges, and Arbitrators, composing the above-mentioned Mixed 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 Mixed 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 *Portuguese* Government would feel, in naming fit Persons to fill the Post, which might become vacant in the Commission established in the *British* Possessions, it is agreed, that in case of the Death of the *Portuguese* Commissioners, Judge, or Arbitrators in those Possessions, the remaining Individuals of the above-mentioned Commission shall be equally authorized to proceed to the Judgment 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 from 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 the *Portuguese* 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.

Status: This is the original version (as it was originally enacted).

Done at *London* the Twenty-eighth Day of *July*, in the Year of our Lord One thousand eight hundred and seventeen.

| | |
|----------------------------|--------------------------------------|
| (Signed) | (Signed) |
| <i>Castlereagh. (L.S.)</i> | <i>The Count of Palmella. (L.S.)</i> |

Separate Article,—As soon as the total Abolition of the 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 Twenty-eighth 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 the Part of the *Portuguese* 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 at *London*, this Eleventh Day of *September*, in the Year of our Lord One thousand eight hundred and seventeen.

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|----------------------------|--------------------------------------|
| (Signed) | (Signed) |
| <i>(L.S.) Castlereagh.</i> | <i>(L.S.) The Count of Palmella.</i> |

Declaration, signed the Third Day of April One thousand eight hundred and nineteen, touching Molembo and Cabinda, as described in the Convention of the Twenty-eighth July One thousand eight hundred and seventeen, between His Majesty and His Most Faithful Majesty.

Declaration as to Molembo and Cabinda, dated July 28, 1817.

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 28th of *July* 1817:—

And whereas by the Second Article of that Convention, the Traffic in Slaves was declared still to be permitted to *Portuguese* Subjects, only within certain Territories therein

And whereas the Territories of *Molembo* and *Cabinda* are described by that Article to be on 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 Secretary of State for Foreign Affairs, and His Most Faithful 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*, in the Year of our Lord One thousand eight hundred and nineteen.

(L.S.) *Castlereagh*.

Additional Articles to the Convention between His Britannic Majesty and His Most Faithful Majesty signed in London on the Twenty-eighth of July One thousand eight hundred and seventeen ; signed at Lisbon Fifteenth March One thousand eight hundred and twenty-three.

Additional Articles to the Convention with Portugal, dated March 15, 1823.

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of the United Kingdom of *Portugal, Brazils, and Algarves*, wishing to remove every Obstacle to the faithful Execution of the Convention signed in *London* by their respective Plenipotentiaries on the Twenty-eighth of *July* One thousand eight hundred and seventeen, for the Purpose of preventing their Subjects from engaging in any illicit Traffic in Slaves, and seeing the Necessity of adding, to 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 Charge d'Affaires at the Court of *Lisbon* ; and His Majesty the King of the United Kingdom of *Portugal, Brazil, and Algarves*, *Joze 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 Traffic in Slaves, that " 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:" And whereas it has been found by Experience, that Vessels employed in the illegal Traffic 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 Twenty-eighth of *July* One thousand eight hundred seventeen; 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 Traffic 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 Twenty-eighth of *July* One thousand eight hundred and seventeen, 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

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Commissions annexed to the said Convention ; the Two High Contracting Parties have agreed, that in the Event of the Recal, or of the Absence on account of Illness, or any other unavoidable Cause, of any of the Commissioners, Judges, or Arbitrators, or in the Case of their Absence in consequence of Leave from their Government, which must be notified to the respective 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 latest after the Date of their Signature.

In Witness whereof, the undersigned, being furnished with full Powers to that Effect, have signed these Articles, and fixed thereunto the Seals of their Arms.

Done at *Lisbon*, this Fifteenth Day of March, in the Year of our Lord One thousand eight hundred and twenty-three.

(L.S.) *E.M.Ward.*

(L.S.) *Joze Bazilio Rademaker.*

TREATY between His Britannic Majesty and His Catholic Majesty, for preventing their Subjects from engaging in any illicit Traffic in Slaves. Signed at Madrid, the Twenty-third of September One thousand eight hundred and seventeen.

Treaty with Spain, dated Sept. 23, 1817.

IN the Name of the Most Holy Trinity: It having been stated, in the Second additional Article of the Treaty signed at *Madrid*, on the Fifth Day of *July* of the Year One thousand eight hundred and fourteen, between His Majesty the King of the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of *Spain and the Indies*, that " His Catholic Majesty concurs, in the fullest Manner, " in the Sentiments of His *Britannic* Majesty, with respect to the " Injustice and Inhumanity of the Traffic in Slaves, and promises to " take into Consideration, with the Deliberation which the State of " his Possessions in *America* demands, the Means of acting in Conformity with those Sentiments; and engages, moreover, to prohibit his Subjects from carrying on the Slave Trade, for the Purpose of supplying any Islands or Possessions, excepting those appertaining " to *Spain* ; and to prevent, by effectual Measures and Regulations, " the Protection of the *Spanish* Flag being given to Foreigners who may engage in this Traffic, whether Subjects of His *Britannic* Majesty, or any other State or Power."

And His Catholic Majesty, conformably to the Spirit of this Article, and to the Principles of Humanity with which he is animated, having never lost Sight of an Object so interesting to him, and being desirous of hastening the Moment of its Attainment, has resolved to cooperate with His *Britannic* Majesty in the Cause, of Humanity, by adopting, in concert with His said Majesty, efficacious Means for bringing about the Abolition of the Slave Trade, for effectually suppressing illicit Traffic in Slaves on the Part of their respective Subjects and for preventing *Spanish* Ships trading in Slaves conformably to Law and to Treaty from being molested or subjected to Losses from *British* Cruizers: the Two High Contracting Parties have accordingly named as their Plenipotentiaries, *viz.*—

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, the Right Honourable Sir *Henry Wellesley*, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty ; and His Majesty the King of *Spain* and the *Indies*, *Don Josef Garcia de Leon y Pizarro*, Knight Grand Cross of the Royal and distinguished *Spanish* Order of *Charles* Third, of that of *Saint Ferdinand* and of Merit, of Naples, of those of *Saint Alexander Newsky* and of *Saint Anne*, of *Russia*, and of that of the Red Eagle, of *Prussia*, Councillor of State, First Secretary of State and of the General Dispatch ; who having exchanged their respective full Powers, found to be in good and due Form, have agreed upon the following Articles:

Article the First.—His Catholic Majesty engages, that the Slave Trade shall be abolished throughout the entire Dominions of *Spain* on the Thirtieth Day of *May* One thousand eight hundred and twenty, and that from and after that Period it shall not be lawful for any of the Subjects of the Crown of *Spain* to purchase Slaves or to carry on the Slave Trade on any Part of the Coast of *Africa*, upon any Pretext or in any Manner whatever; provided, however, that a Term of Five Months from the said Date of the Thirtieth of *May* One thousand eight hundred and twenty, shall be allowed for completing the Voyages of Vessels which shall have cleared out -lawfully previously to the said Thirtieth of *May*.

Article the Second.—It is hereby agreed, that from and after the Exchange of the Ratifications of the present Treaty, it shall not be lawful for any of the Subjects of the Crown of *Spain* to purchase Slaves, or to carry on the Slave Trade on any Part of the Coast of *Africa* to the North of the Equator, upon any Pretext or in any Manner whatever; provided, however, that a Term of Six Months, from the Date of the Exchange of the Ratifications of this Treaty, shall be allowed for completing the Voyages of Vessels which shall have cleared out from *Spanish* Ports for the said Coast previously to the Exchange of the said Ratifications.

Article the Third.—His *Britannic* Majesty engages to pay, in *London*, on the Twentieth of *February* One thousand eight hundred and eighteen, the Sum of Four hundred thousand Pounds Sterling, to such Person as His Catholic Majesty shall appoint to receive the same.

Article the Fourth.—The said Sum of Four hundred thousand Pounds Sterling is to be considered as a full Compensation for all Losses sustained by the Subjects of His Catholic Majesty engaged in this Traffic, on account of Vessels captured previously to the Exchange of the Ratifications of the present Treaty, as also for the Losses which are a necessary Consequence of the Abolition of the said Traffic.

Article the Fifth.—One of the Objects of this Treaty, on the Part of the Two Governments, being mutually to prevent their respective Subjects from carrying on an illicit Slave Trade ;

The Two High Contracting Parties declare, that they consider as illicit any Traffic in Slaves carried on under the following Circumstances :

First. Either by *British* Ships, and under the *British* Flag, or for the Account of *British* Subjects, by any Vessel or under any Flag whatsoever.

Second. By *Spanish* Ships, upon any Part of the Coast of *Africa* North of the Equator, after the Exchange of the Ratifications of the present Treaty; provided, however, that Six Months shall be allowed for completing the Voyages of Vessels, conformably to the Tenor of the Second Article of this Treaty.

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Third. Either by *Spanish* Ships, and under the *Spanish* Flag, or for the Account of *Spanish* Subjects by any Vessel or under any Flag whatsoever, after the Thirtieth of *May* One thousand eight hundred and twenty, when the Traffic in Slaves, on the Part of *Spain*, is to cease entirely : Provided always, that Five Months shall be allowed for the Completion of Voyages commenced in due Time, conformably to the First Article of this Treaty.

Fourth. Under the *British* or *Spanish* Flag for the Account of the Subjects of any other Government.

Fifth. By *Spanish* Vessels bound for any Port not in the Dominions of His Catholic Majesty.

