ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. XVI.

An Act to carry into Effect the Treaty with the *Netherlands*, relating to the Slave Trade.

[31st *March* 1819.]

Netherland Treaty, 4th May, 1818.

WHEREAS a Treaty was made between His Majesty and His Majesty the King of the *Netherlands*, for preventing their Subjects from engaging in any Traffic in Slaves, and signed at the *Hague* on the Fourth Day of *May* One thousand eight hundred and eighteen: And whereas the First Article of the said Treaty, after reciting that 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 of *August* One thousand eight hundred and fourteen, engages, in pursuance thereof, and within Eight Months from the Ratification of the said Treaty, or sooner if possible, to prohibit all his Subjects in the most effectual Manner, and especially by penal Laws 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, His Majesty and His Majesty the King of the *Netherlands*, 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: And whereas, by the Second Article of the said Treaty, for the more complete Attainment of the Object of preventing all Traffic in Slaves on the Part of their respective Subjects, His Majesty and His Majesty the King of the *Netherlands* mutually consent, that the Ships of their Royal Navies, which shall be provided with special Instructions for this Purpose, as thereinafter mentioned, may visit such Merchant Vessels of the Two Nations as may be suspected upon reasonable grounds of having Slaves on board destined for an illicit Traffic; and in the Event only of their finding such

Art. 1. Slave Trade abolished.

Art. 2. Merchant Vessels with Slaves may be detained.

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 thereinafter specified: And whereas,

Art. 3. Mode of making such Visits; which are not to be made in the Mediterranean, or certain Parts of the European Seas.

by the Third Article of the said Treaty, for the explaining the Mode of Execution of the preceding Article, it is agreed; First, That such reciprocal Right of Visit and Detention shall not be exercised within the *Mediterranean* Sea, 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*; Secondly, 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 of the said Powers; Thirdly, That the Number of Ships of each of the Royal Navies, authorized to make such Visit as aforesaid, shall not exceed the Number of Twelve, belonging to either of them, His said Majesty or His Majesty the King of the *Netherlands*, without the special Consent of the other of them being first had and obtained; Fourthly, That if at any Time it should be deemed expedient that any Ship of the Royal Navy of either of them, His said Majesty or His Majesty the King of the *Netherlands*, authorized to make such Visit 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 of them, His said Majesty or His Majesty the King of the *Netherlands*, that the Commanding Officer of the Ship duly 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 thereby 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 said Convention, according to the true Intent and Meaning thereof; Fifthly, 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: And whereas, by the Fourth Article of the said Treaty, His

Art. 4. Indemnity for Losses by unjust Detention.

Majesty and His Majesty the King of the *Netherlands*, 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 Cruizer shall have been guilty of the arbitrary Detention; and that the Visit and Detention of Ships specified in the said 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 said Treaty, in pursuance of the Provisions thereof: And whereas by the Fifth Article of the said

Art. 5. Ships not having Slaves not to be detained.

Treaty it is agreed, That no *British* or *Netherland* Cruizer 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: And

Art. 6. Instructions to be annexed to this Treaty.

whereas by the Sixth Article of the said Treaty it is agreed, That all Ships of the Royal Navies of the Two Nations, which shall here-

after be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a Copy of the Instructions annexed to the said Treaty, and which shall be considered as an integral Part thereof, with a Proviso nevertheless in the said Treaty, that His Majesty and His Majesty the King of the *Netherlands*, with mutual Consent, may alter the said Instructions in Whole or in Part, according to Circumstances: And whereas, 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 the said Treaty, it is by the Seventh Article of the said Treaty agreed, That there shall be established, within the Space of a Year at farthest from the Exchange of the Ratification of the said 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; that 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 that the Two Governments, at the Period of the Exchange of the Ratifications of the said Treaty, shall declare each for its own Dominions in what Places the Courts shall respectively reside, each 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;* and that these Courts shall judge the Causes submitted to them according to the Terms of the said Treaty, without Appeal, and according to the Regulations and Instructions annexed to the said Treaty, of which they shall be considered as an integral Part: And whereas, by the Eighth Article of the said Treaty it is agreed, That 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 the said 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 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 whereas by the Ninth Article of the said Treaty it is declared, That certain Acts or Instruments annexed to the said Treaty shall form an integral Part thereof, and which are as follows, that is to say; Instructions for the Ships of the Royal Navies of both Nations, destined to prevent the Traffic in Slaves, and Regulations for the mixed Courts of Justice which are to hold their Sittings on the Coast of *Africa*, and in One of the Colonial Possessions of His Majesty the King of the *Netherlands:* And whereas by the First Article of the said Instructions before referred to, and made an integral Part of the said Treaty, it is provided, That every Ship of the Royal *British* or *Netherland* Navy, which, furnished with the said Instructions, shall, in conformity with the Second Article of the said Treaty, have a Right to visit the Merchant Ships of either of the Two Powers actually engaged, or

Art. 7. Mixed Courts appointed for Adjudication of detained Vessels.

