

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XXXVI.

An Act to carry into Execution a Treaty made between His Majesty and the King of *Spain*, for the preventing Traffic in Slaves.

[28th *May* 1818.]

WHEREAS a Treaty was made between His Majesty and His Catholic Majesty the King of *Spain*, for preventing Traffic in Slaves, and signed at *Madrid* on the Twenty-third Day of *September* One thousand eight hundred and seventeen: And whereas by the First Article of the said Treaty, His Catholic Majesty engaged 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 been cleared out lawfully previously to the said Thirtieth of *May*: And whereas it was by the Second Article of the said Treaty agreed, that from and after the Exchange of the Ratifications of the said 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 the said Treaty, shall be allowed for completing

Treaty, dated Sept. 23, 1817, recited.

pleting the Voyages of Veſſels which ſhall have cleared out from *Spaniſh* Ports for the ſaid Coaſt previouſly to the Exchange of the ſaid Ratifications: And whereas by the Third Article of the ſaid Treaty, His Majeſty engaged 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: And whereas it was by the Fourth Article of the Treaty agreed, that 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 ſaid Treaty, as alſo for the Loſſes which are a neceſſary Conſequence of the Abolition of the ſaid Traffic: And whereas it was in the Fifth Article of the ſaid Treaty declared and agreed, that every Traffic in Slaves, which ſhould be carried on under the Circumſtances in the ſaid Article ſtated, ſhould be conſidered as illicit; 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: Secondly, by *Spaniſh* Ships upon any Part of the Coaſt of *Africa* North of the Equator, after the Exchange of the Ratifications of the ſaid Treaty; provided however, that Six Months ſhould be allowed for completing the Voyages of Veſſels conformably to the Tenor of the Second Article of the ſaid Treaty: Thirdly, 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* was declared by the ſaid Treaty to ceaſe entirely; and it was by the ſaid Article provided, that Five Months ſhould be allowed for the Completion of Voyages commenced in due Time, conformably to the Firſt Article of the ſaid Treaty: Fourthly, under the *Britiſh* or *Spaniſh* Flag, for the Account of the Subjects of any other Government: Fifthly, by *Spaniſh* Veſſels bound for any Port not in the Dominions of His Catholic Majeſty: And whereas by the Sixth Article of the ſaid Treaty, His Catholic Majeſty engages to adopt, in Conformity to the Spirit of the ſaid Treaty, the Meaſures which are beſt calculated to give full and complete Effect to the laudable Objects thereof: And whereas it was by the Seventh Article of the ſaid Treaty ſtipulated, that every *Spaniſh* Veſſel which ſhall be deſtined for the Slave Trade, on 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 ſaid Treaty, and which Model forms an integral Part of the ſame, written in the *Spaniſh* Language, with an authentic Tranſlation in *Engliſh* annexed thereto, and 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: And whereas it was by the Eighth Article of the ſaid Treaty agreed, that it ſhould be underſtood that this Paſſport, for rendering lawful the Voyages of Slave Ships, ſhould be required only for the Continuation of the Traffic to the South of the Line, and that thoſe Paſſports which were then iſſued, ſigned by the Firſt Secretary of State of His Catholic Majeſty, and in Form preſcribed by an Order of the Sixteenth of *December* One thouſand eight hundred and ſixteen, ſhould remain 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 ſaid Treaty: And whereas it was alſo agreed and declared by the Ninth Article of the ſaid Treaty, that the Ships of War of His Majeſty and of His Catholic Majeſty, which ſhould be provided with ſpecial Inſtructions for that Purpoſe, as mentioned in the ſaid Treaty, may viſit ſuch Merchant Veſſels of the Two Nations as may be ſuſpected, upon reaſonable Grounds, for having Slaves on board, acquired by an illicit Trade; 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 to be eſtabliſhed for that Purpoſe, as ſpecified in the ſaid Treaty; and it was by the ſaid Article provided, that the Commanders of Ships of War of the Royal Navies of His Majeſty and His Catholic Majeſty, who ſhall be employed in this Service, ſhall adhere ſtrictly to the exact Tenor of the Inſtructions which they ſhall receive for this Purpoſe; and His Majeſty and His Catholic Majeſty engaged mutually to make good any Loſſes which the Subjects of His Majeſty and of His Catholic Majeſty might reſpectively 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 the ſaid 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 ſaid Treaty: And whereas it was alſo agreed by the Tenth Article of the ſaid Treaty, that no *Britiſh* or *Spaniſh* Cruizer ſhall detain any Slave Ship not having Slaves actually on board, and that in order to render lawful the Detention of the Ship, whether *Britiſh* or *Spaniſh*, the Slaves found on board ſuch Veſſel muſt have been brought on board the Veſſel 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 ſaid Treaty; and it was alſo agreed by the Eleventh Article of the ſaid Treaty, that all Ships of War of the Two Nations which ſhall hereafter be deſtined to prevent the illicit Traffic in Slaves, ſhall be furniſhed with a Copy of the Inſtructions annexed to the ſaid Treaty, and conſidered as an integral Part thereof, with a Proviſo nevertheleſs in the ſaid Treaty, that His Majeſty and His Catholic Majeſty, with mutual Conſent, may alter the Inſtructions in whole or in part, according to Circumſtances: And whereas it was alſo by the Twelfth Article of the ſaid Treaty provided, 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, that there ſhall be eſtabliſhed, within a Space of a Year at furtheſt from the Exchange of the Ratifications of the ſaid Treaty, Two mixed Commiſſions, formed of an equal Number of Perſons of the Two Nations, named for that Purpoſe by the reſpective Sovereigns; and that theſe Commiſſions ſhall reſide, one in a Poſſeſſion belonging to His Majeſty, the other within the Territories of His Catholic Majeſty; one of which Commiſſions is ſtipulated by the ſaid Treaty to be always held upon the Coaſt of *Africa*, and the other in one of the Colonial Poſſeſſions of His Catholic Majeſty; and it was by the ſaid Treaty provided, that the ſaid Commiſſions ſhall judge the Cauſes ſubmitted to them without Appeal, and according to the Regulations and