Article the Sixth.—His Catholic Majesty will adopt, in conformity to the Spirit of this Treaty, the Measures which are best calculated to give full, and complete Effect to the laudable Objects which the High Contracting Parties have in view.

Article the Seventh.—Every *Spanish* Vessel which shall be destined for the Slave Trade, in any Part of the Coast of *Africa* where this Traffic still continues to be lawful, must be provided with a Royal Passport, conformable to the Model annexed to the present Treaty, and which Model forms an integral Part of the same. This Passport must be written in the *Spanish* Language, with an authentic Translation in *English* annexed thereto ; and it must be signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal Naval Authority of the District, Station, or Port from whence the Vessel clears out, whether in *Spain*, or in the Colonial Possessions of His Catholic Majesty.

Article the Eighth.—It is to be understood that this Passport, for rendering lawful the Voyages of Slave Ships, is required only for the Continuation of the Traffic to the South of the Line; those Passports which are now issued, signed by the First Secretary of State of His Catholic Majesty, and in the Form prescribed by the Order of the Sixteenth of *December* One thousand eight hundred and sixteen, remaining in full Force for all Vessels which may have cleared out for the Coast of *Africa*, as well to the North as to the South of the Line, previously to the Exchange of the Ratifications of the present Treaty.

Article the Ninth.—The Two High Contracting Parties, for the more complete Attainment of the Object of preventing 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 with special Instructions for this Purpose, as herein-after mentioned, 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 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 herein-after 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 receive 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 Vessels.

It being understood that this Indemnity shall invariably be borne by the Government whose Cruiser 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* or *Spanish* 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 Treaty.

Article the Tenth,—No *British* or *Spanish* 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 *Spanish*, the Slaves found on board of such Vessel must have been brought there for the express Purpose of the Traffic, and those on board of *Spanish* Ships must have been taken from that Part of the Coast of *Africa* where the Slave Trade is prohibited, conformably to the Tenor of the present Treaty.

Article the Eleventh.—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 Treaty, and which shall be considered as an integral Part thereof.

These Instructions shall be written in *Spanish* and *English*, and signed, for the Vessels of each of the Two Powers, by the Minister 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.

Article the Twelfth.—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 Treaty, 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 Catholic Majesty ; and the Two Governments, at the Period of the Exchange of the Ratifications of the present Treaty, 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 one of the Colonial Possessions of His Catholic Majesty.

These Commissions shall judge the Causes submitted to them without Appeal, and according to the Regulation and Instructions annexed to the present Treaty, of which they shall be considered as an integral Part.

Article the Thirteenth—The Acts or Instruments annexed to this Treaty, and which form an integral Part thereof, are as follow:

- No. 1. Form of Passport for the *Spanish* 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*, and in one of the Colonial Possessions of His Catholic Majesty.

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Article the Fourteenth.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications exchanged at *Madrid*, within the Space of Two Months from this Date, or sooner if possible.

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

Done at *Madrid* this Twenty-third Day of *September* in the Year of our Lord One thousand eight hundred and seventeen.

| | |
|---------------------------------|------------------------------|
| (Signed) | (Signed) |
| <i>Henry Wellesley</i> . (L.S.) | <i>Jose Pizarro</i> . (L.S.) |

Form of Passport for Spanish Vessels destined for the lawful Traffic in Slaves.
Passport for Spanish Vessels.

Ferdinand, by the Grace of God, King of *Castille*, of *Leon*, of *Arragon*, of the Two *Sicilies*, of *Jerusalem*, of *Navarre*, of *Grenada*, of *Toledo*, of *Valencia*, of *Gallicia*, of *Majorca*, of *Minorca*, of *Seville*, of *Sardinia*, of *Cordova*, of *Corsica*, of *Murcia*, of *Jaen*, of the *Algarves*, of *Algesiras*, of *Gibraltar*, of the *Canary Islands*, of the *East and West Indies*, Isles, and *Terra Firma* of the Ocean; Archduke of *Austria*, Duke of *Burgundy*, of *Brabant*, and of *Milan*; Count of *Apsburgh*, *Flanders*, *Tirol*, and *Barcelona*; Lord of *Biscay* and of *Molina*, &c.

Whereas I have granted Permission for the Vessel called of _____ Tons, and carrying _____ Men and Passengers, _____ Master and _____ Owner, both *Spaniards* and Subjects of my Crown, to proceed bound to the Ports of _____ and _____ Coast of *Africa*, from whence she is to return to _____, the said Master and Owner having previously taken the required Oath before the Tribunal of Marine of the proper Naval Division from whence the said Vessel sails, and legally proved that no Foreigner has any Share in the above Vessel and Cargo, as appears by the Certificate annexed to this Passport; which Certificate is given by the

same Tribunal in consequence of the Steps taken in pursuance of the Directions contained in the Ordinance of Matriculation of One thousand eight hundred and twenty-two.

The said Captain and Owner of the said Vessel being under an Obligation to enter solely such Ports on the Coast of *Africa* as are to the South of the Line, and to return from thence to any of the Ports of my Dominions 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 my Royal Decree of One thousand eight hundred and seventeen, by which the Mode of conveying Slaves from the Coast of *Africa* to my Colonial Dominions is regulated; and should they fail in any of these Conditions, they shall be liable to the Penalties denounced by the said Decree against those who shall carry on the Slave Trade in an illicit Manner.

I therefore command all General and other Officers commanding my Squadrons and Ships, the Captain Generals of the Departments of Marine, the Military Commandants of the Provinces of the same, their Subalterns, Captains of the Ports, and all other Officers and Persons belonging to the Navy; the Viceroys, Captain Generals or Commandants of Kingdoms and Provinces; the Governors, Mayors, and Justices of the Towns upon the Sea Coast of my Dominions of *Indies*; the Royal Officers or Judges of Entries therein established, and all others of my Subjects to whom it belongs or may belong, nor to give her any Obstruction nor to occasion her any Inconvenience or Detention, but rather to aid her and to furnish her with whatever she may want for her regular Navigation; and of the Vassals and Subjects of Kings, Princes, and Republics, in friendship and alliance with me, of the Commanders, Governors, or Chiefs of their Provinces, Fortresses, Squadrons, and Vessels, I require that they likewise shall not impede her in her free Navigation, Entry, Departure, or Detention in the Ports to which by any Accident she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of; for which Purpose I have commanded this Passport to be made out; which, being signed for its Validity by my Secretary of State for the Dispatch of Marine, shall serve for the Time that a Voyage going and returning may last, after the Conclusion of which it shall be returned to the Commandant of Marine, Governor, or other Person by whom it may have been issued, adding for its proper Use the corresponding Note.

Given at *Madrid*, on

I, The King.

(*Here the Signature of the Secretary of State and of the Dispatch of Marine.*)

Note.—This Passport, No. _____ authorizes any Number of Slaves, not exceeding _____ being in the Proportion of Five Slaves for every Two Tons (as permitted by the Royal Decree of 1817), excepting always such Slaves employed as Sailors or Domestics, and Children born on board during the Voyage; and the same is issued by me the undersigned _____ on the Day of this Date, made out in favour of _____ who has previously conformed with all the Formalities

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required by the Royal Decree of _____ 1817, and is bound
to return it immediately upon his Return from the Voyage.

Given at _____ on the _____ of
of the Year _____

(*Here the Signature of the principal Marine Authority
of the Naval Division, Station, Province, or Port from
whence the Vessel clears out.*)

(Signed) Henry Wellesley. (L.S.)

(Signed) Jose Pizarro. (L.S.)

*Instructions for the British and Spanish Ships of
War employed to prevent the illicit Traffic in Slaves.*

Instructions for British and Spanish Ships of War.

Article I.—Every *British* or *Spanish* Ship of War shall, in conformity with Article IXth of the Treaty 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 Xth Article of the aforesaid Treaty; and as to what regards the *Spanish* 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 is no longer permitted, conformably to the Articles I. and II, of the Treaty of this Date ; in 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 Judgment, before that of the Two Mixed Commissions appointed by the XIIth Article of the Treaty 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 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 of Detention.

Article II.—No *Spanish* 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 the Equator, during the Period for which the Traffic is to remain lawful, according to the Stipulations subsisting between the High Contracting Parties, unless after a Chace that shall have commenced North of the Equator.

Article III.—*Spanish* 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 *Spanish* 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 *Spanish* Navigation, by steering some Degrees to the Northward in Search of fair Winds, or for other legitimate Causes, such as the Dangers of the Sea, duly proved : Provided always, that with regard to all Slave Ships detained to the North of the Equator, after the Expiration of the Term allowed, 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 Stipulations

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 Cruizers, even should the Number not agree with that contained in their Passports, shall not be sufficient Reason to justify the Detention of the Ship; but the Captain and Proprietor shall be denounced in the *Spanish* Tribunals, in order to their being punished according to the Laws of the Country.

Article IV.—Every *Spanish* Vessel intended to be employed in the legal Traffic in Slaves, in conformity with the Principles laid down in the Treaty of this Date, shall be commanded by a native Spaniard; and Two Thirds, at least, of the Crew shall likewise be Spaniards: Provided always, that the *Spanish* or Foreign Construction shall in no wise affect its Nationality, and that the Negro Sailors shall always be reckoned as Spaniards, provided they belong, as Slaves, to Subjects of the Crown of *Spain*, or that they have been enfranchised in the Dominions of His Catholic Majesty.

Article V.—Whenever a Ship of War shall meet a Merchantman 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 of *Great Britain*, or of Ensign of a Ship of the Line in the *Spanish* Navy.