Art. 8. Punishment of Naval Officers for Misconduct.

Art. 9. Instructions and Regulations declared Part of the Treaty.

Instructions. Art. 1. Mode of Detention, &c. of Ships.

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 for the express Purpose of being made a Traffic of, 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 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 Ship shall have been detained; and 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 that Negro Servants or Sailors that may be found on board the said Vessels, cannot in any Case be deemed a sufficient Cause for Detention: And whereas by the Second Article of the said Instructions it is provided, That whenever a Ship of 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*: And whereas by the Third Article of the said Instructions it is provided, That the Ships of the Royal Navies so commissioned, which may detain any Merchant Ship, in pursuance of the Tenor of the said Instructions, shall leave on board all the Cargo, as well as the Master, and a Part at least of the Crew of the said Ship; and that the Captor shall draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Ship, and the Changes which may have taken place in it; and that he shall deliver to the Master of the detained Ship a signed Certificate of the Papers seized on board the said Vessel, as well as the Number of Slaves found on board at the Moment of Detention; and that the Negroes shall not be disembarked till after the Vessels which contain them shall be arrived at the Place where the Legality of the Capture is to be tried, 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; but that if urgent Motives, deduced from the Length of the Voyage, the State of Health of the Negroes, or other Causes, require that they should be so disembarked, entirely or in part, before the Vessel can 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: And whereas by the First Article of the 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*, and which are annexed to the said Treaty as Part thereof; it is provided, That the said mixed Courts of Justice so to be established by the said Treaty, shall decide upon the Legality of the Detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of the said Treaty, and that the said Courts shall judge definitively and without Appeal according to the said Treaty, and that the Proceeding shall take place as summarily as possible; and the said Courts shall 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

Art. 2. Search shall be made in a friendly Manner.

Art. 3. Cargo, &c. shall be left on board detained Ships.

Regulations. Art. 1. Mode of proceeding before the mixed Courts.

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 by the said Article of the said Regulations 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 Risk of the Delay, the Courts may at their Discretion grant an additional Delay, not exceeding Four Months: And by the Second Article of the said Regulations it is provided, That 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, that is to say, that His Majesty, and His Majesty the King of the *Netherlands*, 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 said Treaty shall be brought before them; and that 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; and that 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 Captors, and to act in all their Decisions in pursuance of the Stipulations of the said Treaty; and that there shall be attached to each Court 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: And by the Third Article of the said Regulations it is provided, That the Form of the Process shall be as follows, (that is to say), the Judges of the Two Nations shall in the first Place proceed to the Examination of the Papers of the 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 said Treaty, and in order that, according to such Judgment, it may be condemned or liberated; and in the Event of the Two Judges not agreeing in the Sentence they ought to pronounce, either as to the Legality of the Detention, or the Indemnification to be allowed, or any other Question which might result from the Stipulations of the said Treaty, they shall draw by Lot the Name of One of the Two Arbitrators, who, after having considered the Documents of the Process, shall consult with the said Judges on the Case in question, and the final Sentence shall be pronounced conformably to the Opinion of the Majority of the said Judges and of the said Arbitrator: And by the Fourth Article of the said Regulations it is provided, That in the authenticated Declaration which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured

Art. 2. How such mixed Courts shall be composed.

Art. 3. Form of the Process.

Art. 4. Declaration of Captor.

Vessel at the Time of the Detention, the Captor shall be bound to declare his Name, and the Name of his Vessel, as well as the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board of the Ship at the Time of the Detention: And by the Fifth Article of the said Regulations it is provided, That 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 he may have a Right to demand; and the Captor himself, and in his Default his Government, shall remain responsible for the above-mentioned Damages; and the said Governments respectively 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: And by the Sixth Article of the said Regulations, it is provided, That in case of the Condemnation of a Vessel she shall be declared lawful Prize, as well as her Cargo, of whatever Description it may be, with the Exception of the Slaves who may be on board as Objects of Commerce; and 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 by employed as Servants or free Labourers; and each of the Two Governments binds itself to guarantee the Liberty of such Portion of these Individuals as shall be respectively consigned to it: And by the Seventh Article of the said Regulations it is provided, That the said mixed Courts shall also take Cognizance and decide, according to the Third Article of the said Regulations, on all Claims for Compensation on account of Losses occasioned to Vessels detained under Suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution shall be decreed, the Court 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, 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 Expenses payable upon the Sale of such Cargoes, including Commission of Sale; (D) for all other regular Charges in such Cases of total Loss; and, secondly, in all other Cases, not of total Loss, the Claimant or Claimants shall be indemnified, (A) for all Special Damages and Expences occasioned to the Ship by the Detention, and for the Loss of Freight when due or payable; (B) a Demurrage, when due, according to the Schedule annexed to the said Article; (C) for any Deterioration of Cargo; (D) an Allowance of Five *per Centum* on the Amount of the Capital employed in the Purchase of Cargo, for the Period of the Delay occasioned by the Detention; and (E) for all Premium of Insurance on additional Risks; and the Claimant or