Inſtructions

Inſtructions annexed to the ſaid Treaty, which ſaid Inſtructions were by the ſaid Treaty made an integral Part thereof: And whereas the Inſtructions herein-before referred to, and annexed to the ſaid Treaty as Part thereof, relating to the *Britiſh* and *Spaniſh* Ships of War employed to prevent illicit Traffic in Slaves, did in ſeveral Articles provide, Firſt, That every *Britiſh* or *Spaniſh* Ship of War ſhall, in conformity with Article Nine of the Treaty, have a Right to viſit the Merchant Ships of either of the Two Nations actually engaged or ſuſpected to be engaged in the Slave Trade; and if any Slaves ſhall be found on board, according to the Tenor of the Tenth Article of the Treaty; and as to what regards the *Spaniſh* Veſſels, if there ſhall 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 ſaid Treaty; and in ſuch Caſes alone, the Commander of the ſaid Ship of War may detain ſuch Merchant Ship or Veſſel, and ſhall, as ſoon as poſſible, bring the ſame for Judgment before ſuch of the Two mixed Commiſſions appointed by the Twelfth Article of the ſaid Treaty, 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; and it was provided, 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 whatſoever; and that Negro Servants or Sailors found on board any ſuch Veſſels, ſhall not in any Caſe be deemed a ſufficient Cauſe for Detention; and it was alſo provided by the Second Article of the ſaid laſt-mentioned Inſtructions, that 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 ſaid Treaty, unleſs after a Chace that ſhall have commenced North of the Equator; and it was alſo provided by the Third Article of the ſaid laſt-mentioned Inſtructions, that *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 any *Britiſh* or *Spaniſh* Ship of War, if ſuch *Spaniſh* Veſſels 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 required 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 required to be exhibited by the Captor; and it was in like Manner ſtipulated, that the Number of Slaves found on board a Slave Ship by the Cruizers, even if the Number ſhould not agree with that contained in the Paſſport, ſhall not be ſufficient Reaſon to juſtify the Detention of ſuch Ship, but that the Captain and the Proprietor ſhall in ſuch Caſe be denounced in the *Spaniſh* Tribunals, in order to their being puniſhed according to the Laws of the Country; and it was alſo provided by the Fourth Article of the ſaid laſt-mentioned Inſtructions, that every *Spaniſh* Veſſel intended to be employed in the legal