Article VI.—The Ships of War which may detain any Slave Ship, 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 draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Ship, and the Changes which may have taken place in it; he shall deliver to the Captain of the Slave Ship a signed Certificate of the Papers seized on board of 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 Mixed Commissions, in order that, in 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 Vessel 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.

Article VII.—No Conveyance of Slaves from one Part in the *Spanish* Possessions to another shall take place, except in Ships provided with Passports from the Government on the Spot, *ad hoc*. Done at *Madrid*, the Twenty-third Day of *September* in the Fear of our Lord One thousand eight hundred and seventeen.

(L.S.) *Henry Wellesley.*

(L.S.) *Jose Pizarro.*

Status: This is the original version (as it was originally enacted).

Regulations for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of His Catholic Majesty.

Regulations for Mixed Commissions, as to Spain.

Article I.—The Mixed Commissions to be established by the Treaty of this Date, upon the Coast of *Africa* and in a Colonial Possession of His Catholic Majesty, are appointed to decide upon the Legality of the Detention of such Slave Vessels as the Cruizers of both Nations shall detain, in pursuance of this same Treaty, 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 this Date.

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 Port where they shall reside ; First, upon the Legality of the Capture ; Second, in the Case in which the captured Vessel shall have been liberated, as to the Indemnifications 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 Expence and Risks of the Delay, the Commissioners may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Article II.—Each of the above-mentioned Mixed Commissions, which are to reside on the Coast of *Africa* and in a Colonial Possession of His Catholic Majesty, 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 Stipulations of the Treaty of this Date, may be laid before them. All the essential Parts of the Proceedings carried on before these Mixed Commissions shall be written down in the legal 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 this Date.

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 to their Authority, and to act with Fidelity in all the Affairs which may belong to his Charge.

Article 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 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 Treaty or this Date, and in order that, according to this Judgment, 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 Treaty 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.

Article IV.—As often as the Cargo of Slaves found on board of a *Spanish* Slave Ship shall have been embarked on any Point whatever of the Coast of *Africa* where the Slave Trade continues to be lawful, 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.

Article V.—In the authenticated Declaration which the Captor shall make before the Commission, as well as in the Certificate or 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.

Article 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 a 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 Expence of the Power of which the Captor shall be a Subject.

Article 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 delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or Free Labourers. Each of the Two Governments binds itself to guarantee the Liberty of these Individuals as shall be respectively consigned to it.

Article 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 Commission, shall also be 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 Claimants, or his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification, for all Costs of Suit, and for all Losses and Damages which the Claimant or Claimants may have actually sustained by such Capture and Detention ;

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that is to say, In case of total Loss, the Claimant or Claimants shall be indemnified,—First, for the Ship, her Tackle, Apparel, and Stores; Secondly, for all Freight due and payable ; Thirdly, for the Value of the Value of the Cargo of Merchandize, if any; Fourthly, for the Slaves on board at the Time of Detention, according to the computed Value of such Slaves at the Place of Destination, deducting therefrom the usual fair average Mortality for the unexpired Period of the regular Voyage; deducting also for all Charges and Expences payable upon the Sale of such Cargoes, including Commission of Sale ; and, Fifthly, 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, from all special Damages and Expences 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 Shilling, or Four Reals and Half de Vor, 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 the 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 Government to which the capturing Ship belongs ; the whole Amount of such Indemnification being calculated in the Money of the Country to which the captured Ship belongs, and to be liquidated at the Exchange current at the Time of Award, excepting the Sum for the Subsistence of Slaves, which shall be 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 Treaty of this Date, have agreed, that if it should be proved, in a Manner evident to the Conviction of the Commissary 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 her Detention, the Demurrage stipulated by the present Article.

Schedule of Demurrage or daily Allowance

| | | |
|--|----|--------------------|
| for a Vessel of 100 Tons to 120 inclusive, | £5 | } <i>per Diem,</i> |
| 121 Tons to 150 inclusive, | 6 | |
| 151 Tons to 170 inclusive, | 8 | |
| 171 Tons to 200 inclusive, | 10 | |
| 201 Tons to 220 inclusive, | 11 | |
| 221 Tons to 250 inclusive, | 12 | |
| 251 Tons to 270 inclusive, | 14 | |

271 Tons to 300 inclusive, | 15 |
and so in proportion.

Article 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 by the *Spanish* Laws was authorized to carry, which Number shall always be stated in his Passport.

Article X.—Neither the Judges, nor the Arbitrators, nor the Secretary of the Mixed Commissions, shall be permitted to demand or receive from any of the Parties concerned in the Sentences which they shall pronounce, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the present Regulation.

Article XI.—When the Parties interested shall imagine they have Cause to complain of any evident Injustice on the Part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the Right of mutual Correspondence, for the Purpose of removing, when they think fit, the Individuals who may compose these Commissions.

Article XII.—In case of a Vessel being improperly detained, under Pretence of the Stipulations of the Treaty of this Date, and the Captor not being enabled to justify himself, either by the Tenor of the said Treaty or 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 himself to cause Inquiry to be made into the Subject of the Complaint, 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.

Article XIII.—The Two High Contracting Parties have agreed, that in the Event of the Death of One or more of the Commissary Judges or the Commissioners of Arbitration composing the above-mentioned Mixed 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 same, and by the Secretary; and in that which shall sit within the Possessions of His Catholic Majesty, it is agreed, that, in case of the Death of the *British* Judge or Arbitrator there, the remaining Individuals of the said Commission shall proceed equally to the Judgment 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 from the Sentence, if they think fit, to the Commission resident upon the Coast of *Africa* ; and the Government to which the Captor shall belong shall be bound fully to make good the Compensation which shall be due to them in case the Appeal be decided in favour of the Claimants; but the Vessel and Cargo shall remain, during such Appeal, in the Place of Residence of the First Commission before which they shall have been carried.

On the Part of *Spain*, the Vacancies shall be supplied, in the Possession of His Catholic Majesty, by such Persons of Trust as the principal Authority of the Country shall appoint; and upon the Coast of *Africa*, in case of the Death of any *Spanish* Judge or

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Arbitrator, the Commission shall proceed to Judgment in the same Manner as above specified for the Commission resident in the Possessions of His Catholic Majesty, in the Event of the Death of the *British* Judge or Arbitrator ; an Appeal being, in this Case likewise, allowed to the Commission resident in the Possession of His Catholic Majesty ; and in general, all the Provisions of the former Case being to be applied to the present.

The High Contracting Parties have agreed to supply, as soon as possible, the Vacancies that may arise in the above-mentioned Commissions, from Death or any other Cause; and in case that the Vacancy of any of the *Spanish* Commissioners in the *British* Possessions, or of the *British* Commissions in the *Spanish* Possessions, be not supplied at the End of the Term of Seven Months for *America*, and of Twelve for *Africa*, the Vessels which shall be brought to the said Possessions respectively, shall cease to have the Right of Appeal above

Done at *Madrid*, the Twenty-third Day of *September* in the Year of our Lord One thousand eight hundred and seventeen.

(L.S.) *Henry Wellesley.*

(L.S.) *Jose Pizarro.*

Explanatory Article to the Treaty between His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Spains, concluded and signed at Madrid September the Twenty-third One thousand eight hundred and seventeen.

Explanatory Article to Treaty with Spain, dated Spet. 23, 1817.

Whereas it is stated in Article I. of the " Instructions intended for *British* and *Spanish* Ships of War employed to prevent the illicit Traffic in Slaves," that " Ships, on board of which no Slaves shall be found intended for Purposes of Traffic, shall not be detained on any Account or Pretence whatever:" And whereas it has been found by Experience, that Vessels employed in the illegal Traffic 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 Treaty above-mentioned:

The 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 has or have been put on board a Vessel, for the Purpose of illegal Traffic, in the particular Voyage on which the Vessel shall be captured, then, and on that Account, according to the true Intent and Meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers, and finally condemned by the

This explanatory Article shall have the same Force and Effect as if it were inserted Word for Word in the said Treaty, and shall be held to form Part of the same.

In witness whereof the undersigned, furnished with full Powers to that Effect, have hereunto signed their Names, and affixed their Seals.

Done at *Madrid*, the Tenth Day of *December* One thousand eight hundred and twenty-two.

(L.S.) *William A'Court.*

Additional Article to the Treaty between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Spains, signed at Madrid September the Twenty-third One thousand eight hundred and seventeen.

Additional Article to Treaty with Spain, Sept. 23, 1817.

The High Contracting Parties hereby agree, that in the Event of the Absence, on account of Illness or of any other unavoidable Cause, of One or more of the Commissioners, Judges, and Arbitrators under the above-mentioned Treaty, or in the Case of their Absence in consequence of Leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their Posts shall be supplied in the same Manner in which, by the Article 14. of the Regulations for the Mixed Commission, those Vacancies in the Commission are to be supplied which may occur by the Death of One or more of the Commissioners aforesaid.

This Article shall have the same Force and Effect as if it had been inserted Word for Word in the above-mentioned Treaty, and shall be held to form Part of the same.

In witness whereof the undersigned, duly furnished with full Powers to that Effect, have signed the present Additional Article, and have affixed thereunto the Seal of their Arms.

Done at *Madrid* the Tenth Day of *December* One thousand eight hundred and twenty-two.

(L.S.) *William A'Court.*

Declaration explanatory of the Additional Article between Great Britain and Spain, signed at Madrid December Tenth One thousand eight hundred and twenty-two.