Art. 5. Indemnity on Liberation of Vessels, &c.

Art. 6. Proceedings on Condemnation.

Art. 7. Compensation for Detention of Vessels not condemned.

On Total Loss.

Partial Loss.

Claimants shall in all Cases be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until paid by the Government to which the capturing Ship belongs; the whole Amount of such 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; and to avoid, as much as possible, every Species of Fraud in the Execution of the said Treaty, it is also by the said Seventh Article of the said Regulations 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 said Seventh Article; and to the said Seventh Article, a Schedule of Demurrage or daily Allowance is annexed, as follows; that is to say; for a Vessel of

Misconduct of Captain of detained Ship.

Scale of Demurrage.

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

And so on in Proportion: And it is by the Eighth Article of the said Regulations provided, that 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 said Regulations: And lastly, it is by the Ninth Article of the said Regulations agreed, That in the Event of the Death or legal Impediment 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; that is to say, on the Part of the *British* Government the Vacancies shall be filled successively in the Court which shall sit within the Possession 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 Sentence; and that 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: And it is by the said Article further

Art. 8. Judges, &c. shall not receive Rewards from Parties.

Art. 9. Supplying Vacancies of Judges.

further agreed, That the Governor or Lieutenant Governor of any Settlement of either Power, where neither of the said mixed Courts shall sit, in the Event of a Vacancy arising, either of the Judge or Arbitrator of the other Power, shall forthwith give Notice of the same to the Governor or Lieutenant Governor of the nearest Settlement of such Power, in order that the Loss may be supplied at the earliest possible Period; and that the Vacancies which may arise in the above-mentioned Courts, from Death or any other Cause whatever, shall be supplied definitely as soon as possible: And whereas it is expedient and necessary that effectual Provision should be made for carrying into Execution the Provisions of the said Treaty; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officers commanding any Ship of War of His Majesty, duly authorized in that Behalf, and provided with Instructions according to the Provisions of the said Treaty, to visit and detain in any Seas (except in the Seas excepted in the Third Article of the said Treaty) all Ships and Vessels belonging wholly or in part to Subjects of His Majesty the King of the *Netherlands*, which shall be suspected upon reasonable grounds of having Slaves on board for the Purpose of Traffic, contrary to the Articles of the said Treaty, and to detain and bring to Adjudication all Ships, Vessels, and Cargoes, by the said Treaty made subject to Detention and Condemnation, according to the Provisions of the said Treaty, and the Instructions and Regulations aforesaid.

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

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

III. Provided always, and be it enacted, That such Right of Visit and Detention shall not be exercised within the *Mediterranean* Sea, nor 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*; and that Ships on board

Such Visit and Detention shall not take place in the Mediterranean, &c.

board which no Slaves shall be found intended for the Purpose of Traffic, shall not be detained under the Authority of this Act, on any Account or Pretence whatever; and that Negro Servants or Sailors who may be found on board any Vessels, shall not in any case be deemed a sufficient Cause for Detention.

British Ships of War visiting Merchant Ships under Netherland Convoy, shall act in concert with Commander of Convoy.

IV. And be it further enacted, That if at any Time it shall be deemed expedient that any Ship of His Majesty's Navy, authorized to make such Visit 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 His Majesty the King of the *Netherlands*, the Commanding Officer of His *Britannic* Majesty's Ship, duly authorized and instructed to make such Visit, shall in all Cases proceed to effect the same in communication with the Commanding Officer of such Convoy; and in case at any Time it shall be deemed expedient that any Ship of the Royal Navy of His Majesty the King of the *Netherlands*, authorized to make such Visit 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 His *Britannic* Majesty's Navy, the Commanding Officer of such Convoy (in communication with whom the Commanding Officer of the Ship of His Majesty the King of the *Netherlands*, duly authorized and instructed to make such Visit, shall proceed to effect the same) shall give every Facility to such Visit, and to the eventual Detention, according to the said Treaty, of the Merchant Ship or Ships so visited, and shall in all Things assist to the utmost of his Power in the due Execution of the said Treaty, according to the true Intent and Meaning thereof.