Traffic of Slaves, in conformity with the Principles laid down in the ſaid Treaty, ſhall be commanded by a native *Spaniard*, and Two-thirds at leaſt of the Crew ſhall likewiſe be *Spaniards*; and it was provided that the *Spaniſh* or foreign Conſtruction of the Ship or Veſſel ſhall in no wiſe affect the national Character of the Ship or Veſſel, 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; and it was alſo provided by the Fifth Article of the ſaid laſt-mentioned Inſtructions, that 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; and it was alſo provided by the Sixth Article of the ſaid laſt-mentioned Inſtructions, that the Ships of War which may detain any Slave Ship, in purſuance of the Principles laid down in the ſaid 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 Slave Ship; and that the Captain commanding the Ship of War detaining any ſuch Slave Ship 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 ſuch Ship, and ſhall alſo deliver to the Captain of the Slave Ship a ſigned Certificate of the Papers ſeized on board the Veſſel, as well as of the Number of Slaves found on board at the Moment of Detention; and it is alſo provided, that the Negroes on board of any ſuch Ship ſhall not be diſembarked until after the Veſſel detained ſhall arrive 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 the Veſſel not being adjudged a legal Prize, the Loſs of the Proprietors may be more eaſily repaired, with Proviſo, however, that if urgent Motives, deduced from the Length of the Voyage, the State of Health of the Negroes, or other Cauſes, require that they ſhall be diſembarked entirely or in part, before the Veſſel can 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 thereof ſhall be ſtated in a Certificate in proper Form; and it was alſo provided by the Seventh Article of the ſaid Inſtructions, that no Conveyance of Slaves from one Part in the *Spaniſh* Poſſeſſions to another, ſhall take place, except in Ships provided with Paſſports from the *Spaniſh* Government on the Spot for that Purpoſe: And whereas the Regulations for the mixed Commiſſions which are to reſide on the Coaſt of *Africa*, and in a Colonial Poſſeſſion of His Catholic Majeſty, and which were annexed to the ſaid Treaty as Part thereof, have in ſeveral Articles provided, Firſt, That the mixed Commiſſions to be eſtabliſhed by the ſaid Treaty upon the Coaſt of *Africa*, and in a Colonial Poſſeſſion of His Catholic Majeſty, ſhall decide upon the Legality of the Detention of ſuch Slave Veſſels as the Ships of War of both Nations ſhall detain, in purſuance of the ſaid Treaty, for carrying on an illicit Commerce in Slaves, and ſhall judge without Appeal, according to the Letter and Spirit of the ſaid Treaty; and that the ſaid Commiſſions ſhall give Sentence as ſummarily as poſſible, and decide (as far as they ſhall find it practicable) within the Space of Twenty Days, to be