Declaration Explanatory of Article to Treaty with Spain, Dec. 10, 1822.

Whereas in the additional Article to the Treaty- for preventing an illegal Commerce in, Slaves, signed at *Madrid* the Tenth *December* One thousand eight hundred and twenty-two, a Reference is made by a Mistake of the Copyist to the Fourteenth instead of the Thirteenth Article of the Regulations for the Mixed Commissions: We the Undersigned, fully authorized to that Effect, do hereby agree and declare, that the Reference aforesaid shall be considered as applying to the Thirteenth Article, according to the evident Intention of the High Contracting Parties.

Done at *Madrid* this Second Day of *February* One thousand eight hundred and twenty-four.

(Signed) { (L.S.) *William A'Court.*
(L.S.) *El Conde De Ofalia.*

TREATY between His Britannic Majesty end His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves. Signed at the Hague, May Fourth One thousand eight hundred and eighteen.

In the Name of the Most Holy Trinity :—His Majesty the King 6f the United Kingdom of *Great Britain and Ireland*, and His Majesty the King of the *Netherlands*, animated with a mutual Desire to adopt the most effectual Measures for putting a Stop to the carrying on of the Slave Trade by their respective Subjects, and for preventing their respective

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Flags from being made use of as a Protection to this nefarious Traffic by the People of other Countries who may engage therein; their said Majesties have accordingly resolved to proceed to the Arrangement of a Convention for the Attainment of their Objects, and have therefore named as Plenipotentiaries, *ad hoc*,

His Majesty the King of the United Kingdom of *Great Britain and Ireland*, the Right Honourable *Richard* Earl of *Clancarty*, Viscount *Dunlo*, Baron *Kilconnel*, Baron *Trench* of *Garbally* in the United Kingdom' of *Great Britain and Ireland*, One of His Majesty's Most Honourable Privy Council in *Great Britain* and also in *Ireland*, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of *Galway*, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the *Netherlands*, Grand Duke of *Luxemburgh*; and His Majesty the King of the *Netherlands*, *Anne William Charles* Baron *de Nagell d'Ampsen*, Member of the Body of Nobles of the Province of *Guelderland*, Knight Grand Cross of the Order of the-' *Belgic* Lion and of that of *Charles* the Third, Chamberlain and Minister of State holding the Department of Foreign Affairs; and *Cornelius Felix Van Maanen*, Commander of the Order of the *Belgic* Lion, and Minister of State holding the Department of Justice; who, having exchanged their full Powers, found in good and due Form, have agreed on the 'following Articles :

Article I.—The Laws of the United Kingdom of *Great Britain and Ireland* rendering; it already highly penal for the Subjects of His *Britannic* Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty the King of the *Netherlands*, referring to the Eighth Article of the Convention entered into with His *Britannic* Majesty on the Thirteenth *August* One thousand eight hundred and fourteen, engages in pursuance thereof, and within Eight Months from the Ratification of these Presents, or sooner if possible, to prohibit all his Subjects, in the most effectual Manner, and especially by penal Law the most formal, to take any Part whatever in the Trade of Slaves; and in the Event of the Measures already taken by the *British* Government, and to be taken by that of the *Netherlands*, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further Measures, whether by legal Provision or otherwise, as may from Time to Time appear to be best calculated in the most effectual Manner to prevent all their respective Subjects from taking any Share whatever in this nefarious Traffic.

Article II.—The Two High Contracting Parties, for the more complete Attainment of the Object of preventing all Traffic in Slaves on the Part of their respective Subjects, mutually consent that the Ships of their Royal Navies, which shall be provided with special Instructions for this Purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may be suspected upon reasonable Grounds of having Slaves on board for an illicit Traffic; and in the Event only of their finding such 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 herein-after be specified.

Article III.—In the Intention of explaining the Mode of Execution of the preceding Article, it is agreed,

1st. That such reciprocal Right of Visit and Detention shall not be exercised within the *Mediterranean* Sea, or within the Seas in *Europe* lying without the Straits of *Gibraltar*, and which lie to the Northward of the Thirty-seventh Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*.

2d. That the Names of the several Vessels furnished with such Instructions, the Force of each, and the Names of their several Commanders, shall be from Time

to Time, immediately upon their Issue, communicated by the Power issuing the same to the other High Contracting Party.

3d. That the Number of Ships of each of the Royal Navies authorized to make such Visits as aforesaid, shall not exceed the Number of Twelve belonging to either of the High Contracting Parties, without the special Consent of the other High Contracting Party being first had and obtained.

4th. That if at any Time it should be deemed expedient that any Ship of the Royal Navy of either of the Two High Contracting Parties, authorized to make such Visits as aforesaid, should proceed to visit any Merchant Ship or Ships under the Flag, and proceeding under the Convoy of any Vessel or Vessels of the Royal Navy of the other High Contracting Party, that the Commanding Officer of the Ship, duty authorized and instructed to make such Visit, shall proceed to effect the same in Communication with the Commanding Officer of the Convoy, who it is hereby agreed shall give every Facility to such Visit, and to the eventual Detainer of the Merchant Ship or Ships so visited, and in all things assist to the utmost of his Power in the due Execution of the present Convention, according to the true Intent and Meaning thereof.

5th. It is further mutually agreed, that the Commanders of the Ships 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 receive for this Purpose.

Article IV.—As the Two preceding Articles are 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 Vessels; it being understood that this Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of the arbitrary Detention; and that the Visit and Detention of Ships specified in this Article, shall only be effected by those *British* or *Netherland* 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 Treaty, in pursuance of the Provisions thereof.

Article V.—No *British* or *Netherland* Cruiser shall detain any Ship . whatever not having Slaves actually on board; and in order to render lawful the Detention of any Ship, whether *British* or *Netherland*, the Slaves found on board such Vessel must have been brought there for the express Purpose of the Traffic.

Article VI—All Ships of the Royal Navies of the Two Nations, which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a Copy of the Instructions annexed to the present Treaty, and shall be considered as an integral Part thereof.

These Instructions shall be written in the *Dutch* and *English* Languages, and signed for the Vessels of each of the Two Powers by the Minister 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.

Article VII.—In order to bring to Adjudication, with the least Delay and Inconvenience, the Vessels which may be detained for having been engaged in a Traffic of Slaves, according to the Tenor of the Fifth Article of this Treaty, there shall be established, within the Space of a Year at furthest from the Exchange of the Ratifications of the

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present Treaty, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations, named for this Purpose by their respective Sovereigns.

These Courts shall reside, one in a Possession belonging to His *Britannic* Majesty, the other within the Territories of His Majesty the King of the *Netherlands*; and the Two Governments, at the Period of the Exchange of the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what Places the Courts 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 Court held within its own Dominions; provided, however, that one of the Two Courts shall always be held upon the Coast of *Africa*, and the other in one of the Colonial Possessions of His Majesty the King of the *Netherlands*.

The Courts shall judge the Causes submitted to them according to the Terms of the present Treaty, without Appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral Part.

Article VIII.—In case the Commanding Officer of any of the Ships of the Royal Navies of *Great Britain* and of the *Netherlands*, commissioned under the Second Article of this Treaty, shall deviate in any respect from the Dispositions of the said Treaty, and shall not be enabled to justify himself, either by the Tenor of the said Treaty, or of the Instructions annexed to it, the Government which shall conceive itself to be wronged by such Conduct shall be entitled to demand Reparation ; and in such Case the Government to which the Captor may belong binds itself to cause Enquiry to be made into the Subject of the Complaint, 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.

Article IX.—The Acts or instruments annexed to this Treaty, and which form an integral Part thereof, are as follow :

- A. Instructions for the Ships of the Royal Navies of both Nations destined to prevent the Traffic in Slaves.
- B. Regulation for the Mixed Courts of Justice, which are to hold their Sittings on the Coast of *Africa*, and in one of the Colonial Possessions of His Majesty the King of the *Netherlands*.

Article X.—The present Treaty, consisting of Ten Articles, shall be ratified, and the Ratifications exchanged within the Space of One Month from this Date, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the Seal of their Arms.

Done at the *Hague* this Fourth Day of *May* in the Year of our Lord, One thousand eight hundred and eighteen.

(Signed)

Clancarty. (L.S.)

A. W. C. De Nagell. (L.S.)

Van Maanen. (L.S.)

Annexes

*Instructions for the Ships of the British and Netherland
Royal Navies, employed to prevent the Traffic in Slaves.*

Instructions for British and Netherland Ships.

Article I.—Every Ship of the Royal *British* or Netherland Navy, which, furnished with these Instructions, shall, in conformity with the Second Article of the Treaty 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, may, except in the Seas exempted by the Third Article of the said Treaty, proceed to such Visit, and should any Slaves be found on board, brought there for the express Purposes of the Traffic, the Commander of the said; Ship of the Royal Navy may detain them; and; having (detained them, he is to bring them as soon as possible, for Judgment, before that of the Two Mixed Courts of Justice appointed by the Seventh Article of the Treaty 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 Ship shall have been detained.

Ships, on board of which no Slaves shall be found intended for 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.

Article II.—Whenever a Ship of the Royal Navy, so commissioned, shall meet a Merchantman liable to be searched, it shall be done in the mildest Manner, and with every Attention which is due between allied and friendly Nations ; and in no case shall the Search be made by an Officer holding a Rank inferior to that of Lieutenant in the Navies of *Great Britain* and of the *Netherlands*.