For appointing British Judges and Arbitrators according to the Treaty.

Salaries.

V. 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, to appoint such Judges and Arbitrators as are in and by the said Treaty and the Regulations thereto annexed, mentioned to be appointed by His Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices, by appointing other Persons thereto; and to grant Salaries to such 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 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 Treaty, Instructions and Regulations, as are by the said Treaty, Instructions and Regulations, and by this Act, made subject to their Jurisdiction; and to proceed therein, and give such Judgments, and make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeable to the Provisions of the said Treaty, and the Instructions and Regulations annexed thereto, and recited as aforesaid, as fully and effectually to all Intents and Purposes as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

Appointment of Secretary or Registrar.

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

by One of His Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the Court which shall be established in His Majesty's Dominions, and from Time to Time to supply, by other Appointments, any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as 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 Treaty, Instructions, and Regulations respectively hereinbefore recited as aforesaid, and to do, perform, and execute all such Acts, Matters, and Things as may be necessary for the due Discharge of the Duties of his Office, according to the Provisions of the said Treaty and Instructions and Regulations as aforesaid.

Filling up Vacancies ad interim.

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

Judges, Arbitrators, and Officers to be sworn.

VIII. And be it further enacted, That every Judge and Arbitrator appointed by His Majesty, or *ad interim* as aforesaid, shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath, in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement or Place in which the Court shall be appointed to reside; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Court shall be appointed, is hereby authorized to administer in the Form following; (that is to say,)

'I *A. B.* do solemnly swear, That I will, according to the best 'of my Skill and Knowledge, act in the Execution of my Office 'as faithfully, impartially, fairly, and with-'out 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, Regu-'lations, and Instructions contained in the Treaty between His Ma-'jesty and His Majesty the King of the *Netherlands*, signed at the '*Hague*, on the Fourth Day of *May* One thousand eight hundred 'and eighteen. So help me GOD.'

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

'I *A. B.* do solemnly swear, That I will, according to the best 'of my Skill and Knowledge, act in the Execution of my Office;

'and that I will conduct myself with due Respect to the Authority 'of the Judges and Arbitrators of the Commission to which I am 'attached, and will act with Fidelity in all the Affairs which may 'belong to my Charge, and without Preference or Favour, either for 'Claimants or Captors, or any other Persons. So help me GOD.'

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

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

Punishing Persons guilty of Perjury.

X. And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination, or Deposition, or Affidavit had or taken upon or in any Proceeding before the said Judges, or Judges and Arbitrator, under the said Treaty, Instructions, and Regulations, or this Act, shall be deemed guilty of Perjury, and being thereof convicted, shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place 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*.

No Claims or Suits for Ships captured, &c. except before mixed Courts appointed by the Treaty.

XI. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever, in the High Court of Admiralty, or in any other Court, or before any Judges or Persons whomsoever, other than the several mixed Courts of Justice appointed under and by virtue of the said Treaty and this Act, for the Condemnation or Restitution of any Ship, or Cargo, or Slaves, or for any Compensation or Indemnification for any Loss or Damage, or for any Injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any Capture, Seizure, or Detention, under the Authority or in pursuance of the Provisions of the said Treaty, or of the Instructions and Regulations thereto annexed, of this Act; and that the Pendency of

Suits before such Courts, or Judgments thereupon, shall be a bar to Proceedings in the Admiralty, &c.

of any Claim, Suit, or Proceeding instituted or which may be instituted before any of the said mixed Courts so to be appointed under the Authority of the said Treaty and this Act, for the Condemnation or Restitution of any Ship, or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or of the Instructions and Regulations thereto annexed; or for any Compensation or Indemnification for any Loss or Damage in consequence of the taking, seizing or detaining any such Ship; or the final Adjudication, Condemnation, Judgment, or Determination of any such mixed Court, as the Case shall require, may be pleaded in Bar or given in Evidence under the General Issue; or in case no such Claim, Suit, or Proceeding shall have been instituted before any such mixed Court, then the said Treaty, Instructions and Regulations, and this Act, may in like Manner be pleaded in Bar or given in Evidence under the General Issue; and every such Plea in Bar, or Evidence so given under the General Issue, shall be deemed and adjudged to be a good and complete Bar to any such Claim, Action, Suit, or Proceeding in the said High Court of Admiralty, or in any Court or Place other than such mixed Courts; any thing in any Act or Acts of Parliament, or Law or Laws to the contrary in anywise notwithstanding.

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

XII. 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.

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