dated from the Day upon which every detained Veſſel ſhall have been brought into the Port where they ſhall reſide, firſt, upon the Legality of the Capture, and ſecondly, in the Caſe in which the captured Veſſel ſhall have been liberated, as to the Indemnification to be paid for the Capture and Detention; and it is by the ſaid Regulations provided, that no final Sentence ſhall be delayed on account of the Abſence of Witneſſes, or for want of the Proofs, beyond the Period of Two Months, except upon 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; and it was alſo by the Second Article of the ſaid Regulations provided, that the ſaid mixed Commiſſions, which are to reſide on the Coaſt of *Africa*, and in the Colonial Poſſeſſions of His Catholic Majeſty, ſhall be compoſed in the following Manner; that is to ſay, That His Majeſty and His Catholic Majeſty ſhall each of them name a Commiſſary Judge and a Commiſſioner of Arbitration, who ſhall be authorized to hear and decide, without Appeal, all Caſes of Capture of Slave Veſſels which, in purſuance of the Stipulation of the ſaid Treaty, may be laid before them; and it was alſo provided, That all the eſſential Parts of the Proceedings carried on before the ſaid mixed Commiſſions, ſhall be written down in the legal Language of the Country in which the Commiſſion may reſide; and it was alſo thereby provided, that 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; and it was alſo thereby provided, that 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 Office, 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; and it was alſo provided in the Third Article of the ſaid Regulations, that the Form of the Proceſs ſhall be as follows; that is to ſay, the Commiſſary Judges of the Two Nations ſhall, in the firſt Place, proceed to the Examination of the Papers of the Veſſels, and 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, in order that, according to their Judgment, the Veſſel may be condemned or liberated, and in the Event of the Two Commiſſary Judges not agreeing upon the Sentence, whether as to the Legality of the Detention, or the Indemnification to be allowed, or upon any other Queſtion which might reſult from the Stipulations of the Treaty, 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 Commiſſary Judges upon the Caſe in queſtion, and the final Sentence ſhall be pronounced conformably to the Opinion of the Majority of the Commiſſary Judges and of the Commiſſioner of Arbitration ſo choſen; and it was alſo provided by the Fourth Article of the ſaid Regulations, that as often as

the Cargo of Slaves found on board of a *Spaniſh* Slave Ship ſhall have embarked from 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; and it was alſo provided by the Fifth Article of the ſaid Regulations, that 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 Captor ſhall ſtate and declare his Name, and the Name of his Veſſel, as well as the Latitude and Longitude of the Place where the Detention ſhall have taken place, and the Number of the Slaves found living on board the Slave Ship at the Time of the Detention; and it was alſo provided, by the Sixth Article of the ſaid Regulations, that as ſoon as any Sentence ſhall have been paſſed, the detained Veſſel, if liberated, and what may remain of the Cargo, ſhall be reſtored to the Proprietors, who ſhall, before the ſame Commiſſion, claim a Valuation of the Damages which they may have a Right to demand; and that the Captor himſelf, and in his Default, the Government to which the Captor ſhall belong, ſhall remain reſponſible for ſuch Damages, which the ſaid Governments reſpectively bind themſelves to defray, within the Term of a Year from the Date of the Sentence, it being underſtood that all ſuch Indemnifications ſhall be at the Expence of the Government of which the Captor ſhall be a Subject; and it was alſo by the Seventh Article of the ſaid Regulations provided, that in caſe the Condemnation of any Veſſel for an unlawful Voyage, the Veſſel 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; and it was alſo further provided by the Eighth Article of the ſaid Regulations, that every Claim for Compenſation of Loſſes, occaſioned by any Ships being inſpected and detained, as carrying on an illicit Trade in Slaves, but not afterwards condemned as lawful Prize by the mixed Commiſſions, ſhall be alſo heard and judged by the ſaid Commiſſions, in the Form provided by the Third Article of the ſaid 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; 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 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