Article III.—The Ships of the Royal Navies so commissioned, which may detain any Merchant Ship, in pursuance of the Tenor of the present Instructions, shall leave on board all the Cargo, as well as the Master, and a Part at least of the Crew of the above-mentioned Ship ; the Captor shall draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Ship, and the Changes which may have taken place in it. He shall deliver to the Master of the detained Ship a signed Certificate of the Papers seized on board the said Vessel, as well as of the Number of Slaves found on board at the Moment of Detention.

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 Mixed Courts, 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 Vessel could arrive at the Place of Residence of One of the said Courts, 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.

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Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.

Regulations for Mixed Courts, as to the Netherlands.

Article I.—The Mixed Courts of Justice to be established by the Treaty of this Date, upon the Coast of *Africa* and in a Colonial Possession of His Majesty the King of the *Netherlands*, are appointed to decide upon the Legality of the Detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without Appeal, according to the present Treaty.

The Proceeding shall take place as summarily as possible; the Courts 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 Port where they shall reside;—First, upon the Legality of the Capture;—Secondly, in the Cases in which the captured Vessel shall have been liberated, as to the Indemnification which the said Vessel is to receive.

And 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 Expence and Risks of the Delay, the Courts may at their Discretion grant an additional Delay, not exceeding Four Months.

Article II.—Each of the above-mentioned Mixed Courts, which are to reside on the Coast of *Africa*, and in a Colonial Possession of His Majesty the King of the *Netherlands*, shall be composed in the following Manner:

The Two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of Capture of Vessels which, in pursuance of the Stipulations of the Treaty of this Date, shall be brought before them. All the essential Parts of the Proceedings carried on before these Mixed Courts shall be written down in the legal Language of the Country in which the Court may reside.

The Judges and the Arbitrators shall make Oath before the principal Magistrate of the Place in which the Courts 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 this Date.

There shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the Country in which the Court may reside, who shall register all its Acts, and who, previous to his taking charge of his Post, shall make Oath before the Court to conduct himself with respect for their Authority, and to act with Fidelity in all the Affairs which may belong to his Charge.

Article III.—The Form of the Process shall be as follows:

The Judges of the Two Nations shall, in the first Place, proceed to the Examination of the Papers of the Vessels, and to receive the Depositions 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 whether the said Vessel has been justly detained or not,

according to the Stipulations of the present Treaty, and in order that, according to this Judgment, it may be condemned or liberated; and in the Event of the Two Judges not agreeing in the Sentence they ought to pronounce, whether as to the Legality of the Detention, or the Indemnification to be allowed, or any other Question which might result from the Stipulations of the present Treaty, they shall draw by Lot the Name of One of the Two Arbitrators, who, having considered the Documents of the Process shall consult with the above-mentioned Judges on the, Case in Question, and the final Sentence shall be pronounced conformably to the Opinion of the Majority of the above-mentioned Judges, and of the above-mentioned Arbitrator.

Article IV.—In the authenticated Declaration, which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel, at the Time of 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 on board of the Ship at the Time of the Detention.

Article V.—As soon as Sentence shall have been pronounced, the detained Vessel, if liberated, and the Cargo, in the State in which it shall then be found, shall be restored to the Master or the Person who represents him, who may, before the same Court, claim a Valuation of the Damages which they may have a Right to demand; 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 pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be granted by the above-named Court, it being understood that these Costs and Damages shall be at the Expence of the Power of which the Captor shall be a Subject.

Article VI.—In case of the Condemnation of a Vessel, she shall be declared lawful Prize as well as her Cargo, of whatever Description it may be, with the Exception of the Slaves who may be on board as Objects of Commerce; and 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 Court a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Court which shall have so judged them 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.

Article VII.—The Mixed Courts shall also take Cognizance and decide according to the Third Article of this Regulation, on all Claims for Compensation, on account of Losses occasioned to Vessels detained under Suspicion of having been engaged in the Slave Trade, but which shall not have been condemned ass legal Prize by the said Courts; and in all Cases wherein Restitution shall be decreed, the; Court shall award to the Claimant or Claimants, his or their lawful Attorney or Attornies, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Claimant or Claimants may have actually sustained by such Capture and Detention; that is to say, First, in case of total Loss, the Claimant or Claimants shall be indemnified,

- A. For the Ship, her Tackle, Apparel, and Stores.
- B. For all Freights due and payable.
- C. For the Value of the Cargo of Merchandize, if any ; deducting for all Charges and Expences payable upon the Sale of such Cargoes, including Commission of Sale.
- D. For all other regular Charges, in such Cases of total Loss ; and,

Status: This is the original version (as it was originally enacted).

Secondly, in all other Cases not of total Loss, the Claimant or Claimants shall be indemnified,

- A. For all special Damages and Expences occasioned to the Ship by the Detention, and for Loss of Freight, when due or payable.
- B. A Demurrage when due, according to the Schedule annexed to the present Article.
- C. For any Deterioration of the Cargo.
- D. An Allowance of Five per Cent, on the Amount of the Capital employed in the Purchase of Cargo, for the Period of Delay occasioned by the Detention ; and,
- E. For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall in all Cases 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 the Exchange current at the Time of the Award.

The Two High Contracting Parties wishing, however, to avoid, as much as possible, every Species of Fraud in the Execution of the Treaty 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 an Arbitrator, 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 her Detention, the Demurrage stipulated by the present Article.

Schedule of Demurrage or Daily Allowance for a Vessel of

| | | |
|----------------------------|----|--------------------|
| 100 Tons to 120 inclusive, | £5 | } <i>per Diem,</i> |
| 121 Tons to 150 inclusive, | 6 | |
| 151 Tons to 170 inclusive, | 8 | |
| 171 Tons to 200 inclusive, | 10 | |
| 201 Tons to 220 inclusive, | 11 | |
| 221 Tons to 250 inclusive, | 12 | |
| 251 ditto 270 inclusive, | 14 | |
| 271 Tons to 300 inclusive, | 15 | |

and so in proportion.

Article VIII.—Neither the Judges nor the Arbitrators, nor the Secretary of the Mixed Court, shall be permitted to demand or receive, from any of the Parties concerned in the Sentences which they shall pronounce, any Emolument, under any Pretext whatsoever, for the Performance of the Duties which are imposed upon them by the present Regulation.

Article IX.—The Two High Contracting Parties have agreed, that in the Event of the Death or legal Impeachment of One or more of the Judges or Arbitrators composing the above-mentioned Mixed Courts, 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 Court 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 same, and by the Secretary ; and in that which shall sit within the; Possessions of His Majesty the King of the *Netherlands*, it is agreed, that in case of the Death of the *British* Judge or Arbitrator there, the surviving Individuals of the said Court shall proceed equally to the Judgment of such Ships as may be brought before them, and to the Execution of their

On the Part of the *Netherlands*, the Vacancies shall be supplied, in the Possessions of His Majesty the King of the *Netherlands*, successively by the Governor or Lieutenant Governor, the Principal Magistrate and Secretary of Government; and upon the Coast of *Africa*, in case of the Death of any Netherland Judge or Arbitrator, the surviving Members of the Court shall proceed to Judgment in the same Manner as above specified for the Court resident in the Possession of His Majesty the King of the *Netherlands*, in the Event of the Death of the *British* Judge or Arbitrator.

The High Contracting Parties have further agreed, that the Governor or Lieutenant Governor of the Settlement wherein either of the Mixed Courts shall sit, in the Event of a Vacancy arising either of the Judge or Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the Governor or Lieutenant Governor of the nearest Settlement of such High Contracting Party, in order that the Loss maybe supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies that may arise in the above mentioned Courts, from Death or any other Cause whatever.

Articles explanatory of and additional to the Treaty concluded at the Hague, May the Fourth One thousand eight hundred and eighteen, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, for the Prevention of the Traffic in Slaves. Signed at Bruxelles December Thirty-first One thousand eight hundred and twenty-two.

Articles explanatory to the Treaty with the Netherlands, dated Dec. 31, 1822.

HIS Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, and His Majesty the King of the *Netherlands*, having thought fit to agree upon the following Arrangements, additional to and explanatory of the Treaty concluded between their aforesaid Majesties at the *Hague*, on the Fourth of *May* One thousand eight hundred and eighteen, for the Prevention of the Trade in Slaves, have therefore named as Plenipotentiaries, *ad hoc*:—

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, the Right Honourable *Richard* Earl of *Clancarty*, Viscount *Dunlo*, Baron *Kilconnel*, Baron *Trench* of *Garbally* in the United Kingdom of *Great Britain* and *Ireland*, One of His Majesty's Most Honourable Privy Council in *Great Britain*, and also in *Ireland*, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of *Galway*, Vice Admiral of the Province of *Connaught*, Knight Grand Cross of the most Honourable Order of the Bath, and of the Royal *Hanoverian Guelphic* Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the *Netherlands*, Grand Duke of *Luxembourg*; and His Majesty the King of the *Netherlands*, *Anne William Charles* Baron *de Nagell d Ampsen*, Member of the Body of Nobles of the Province of *Guelderland*, Knight Grand Cross of the Order of the *Belgic* Lion, and of that of *Charles* the Third, of the Legion of Honour, and of the Royal *Hanoverian Guelphic* Order, Chamberlain and Minister of State holding the Department of Foreign Affairs;

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who having exchanged their full Powers, found in good and due Form, have agreed on the following explanatory and additional Articles:

Article I.—Whereas it is stated in Article I. of " Instructions intended for the *British* and *Dutch* Ships of War employed to prevent the illicit Traffic in Slaves," that " Ships on board of which no Slaves shall be found intended for Purposes of Traffic, shall not be " detained on any Account or Pretence whatever:" And whereas it has been found by Experience, that Vessels employed in the illegal Traffic have unshipped their Slaves 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 Treaty above-mentioned,

The 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 has or have been put on board a Vessel, for the Purpose of illegal Traffic, in the particular Voyage on which the Vessel shall be captured, then and on that account, according to the true Intent and Meaning of the Stipulations of the Treaty, such Vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

Article II.—The High Contracting Parties hereby agree that, in the Event of the Absence, on account of Illness or of any other unavoidable Cause, of One or more of the Commissioners, Judges, and Arbitrators, under the above-mentioned Treaty, or in the Case of their Absence in consequence of Leave from their Government, duly notified to the Board of Commissioners sitting under the said Treaty, their Posts shall be supplied in the same Manner in which, by the Article IXth of the Regulations for the Mixed Commissions, those Vacancies in the Commission are to be supplied which may occur by the Death of One or more of the Commissioners aforesaid.