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 the Loſs of Freight, when due or payable; ſecondly, a Demurrage, when due, according to the Schedule annexed to the ſaid Eighth Article; thirdly, a daily Allowance for Subſiſtence of Slaves, of One Shilling or Four Reals and Half de Vor, for each Perſon, without Diſtinction of Age or Sex, 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 Centum* 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; and the Claimant or Claimants ſhall likewiſe be entitled to Intereſt, at the Rate of Five *per Centum per Annum*, on the Sum awarded, until paid by the Government to which the capturing Ship belongs; the whole Amount of ſuch 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 Award, excepting the Sum for the Subſiſtence of Slaves, which ſhall be paid at par, as above ſtipulated; and to avoid as much as poſſible every Species of Fraud in the Execution of the ſaid Treaty, it was agreed, that if it ſhould be proved 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 a reprehenſible Fault on the Part of the Captain of the detained Ship, in that caſe only the detained Ship ſhall not have the Right of receiving during the Days of her Detention, the Demurrage ſtipulated by the ſaid Eighth Article; and to the ſaid Eighth Article a Schedule of Demurrage or daily Allowance was annexed, as follows; that is to ſay, for a Veſſel of

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

and ſo in proportion; and it was alſo by the ſaid Ninth Article of the ſaid Regulations provided, that 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; and it was alſo provided in the Tenth Article of the ſaid Regulations, that neither the Judges nor the Arbitrators, nor the Secretary of the

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 ſaid Regulations; and it was alſo provided by the Eleventh Article of the ſaid Regulations, that if any 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; and it was alſo provided by the Twelfth Article of the ſaid Regulations, that in caſe of a Veſſel being improperly detained under Pretence of the Stipulations of the Treaty, and the Captor not being able 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 itſelf 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; and it was alſo by the Thirteenth Article of the ſaid Regulations 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; that is, on the Part of the *Britiſh* Government, the Vacancies ſhall be filled ſucceſſively in the Commiſſion, which ſhall ſit within the Poſſeſſions of His 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 was 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; and in ſuch Caſe alone 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; and it was thereby agreed, that 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 Arbitrator, the Commiſſion ſhall proceed to Judgment in the ſame Manner as above ſpecified, for the Commiſſion reſident in the Poſſeſſion of His Catholic Majeſty, in the Event 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; and it was further agreed by the ſaid Article, that all Vacancies which may ariſe in the above-mentioned Commiſſions, from Death or any other Cauſe, ſhould be ſupplied as ſoon as poſſible; and in caſe that the Vacancy of any of the *Spaniſh* Commiſſioners in the *Britiſh* Poſſeſſions, or of the *Britiſh* Commiſſioners in

the *Spaniſh* Poſſeſſion, 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 ſtipulated: And whereas it is expedient and neceſſary that effectual Proviſion ſhould be made for carrying into Execution the Proviſions of the ſaid Treaty; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for any Officers commanding any Ship of War of His Majeſty, duly authorized in that Behalf, and provided with Inſtructions according to the Proviſions of the ſaid Convention, to viſit and ſearch all Ships and Veſſels which ſhall be ſuſpected, upon reaſonable Grounds, of having Slaves on board, acquired by an illicit Traffic, and to detain and bring to Adjudication all Ships, Veſſels, and Cargoes therein, made ſubject to Detention and Condemnation, according to the Proviſions of the ſaid Treaty, and the Regulations and Inſtructions aforeſaid.

Ships of War duly authorized may ſeize all Veſſels acting contrary to Treaty.

II. And be it further enacted, That all Ships and Veſſels belonging wholly or in part to His Majeſty's Subjects, which ſhall be ſuſpected upon reaſonable Grounds of having Slaves on board, acquired by an illicit Traffic, ſhall be and are hereby declared and made, according to the Ninth Article of the ſaid Treaty, ſubject to the Viſitation and Search of *Britiſh* or *Spaniſh* Veſſels of War, duly authorized for that Purpoſe, according to the Proviſions of the ſaid Treaty; and that all Ships and Veſſels belonging wholly or in part to His Majeſty's Subjects, which ſhall be found having Slaves on board, acquired by an illicit Traffic, contrary to the Proviſions of the Ninth and Tenth Articles of the ſaid Treaty, ſo recited as aforeſaid, and all Boats, Apparel, Furniture, and Slaves, belonging to ſuch Ships or Veſſels, and all Cargoes therein, ſhall be and are hereby declared to be and made ſubject to the Search and Detention of *Britiſh* or *Spaniſh* Veſſels of War duly authorized for that Purpoſe, according to the Stipulations of the ſaid Treaty, and to Forfeiture according to the Proviſions of the ſaid Treaty, and of the Regulations and Inſtructions thereunto annexed, and ſhall alſo be and are hereby made ſubject to the Adjudication of and to Condemnation or other Judgment by the Commiſſary Judges and Commiſſioners to be appointed according to the Proviſions of the ſaid Treaty, and to the Inſtructions and Regulations annexed thereto, recited as aforeſaid.

Britiſh Veſſels trading in Slaves, or acting contrary to the Treaty, ſubject to Seizure by Spaniſh or Britiſh Veſſels, and to Condemnation by the Commiſſioners under the Treaty.

III. And be it further enacted, That it ſhall be lawful for His Majeſty, by any Warrant under His Royal Sign Manual, counterſigned by One of His Majeſty's Principal Secretaries of State for the Time being, to appoint ſuch Commiſſary Judges and Commiſſioners of Arbitration as are in and by the ſaid Treaty, and 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 as aforeſaid, not exceeding ſuch annual Sums as the Lords Commiſſioners of His Majeſty's Treaſury of *Great Britain* and *Ireland* ſhall from Time to Time direct; and ſuch Commiſſary Judges and Commiſſioners are hereby authorized and empowered to examine and decide all ſuch Caſes of Detention, Captures, and Seizures of Veſſels and their

His Majeſty may appoint Commiſſary Judges and Commiſſioners of Arbitration.

Cargoes as aforeſaid, detained, ſeized, taken, or captured under the ſaid Treaty or Inſtructions and Regulations, as are by the ſaid Treaty, Inſtructions, and Regulations, and by this Act, made ſubject to their Juriſdiction, and to proceed therein, and give ſuch Judgments, and make ſuch Orders therein, and do all other Acts, Matters, and Things appertaining thereto, agreeably to the Proviſions of the ſaid Treaty, and the Inſtructions and Regulations annexed thereto, as fully and effectually to all Intents and Purpoſes as if ſpecial Powers and Authorities for that Purpoſe were ſpecifically and particularly inſerted and given in relation thereto in this Act.

Secretary and Regiſtrar to be appointed, with Salaries, and empowered to execute the Duties of their Offices.

IV. And be it further enacted, That it ſhall be lawful for His Majeſty, by any Warrant under His Royal Sign Manual, counterſigned by One of His Majeſty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Regiſtrar to the Commiſſion which ſhall be eſtabliſhed in His Majeſty's Dominions, and from Time to Time to ſupply, by other Appointments, any Vacancy which may thereafter occur in ſuch Office, and to grant Salaries to ſuch Secretary or Regiſtrar, not exceeding ſuch annual Sum as the ſaid Lords Commiſſioners 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, and ſet forth and deſcribed in the ſaid Treaty, 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 Treaty and Inſtructions and Regulations.

Vacancies in the Commiſſion ſitting in ſome Poſſeſſion of His Majeſty, to be filled up according to the 13th Article of the Regulations.

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

Commiſſary Judges and Commiſſioners of Arbitration to take the following Oath.

VI. And be it further enacted, That every Commiſſary Judge and Commiſſioner of Arbitration appointed by His Majeſty ſhall, before he ſhall enter upon the Execution of any of the Duties of ſuch his Office, take an Oath, in the Preſence of the principal Magiſtrate then reſiding and acting in the Colony, Settlement, or Place, whether belonging to His *Britannic* or His Moſt Catholic Majeſty, in which the Commiſſion ſhall be appointed to reſide; which Oath every ſuch Magiſtrate in any Colony, Settlement, or Place belonging to His Majeſty, in which ſuch Court or Commiſſion ſhall be appointed to reſide, 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

'according to the Stipulations, Regulations, and Inſtructions contained 'in the Treaty between His Majeſty and His Catholic Majeſty ſigned at 'Madrid on the Twenty-third Day of *September* One thouſand eight 'hundred and ſeventeen. So help me GOD.'