The explanatory and additional Articles above-mentioned shall be submitted to the Ratification of the respective Sovereigns, and shall have the same Force and Effect as if they were inserted Word for Word in the Treaty of the Fourth of *May* One thousand eight hundred and eighteen above-mentioned, and shall be held to form Part , of the same.

The Acts of Ratification shall be exchanged within the Space of One Month from this Date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at *Bruxelles*, this Thirty-first Day of *December* in the Year of our Lord One thousand eight hundred and twenty-two.

(L.S.) *Clancarty*.

(L.S.) *A. W. C. de Nagell*.

Further additional Article to the before mentioned Treaty. Signed at Bruxelles January Twenty-fifth One thousand eight hundred and twenty-three.

Further additional Article to Treaty with Netherlands.

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, and His Majesty the King of *Netherlands*, having thought fit to agree upon the following further Arrangement, additional to the Treaty concluded between their aforesaid Majesties at the *Hague*, on the Fourth of *May* One thousand eight hundred and eighteen, for the Prevention of the Trade in Slaves, and also in addition to the Two explanatory and

additional Articles executed by the Plenipotentiaries of their said Majesties, on the Thirty-first of *December* One thousand eight hundred and twenty-two, have named, authorized, and directed the same Plenipotentiaries to sign in their Names an Agreement *ad hoc*:—

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, the Right Honourable *Richard* Earl of *Clancarty*, Viscount *Dunlo*, Baron *Kilconnel*, Baron *Trench* of *Garbally* in the United Kingdom of *Great Britain* and *Ireland*, One of His Majesty's Most Honourable Privy Council in *Great Britain*, and also in *Ireland*, Member of the Committee of the First for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of *Galway*, Vice Admiral of the Province of *Connaught*, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal *Hanoverian Guelphic* Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the *Netherlands*, Grand Duke of *Luxembourg*; and His Majesty the King of the *Netherlands*, *Anne William Charles* Baron *de Nagell d' Ampsen*, Member of the Body of Nobles of the Province of *Guelderland*, Knight Grand Cross of the Order of the *Belgic* Lion, and of that of *Charles* the Third, of the Legion of Honour, and of the Royal *Hanoverian Guelphic* Order, Chamberlain and Minister of State holding the Department of Foreign Affairs ; who having exchanged their full Powers, found in good and due Form, have agreed upon the following additional Article:—

Additional Article.

And it is hereby further agreed that upon Proof being duly given before the Mixed Court, whereupon it shall appear that any Ship or Vessel subject to Examination under the Treaty, or under the explanatory or additional Articles, and detained hovering or sailing upon the Coast of *Africa* within One Geographic Degree of the Westward thereof, and between the Twentieth Degree of Latitude North of the Equinoctial Line, and the Twentieth Degree of Latitude to the Southward thereof, or at Anchor within any of the Rivers, Bays, or Creeks of the said Coast within the Limits above particularly specified, or at anchor at any Part within the said Limits, and which Ship or Vessel in her Outfit and Equipment shall fall within One or more of the following Designations; namely,

First—Having her Hatches fitted with open Gratings, instead of being close Hatches, as usual in Merchant Vessels.

Second—Having more Divisions or Bulk Heads in the Hold or on Deck than necessary for trading Vessels.

Third—Having on board spare Plank, either actually fitted in that Shape, or fit for readily laying a Second or Moveable Deck or Slave Deck.

Fourth—Having on board Shackles, Bolts, or Handcuffs.

Fifth—Having on board an unreasonable Quantity of Water in Casks or in Tanks, more than sufficient for the Consumption of her , Grew Merchant Vessel.

Sixth—Having on board an unreasonable Number of Water Casks Of other Vessels for holding Water, unless the Master shall produce a Certificate from the Custom House, from the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantify of casks or other Vessels should only be used for the Reception of Palm Oil.

Seventh—Having on board a greater Quantity of Mess Tubs or Kids than, requisite for the Use of her Crew as a Merchant Vessel.

Eighth—Having on board Two or more Copper Boilers, or even One of an unreasonable Size, larger than requisite for the Use of her Crew as a Merchant Vessel.

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Ninth—Having on board an unreasonable Quantity of Rice or Farinha, (Flour of the Manioc of *Brazil* or Cassada), or Maize or *Indian* Corn, beyond any probable requisite Provision for the Use of her Crew; and such Rice, Flour, Maize or *Indian* Corn, not being entered on the Manifest as Part of the Cargo for Trade.

The Proof of these, or of any one or more of these several Indications, shall be considered as *primâ facie* Evidence of her actual Employment in the Slave Trade, and unless rebutted by satisfactory Evidence upon the Part of the Master or Owners, that such Ship or Vessel was otherwise legally employed at the Time of Detention or Capture, the Ship or Vessel shall thereupon be condemned and declared lawful Prize.

The aforesaid additional Article shall be submitted to the Ratification: of the respective Sovereigns, and shall have the same Force and Effect as if it was inserted Word for Word in the Treaty of the Fourth of *May* One thousand eight hundred and eighteen above mentioned, and shall be held to form Part of the same.

The Acts of Ratification shall be exchanged within the Space of One Month from this Date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at *Bruxelles* the Twenty-fifth Day of *January* in the Year of our Lord One thousand eight hundred and twenty-three.

(L.S.) *Clancarty.*

(L.S.) *A. W. C. de Nagell..*

The King may appoint Judges and Arbitrators, and grant them Salaries. Their Jurisdiction.

And whereas in and by an Act passed in the Fifty-eighth Year of His late Majesty *George* the Third, intituled *An Act to carry into Execution a Treaty made between His Majesty and the King of Spain, for preventing Traffic in Slaves* ; and by a certain other Act, passed in the said Year, intituled *An Act to carry into Execution a Convention made between His Majesty and the King of Portugal, for the preventing Traffic in Slaves*; and also by a certain other Act, passed in the Fifty-ninth Year of His late Majesty King *George* the Third, intituled *An Act to carry into Effect the Treaty with the Netherlands, relating to the Slave Trade* ; and also by an Act passed in the said Fifty-ninth Year of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of the last Session of Parliament, for carrying into Execution a Convention made between His Majesty and the King of Portugal, for the preventing the Traffic in Slaves* ; it is enacted, that it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State, to appoint such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, as are in and by the said Treaties and Conventions, and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices, by appointing other Persons thereto, and to grant Salaries to such Commissary Judges and Commissioners of Arbitration, Judges, and Arbitrators as aforesaid, not exceeding such Annual Sums as the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Commissary Judges, and Commissioners of Arbitration, Judges, and Arbitrators are hereby authorized and empowered to examine and decide all such Cases of Detention, Captures, and Seizures

of Vessels, and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaties, Conventions, Instructions, and Regulations, or included therein, as are by the said Treaties, Conventions, Instructions, and Regulations, and by these Acts, made subject to their Jurisdiction ; and to proceed therein, and give such Judgments, and make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of the said Treaties, Conventions, and the Instructions and Regulations annexed thereto as aforesaid, as fully and effectually to all Intents and Purposes, as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in these Acts: Now be it declared and enacted, That the said Provisions as herein recited, shall continue, remain, and be in full Force and Effect.”

LIII The King may appoint a Secretary to the Commission Courts, and grant him a Salary. His Authority and Duty.

And whereas in and by the said Acts of the Fifty-eighth and Fifty-ninth of *George* the Third, it is enacted, that it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the respective Commissions and Courts which shall be established in His Majesty's Dominions, and from Time to Time supply, by other Appointments, any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such Annual Sum as the said Commissioners of His Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the Duties of such Office, as set forth and described in the said Treaties, Conventions, Instructions, and Regulations respectively, and to do, perform, and execute all such Acts, Matters, and Things, as may be necessary for the due Discharge of the Duties of his Office, according to the Provisions of the said Treaties, Conventions, Instructions, and Regulations as aforesaid : Now be it declared and enacted, That the said Provision as herein recited, shall continue, remain, and be in full Force and Effect.

LIV Governors of Colonies to fill up Vacancies in Commissions pro tempore.

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

LV Oath to be taken by Commissary Judges and Arbitrators.