Secretary or Regiſtrar to take the following Oath.

And every Secretary or Regiſtrar appointed by His Majeſty under the Proviſions of the Treaty and Regulations and Inſtructions, 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 Reſpect to the Authority of the Commiſſary Judges 'and Commiſſioners of Arbitration of the Commiſſion to which I am at- 'tached; 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.'

Commiſſary Judges and Secretary or Regiſtrar may adminiſter Oaths.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſary Judges or either of them, 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, or before the ſaid Commiſſary Judges and the Commiſſioner of Arbitration, in the Caſes in which ſuch Commiſſioners of Arbitration ſhall act with the ſaid Commiſſary Judges under the ſaid Treaty 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.

Perſons giving falſe Evidence guilty of Perjury.

VIII. And be it further enacted, That every Perſon who ſhall wilfully and corruptly give falſe Evidence in any Examination or Depoſition had, or Affidavit taken, upon or in any Proceeding before the ſaid Commiſſary Judges or Commiſſioners aforeſaid, under the ſaid Treaty, Inſtructions or Regulations, of 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 laid in the County of *Middleſex*.

IX. 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 Treaty, or Inſtructions or Regulations thereto annexed, or the final Adjudication, 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 ſuch Ship, Veſſel, or Cargo, or of any Damage, or 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 Treaty, or of the Inſtructions or Regulations thereto annexed; any Thing in any Act or Acts of Parliament or Law or Laws to the contrary notwithſtanding.

Suit pending before, or Judgment by any ſuch Commiſſion, to be a Bar, and pleadable as ſuch to any Action brought for any thing done under the Treaty.

X. And be it further enacted, That the Sum of Four hundred thouſand Pounds, ſtipulated to be paid by the ſaid Treaty, and paid and accepted accordingly, as a full Compenſation for all Loſſes ſuſtained by the Subjects of His Catholic Majeſty, on account of Veſſels captured previouſly to the Exchange of the Ratification of the ſaid Treaty, and for the Loſſes which are a neceſſary Conſequence of the Abolition of the ſaid Traffic in Slaves, ſhall be conſidered and taken to be a full Compenſation for all ſuch Loſſes as aforeſaid; and that the ſaid Stipulation, as in this Act recited and contained, may be pleaded in Bar, or given in Evidence upon the General Iſſue, and ſhall be and be deemed and adjudged in every Court whatever to be a good and complete Bar in any and every Action, Suit, or Proceeding brought or inſtituted for Reſtitution, or any other Matter or Thing in relation to any ſuch Capture, or for any Damage or Injury ſuſtained thereby, or in relation thereto, or for any ſuch Loſſes as aforeſaid; any Thing contained in any Act or Acts of Parliament to the contrary notwithſtanding.

Article in Treaty as to the 400,000l. may be pleaded in bar of any Action for Proceeding, Capture, or for the Loſſes ſuſtained from the Abolition of the Traffic in Slaves.

XI. 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, 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; any Thing in this Act to the contrary notwithſtanding.

Not to exclude Juriſdiction of Prize Courts of Appeal, or of Admiralty, in Caſes brought before them.

XII. Provided alſo, and be it further enacted, That in all ſuch Caſes as aforeſaid, in which the Captors 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 Courts 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

Proviſion in caſe of Captors not eſtabliſhing their Rights.

tors 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 of the ſaid Courts reſpectively; any Thing in this Act to the contrary notwithſtanding.

Proviſions of this Act not to alter or affect any of the Penalties or Proviſions in any Act for Suppreſſion of the Slave Trade.

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

General Iſſue may be pleaded.

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

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