And be it further enacted, That every Commissary Judge an Commissioner of Arbitration appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the Execution of an of the Duties of such his Office, take an Oath in the Presence of th Principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission or Court shall be appointed to reside ; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to His

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Majesty, in which such Commission or Court shall be appointed, is hereby authorized to administer, in the Form following ; (that is to say),

“I *A. B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors, or any other Persons ; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty or Convention between His Majesty and His Catholic Majesty, signed a *Madrid* on the Twenty-third Day of *September* One thousand eight hundred and seventeen, [or, in the Treaty between His Majesty and His Most Faithful Majesty, of the Twenty-second Day of *January* One thousand eight hundred and fifteen, and the Additional Convention thereto, signed at *London* on the Twenty-eighth Day of *July* One thousand eight hundred and seventeen; or, between His Majesty and His Majesty the King of the *Netherlands*, signed at the *Hague* on the Fourth Day of *May* One thousand eight hundred and eighteen ; *[as the Case may require.]*”

So help me GOD.”

LVI Oath to be taken by Secretary or Registrar.

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

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

So help me GOD.”

LVII Oaths and Depositions in judicial Proceedings to be administered by Commissary Judges, &c. Who may summon Witnesses and send for Papers.

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

LVIII Persons giving fake Evidence shall be deemed guilty of Perjury. Trial of Perjury. Venue therein.

And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition or Affidavit, had or taken upon or in any Proceeding before the said Commissary Judges or Commissioners aforesaid, or in any Examination or Deposition or Affidavit, had or taken before the said Secretary or Registrar, under the said Treaties, Conventions, Instructions, or Regulations, or this Act, shall be deemed guilty of Perjury, and being thereof convicted, shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable ; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent Jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any Prosecution for such Offence in His Majesty's said Court of King's Bench, the Venue may be kid in the County of *Middlesex*.

LIX Pendency of Suits arising out of the Spanish and Portuguese Treaties, before the Commissions, shall be a Bar to any other Suit.

And be it further enacted, That the Pendency of any Suit or Proceeding instituted before the said Commissioners for the Condemnation or Restitution of any Ship or Cargo or Slaves, taken, seized, or detained by virtue of the said Treaties or Conventions with *Spain* and *Portugal*, or Instructions or Regulations thereto annexed, or the final Adjudication or Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be and be deemed and adjudged in any Court whatever, to be a good and complete Bar in any Action, Suit, or Proceeding, whether brought or instituted by any Person or Persons for the Recovery of any Ship, Vessel, or Cargo, or of any Damage for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or Act, Matter, or Thing done under the Authority or in pursuance of the Provisions of the said Treaties or Conventions, or of the Instructions or Regulations thereto annexed.

LX Mixed Courts under the Netherland Treaty shall be the only Tribunal.

And be it further enacted, That it shall not be lawful for any Person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever, in the High Court of Admiralty, or in any other Court, or before any Judges or Persons whomsoever, other than the several Mixed Courts of Justice appointed under and by virtue of the Treaty with the *Netherlands* aforesaid and this Act, for the Condemnation or Restitution of any Ship or Cargo or Slaves, or for any Compensation or Indemnification for any Loss or Damage, or for any Injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any Capture, Seizure, or Detention, under the Authority or in pursuance of the Provisions of the said Treaty with the *Netherlands*, or of the Instructions and Regulations thereto annexed, or of this Act; and that the Pendency of any Claim, Suit, or Proceeding instituted, or which may be instituted before any of the said Mixed Courts, so to be appointed under the Authority of the said Treaty with the *Netherlands*, and this Act, for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty with the *Netherlands*, or of the Instructions and Regulations thereto annexed, or for any Compensation or Indemnification for any Loss or Damage, in consequence of the taking, seizing, or detaining any such Ship, or the

final Adjudication, Condemnation, Judgment, or Determination of any such Mixed Court, as the Case shall require, may be pleaded in Bar or given in Evidence under the General Issue ; or in case no such Claim, Suit, or Proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions, and Regulations, and this Act, may in like Manner be pleaded in Bar, or given in Evidence under the General Issue; and every such Plea in Bar or Evidence so given under the General Issue, shall be deemed and adjudged to be a good and complete Bar to any such Claim, Action, Suit, or Proceeding in the said High Court of Admiralty, or in any Court or Place other than such Mixed Courts.

LXI Jurisdiction of Prize Appeal and Admiralty Courts.

Provided always, and be it further enacted, That it shall be lawful for the Lords Commissioners of Appeal in Prize Causes, and for the High Court of Admiralty, in all Cases and Questions arising out of the said Captures that may be depending before them, or that may be brought before them on Appeal from any Vice Admiralty Court, according to their respective Jurisdictions (except in such Cases as are in and by this Act expressly excepted), to proceed therein, and to hear and determine all Questions respecting any Right or Interest in or to the same, to which His Majesty, or the Captors or Seizors of such Ships, Vessels, or Cargoes may claim to be entitled by reason of the Capture or Seizure thereof, and the Laws relating thereto, and to enforce their Judgments and Orders therein by the usual Process of the said Courts.

LXII Proceeds, in case of Captors not establishing their Rights, to be paid to the Use of His Majesty.

Provided always, and be it further enacted, That in all Cases of *Spanish* and *Portuguese* Ships captured and proceeded against, and for which Indemnification has or may be made, in pursuance of the said Treaties or Conventions aforesaid, and in which the Captors or Seizors shall not establish any Right or Interest on their Behalf, by reason of the Capture thereof, and the Laws relating thereto, it shall be lawful for the said Court respectively, to order and adjudge the Ships, Vessels, and Cargoes, or the Proceeds thereof, and all and every Part thereof, unto or to which the Captors shall not establish any Right or Interest as aforesaid, to be delivered or paid to the Use of His Majesty, to such Person or Persons as the said Commissioners of His Majesty's Treasury for the Time being shall appoint to receive the same, and to enforce the Delivery or the Payment thereof by the usual Process, as is used and established by Law in Cases of Prize.

LXIII Treasury may direct the Papers and Proceedings respecting Vessels and Cargoes belonging to the Subjects of Spain, Portugal, or the Netherlands, condemned in the Vice-Admiralty Court at Sierra Leone, to be transmitted to the Registry of the Admiralty Court of England. Treasury may enforce Payment of Proceeds, and reward in certain Cases.

And whereas several Vessels belonging to the Subjects of *Spain*, *Portugal*, and the *Netherlands*, respectively, have been captured between the Seventeenth Day of *February* One thousand eight hundred and fifteen, and the Period at which the Commissioners appointed in virtue of the before mentioned Treaties or Conventions have assembled : And whereas the Vessels belonging to the Subjects of *Portugal* so captured as aforesaid, are by the additional Convention with that State, bearing Date the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, made the

Subject of special Adjudication under the Mixed Commission established in *London*: And whereas during the Period aforesaid, certain Proceedings have been had and Decrees have been made without due Authority or Jurisdiction, in the Vice Admiralty Court at *Sierra Leone*, in respect of Seizures of the Vessels and Cargoes belonging to the Subjects of *Spain*, *Portugal*, and the *Netherlands*, some or all of them, for alleged Contravention of the said Treaties or Conventions : And whereas it is expedient and necessary to make further Provisions and Regulations respecting all the aforesaid Ships and Cargoes, and also for the Payment of Bounties in certain Cases for Slaves seized and taken on board the said Ships ; be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury to direct the original Papers and Proceedings respecting all Ships, Vessels, and Cargoes belonging to any of the Subjects of *Spain*, *Portugal*, or the *Netherlands*, condemned in the Vice Admiralty Court at *Sierra Leone* since the Seventeenth Day of *February* One thousand eight hundred and fifteen, to be transmitted to the Registry of the High Court of Admiralty of *England*; and further, to direct the Proceeds of such Ships and Cargoes, in whosoever Possession the same may be, to be remitted and paid for the Use of His Majesty, in such Manner as the said Commissioners of the Treasury may direct and appoint; and further, that it shall be lawful for the said Commissioners of the Treasury, to institute Proceedings in the said High Court of Admiralty, against any Person or Persons in Possession of the said Proceeds, for the Purpose of obtaining Payment of the same, and to enforce the Payment thereof by Process of the said Court, and to reward the Captors in all Cases where Contravention of Treaty has taken place, by granting to them One Moiety of the Proceeds of every Ship and Cargo captured as aforesaid ; and the remaining Moiety of the said Proceeds shall be paid to such Person or Persons as the said Commissioners shall direct or appoint to receive the same for the Use of His Majesty.

LXIV Captors not entitled to Rewards where the Commissioners for Portuguese Claims award Indemnification.

Provided always, and be it further enacted, That the Captors shall not be entitled to any such Reward, where the Mixed Commission, established in *London* for the Adjudication of the Claims of *Portuguese* Subjects, have awarded or may hereafter award Indemnification to be made to the *Portuguese* Owners.

LXV Treasury may order the Charges of Proceedings incurred by Captors to be paid out of the Proceeds, &c.

And be it further enacted, That in every Seizure of any Ship or Vessel for being engaged or employed in the illicit Traffic in Slaves, by any of His Majesty's Ships or Vessels of War, or any Ship or Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, in which it shall appear to the Satisfaction of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, that such Seizure has not been wantonly or improperly made, it shall be lawful for the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or any Three or more of them, to order and direct that all the Costs, Charges, and Expences which may have been or maybe incurred by the Person or Persons making such Seizures, in any Proceedings, or for any Matter or Thing relating thereto, or arising out. of any such Seizure, shall be paid and defrayed out of the Proceeds of such Capture or Seizure, or out of any of the Proceeds of the said Vessels or Cargoes, paid or to be paid to the Order of the Commissioners of His Majesty's Treasury under the Provisions of this Act.

Status: This is the original version (as it was originally enacted).

LXVI Captors of Vessels and Cargoes condemned for illicit trading in Slaves, and the Proceeds distributed, shall be confirmed in the Possession of the Proceeds.

And be it further enacted, That wherever Ships and Cargoes captured by any of His Majesty's Ships of War, or by any Ship or Vessel commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, have been in fact condemned for illicit trading in Slaves, contrary to the Treaties or Conventions made between the Governments of *Spain*, *Portugal*, or the *Netherlands*, and where Distribution of the Proceeds thereof has been made prior to the Tenth Day of *July* One thousand eight hundred and twenty-one, the said Captors shall be confirmed, and are hereby confirmed in the Possession of the said Proceeds; any Law, Statute, or Usage to the contrary notwithstanding.

LXVII Captors of Vessels shall, after the same are condemned, be entitled to the Moiety of the Proceeds belonging to His Majesty.

And be it further enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in Violation of any of the said Conventions herein-before mentioned, shall be seized by any Ship or Vessel belonging to His Majesty, duly authorized under the Provisions of the said Conventions to make such Seizure, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaties or Conventions aforesaid, there shall be paid to the Captors the Moiety to which His Majesty is entitled, under the said Treaties or Conventions, of the net Proceeds of the said Ship and Cargo ; the said Moiety of the said net Proceeds to be distributed in the Manner hereafter directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

LXVIII A Bounty of 10l. for every Slave found on board of Vessels seized and condemned.

And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, a Bounty of Ten Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken, and by the Commissioners appointed in virtue of any of the said Treaties or Conventions, condemned for illicit Traffic in Slaves, in Violation of any of the Provisions of the said Conventions, such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

LXIX Such Bounty of 10l. shall be paid for every Slave found on board of Vessels of Portugal, Spain, and Netherlands, captured within the Periods herein mentioned. Where Proceeds have been distributed and allowed, Moiety of Proceeds shall be deducted from Bounties.

And whereas, besides the Treaties herein-before mentioned, a certain other Treaty was concluded with His Royal Highness the Prince Regent of *Portugal*, on the Nineteenth Day of *February* One thousand eight hundred and ten: And whereas prior to the passing of this Act, and since the Conclusion of the said Treaties respectively, divers Seizures have been made of Ships, Cargoes, and Slaves on board the said Ships, the said Ships being engaged in Traffic for Slaves, contrary to the Provisions of the said Treaties, some or one of them ; be it further enacted, That in all Captures of

Portuguese Vessels, made by any of His Majesty's Ships of War, or any Ship or Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, between the First Day of *June* One thousand eight hundred and fourteen, and the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, which said Vessels shall have violated any Treaty or Convention with *Portugal*, there shall be paid a like Bounty of Ten Pounds for every Man, Woman, and Child Slave so seized and taken; and in all Captures of Vessels belonging to *Spain*, *Portugal*, or the *Netherlands*, captured by any of His Majesty's Ships or Vessels duly authorized under the Provisions of the said Treaties, of the said Twenty-eighth Day of *July* One thousand eight hundred and seventeen with *Portugal*, the said Twenty-third Day of *September* One thousand eight hundred and seventeen with *Spain*, and the said Fourth Day of *May* One thousand eight hundred and eighteen with the *Netherlands*, prior to the passing of this Act, and condemned for Contravention of the Provisions thereof, there shall be paid a like Bounty of Ten Pounds for every Man, Woman, and Child Slave found on board any such Vessel, to be distributed to the Captors thereof, in the same Manner as is by the Provisions of this Act herein-before directed : Provided always, that in all Cases in which the Proceeds of any such Capture shall have been distributed among the Captors, and allowed to be retained by such Captors, under the Provisions of this Act, the Amount of the Moiety of the Proceeds shall be deducted from such Bounties.

LXX Proceeds and Bounties to be distributed as the Treasury shall direct.

Provided always, and be it further enacted, That in all Cases where any Bounty or Bounties, or any Proceeds, are by virtue of this Act given to any capturing Vessel duly commissioned by any Governor or Lieutenant Governor of any of His Majesty's Colonies or Settlements, the said Proceeds and Bounty or Bounties shall be distributed in such Manner as the Commissioners of His Majesty's Treasury shall be pleased to direct or appoint.

LXXI Parties claiming Benefit under this Act may resort to the Court of Admiralty.

Provided also, and be it further enacted, That any Party or Parties claiming any Benefit, by way of Bounty or Share of the Proceeds, for the Seizure of any *Spanish*, *Portuguese*, or *Netherland* Vessels, for Violation of Treaty or Convention, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of Joint Capture which may arise upon any Seizure of Slaves, and enforce any Decree or Sentence of any of the Mixed Commission Courts established or to be established in pursuance of Treaties or Conventions with Foreign Powers, and the Decrees or Sentences of the Vice Admiralty Court relating to any Seizure under this Act.

LXXII Where Slaves taken as Prize shall not have been condemned, or shall not have been delivered over, the Treasury may allow One Moiety of the Bounty.

And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, have been, prior to the passing of this Act, or shall be hereafter taken as Prize of War, or trading contrary to the Provisions of the Treaties with Foreign Powers, or as liable to Forfeiture for any Offence committed against this Act, but who shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall

Status: This is the original version (as it was originally enacted).

and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

LXXIII Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Costs and Damages.

And be it further enacted, That when any Seizure shall be made, or Prosecution instituted as or for the Violation of any of the Provisions of this Act, and Judgment shall be given against the Seizor or Prosecutor, or such Seizure shall be relinquished by him, it shall be lawful for the said Lords Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, of such Costs, Damages, and Expences as the said Seizor or Prosecutor may be liable to pay in respect of such Seizure, or any proportionate Part thereof.

LXXIV Treasury may direct Payment of any Sum awarded to be due on account of unlawful Seizures. Liability of Seizors not taken away.

And be it further enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, of any Sums of Money awarded by the Mixed Commission Courts to be due on account of any unlawful Seizure or Detention by any of His Majesty's authorized Cruizers : Provided always, that nothing herein contained shall exempt the Seizor from his Liability to make good the Payments so made, when lawfully called upon by Order of the said Commissioners.

LXXV Registrars of Vice Admiralty Courts, &c. to transmit to the Treasury a Return of all Cases adjudged in the said Courts for the preceding Six Months, with State of the Property according to Schedule (A).

And be it further enacted, That the Registrars of the several Vice Admiralty Courts, and also the Commissary Judges and Commissioners of Arbitration of the several Mixed Commission Courts respectively, shall, on the First Day of *January* and First Day of *July* in every Year, transmit to the said Lords Commissioners of His Majesty's Treasury a List or Return of all Cases which shall have been adjudged in the said Courts respectively under this Act, during the Six Months preceding, together with the Names of the Seizors, and the Dates of the Seizures and Sentences respectively, together with an Account of the State of the Property, according to the Schedule marked (A.) to this Act annexed.

LXXVI Forfeitures to His Majesty to be paid over as He shall direct.

And be it further enacted, That all Sums of Money accruing to His Majesty from or on account of any Forfeiture, Penalty, or Condemnation under this Act, shall be paid over to such Person or Persons as His Majesty, His Heirs and Successors, may please to appoint, for the Use of His Majesty, His Heirs and Successors.

LXXVI Regulations to which Prize Agents are liable shall be extended to Bounties and Proceeds to be distributed under this Act.

And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Percentage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War, whether the said Bounty and Proceeds shall be paid to Prize Agents, or to any other Persons authorized to receive the same for the Use and Benefit of the Officers and Crews of any of His Majesty's Ships or Vessels of War.

LXXVIII all Actions commenced under this Act Defendant may plead the General Issue. Treble Costs.

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

LXXIX Nothing in this Act contained relating to the said Treaties, &c. shall extend to alter any other Part of this Act.

And also that nothing in this Act contained in relation to the said Treaties, Conventions, Regulations, or Instructions aforesaid, shall extend or be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the Clauses, Penalties, Forfeitures, or Punishments contained and enacted in any other Part of this Act, but that all such Clauses, Regulations, Penalties, Forfeitures, and Punishments therein contained, shall remain in full force and virtue.

LXXX Nothing in this Act contained shall extend to alter any of the said Treaties, &c.

And be it further enacted, That nothing in the other Parts of this Act contained shall extend or be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the Clauses, Penalties, Forfeitures, or Punishments contained, enacted, or confirmed in that Part of this Act which relates to the said Treaties, Conventions, Regulations, or Instructions aforesaid.

LXXXI Act may be altered this Session.

And be it further enacted, That this Act may be repealed, altered, or amended during this present Session of Parliament.

Status: This is the original version (as it was originally enacted).

LXXXI Commencement of this Act.

And be it further enacted, That this Act shall commence and have Effect from and after the First Day of *January* in the Year of our Lord One thousand eight hundred and twenty-five.

Status: This is the original version (as it was originally enacted).

SCHEDULE (A.) REFERRED
TO BY THIS ACT

| DATE of SEIZURE. | PROPERTY SEIZED. | SEIZOR. | DATE of SENTENCE. | DECRETAL PART OF SENTENCE, whether FORFEITURE OR RESTITUTION. | Whether PROPERTY CONDEMNED has been sold or converted, and whether any Part remains unsold, and in whose Hands the Proceeds remain. |
|------------------------|---------------------|---------|-------------------------|---|--|
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