


ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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to other Parts of the World for Sale, but in no Manner whatever the conveying from one Port or Place to another belonging to the Republic the Slaves existing within it, be such undertaken either with the Object of selling them or with any other not prohibited by the Laws.

ARTICLE II.—The Republic of the *Equator* agrees to treat as Pirates, and to punish with the Penalties which the existing penal Laws impose on Pirates, all such *Equatorians* who on the High Seas, or in any other Place under the Jurisdiction of the Republic, may be found embarking, transporting, or disembarking One or more Persons brought from *Africa* as Slaves.

ARTICLE III.—The Republic of the *Equator* will promulgate every other legislative Provision that may be deemed requisite for the Prevention of her Citizens engaging in any way in the said Traffic in Slaves, and for the complete Extinction thereof; seeing that the same are in harmony with those which may be promulgated by *Great Britain* for the like Object, and with the constitutional Principles of the Republic.

ARTICLE IV.—In order more completely to prevent all Infringement of the Spirit of the present Treaty, the High Contracting Parties mutually consent that those Ships of their respective Navies which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having, during the Voyage on which they are met by the said Cruisers, been engaged in the Traffic of Slaves, contrary to the Provisions of this Treaty; and that such Cruisers may detain and send or carry away such Vessels, in order that they be brought to Trial in the Manner herein-after agreed upon.

In order to fix the reciprocal Right of Search in such a Manner as shall be adapted to the Attainment of the Object of this Treaty, and at the same Time to avoid Doubts, Disputes, or Complaints, the Right of Search shall be understood in the Form and according to the Rules following:—

First,—It shall never be exercised except by Vessels of War authorized expressly for that Object, according to the Stipulations of this Treaty.

Secondly,—In no Case shall the Right of Search be exercised with respect to a Vessel of the Royal or National Navy of either of the Two Powers, but only as regards Merchant Vessels.

Thirdly,—Whenever a Merchant Vessel is searched by a Ship of War, the Commander of the said Ship shall, in the Act of so doing, exhibit to the Commander of the Merchant Vessel the Document by which he is duly authorized to that end, and shall deliver to him a Certificate, signed by him, stating his Rank in the Naval Service of his Country, and

the Name of the Vessel he commands, and which also declares that the only Object of the Search is to ascertain whether the Vessel is employed in the Slave Trade, or if it is fitted up for the said Traffic. When the Search is made by an Officer of the Cruiser who is not the Commander, the said Officer shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special Orders, signed by the Commander of the Cruiser, and in like Manner deliver a Certificate signed by him, stating his Rank in the Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruiser in which he sails, and the Object of the Search, as has been already laid down. If it appears from the Search that the Papers of the Vessel are in regular Order, and that it is employed on licit Objects, the Officer shall then enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid special Orders, and the Vessel shall be left at liberty to pursue its Voyage. The Rank of the Officer who makes the Search must not be less than that of Lieutenant of the Royal or National Navy, unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer of inferior Rank.

Article V.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution it is agreed,—

First,—That all the Ships of the respective Navies of the Two Nations which shall be hereafter employed to prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers annexed thereto marked A., and of the Regulations for the Mixed Courts of Justice annexed thereto, marked B., which Annexes respectively shall be considered as integral Parts of the Treaty.

Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders. The said Commanders ought to hold the Rank of Captain in the Navy, or at least of Lieutenant; it being nevertheless understood that the Instructions originally issued to an Officer holding the Rank of Lieutenant of the Navy or other superior Rank shall be sufficient, in case of Death or temporary Absence of the same, to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although the said Officer may not hold the aforesaid Rank in the Service.

Thirdly,—That if at any Time the Commander of a Cruiser of either of the Two Nations shall suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of the other Nation carries Slaves on board, or has been engaged in the Traffic of Slaves, or is fitted out for the Purpose

Purpose thereof, the said Commander of the Cruiser shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruiser, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to One of the Points where the Mixed Courts of Justice are stationed, in order that the just Sentence may there be pronounced.

Fourthly.—It is further mutually agreed, that the Commanders of the Ships of the Two Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

ARTICLE VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects may incur by the arbitrary and illegal Detention of their Vessels; it being understood that this Indemnity shall be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention, and that the Visit and Detention of Vessels specified in the Fourth Article of this Treaty shall only be effected by those *British* and *Equatorian* Ships which may form Part of the Two respective Navies, and by such of those Ships only as are provided with the special Instructions annexed to the present Treaty, in pursuance of the Provisions thereof. The Indemnification for the Damage of which this Article treats shall be made within the Term of One Year, reckoning from the Day in which the Mixed Court of Justice pronounces its Sentence on the Vessel for the Detention of which such Compensation is claimed.

ARTICLE VII.—In order to bring to Adjudication with as little Delay and Inconvenience as possible the Vessels which may be detained according to the Tenor of the Fourth Article of this Treaty, there shall be established, as soon as may be practicable, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations, and named for this Purpose by their respective Governments.

These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other within the Territory of the *Equatorian* Republic; and at the Period of the Exchange of the Ratifications of the present Treaty the Two Governments shall declare, each for its own Dominions, in what Place these Courts shall respectively reside.

But each of the Two High Contracting Parties reserves to itself the Right of changing at its Pleasure the Place of Residence of the Court held within its own Dominions: Provided always, that one of the Courts shall be held upon the Coast of *Africa*, and the other in some Part of the Territory of the *Equator*.

And these Courts, from which there shall be no Appeal, shall judge the Causes submitted to them according to the Provisions of

of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as integral Parts thereof.

ARTICLE VIII.—In case the Commanding Officer of any of the Ships of the respective Navies of *Great Britain* and the *Equator*, duly commissioned according to the Provisions of Article IV. of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty or the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation, and in such Case the Government to which such Commanding Officer may belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

ARTICLE IX.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or *Equatorial*, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

Second,—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

Third,—Spare Planks fitted for laying down a Second or Slaves Deck.

Fourth,—Shackles, Bolts, or Handcuffs.

Fifth,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

Sixth,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or other Vessels should only be used to hold Palm Oil, or for other Purposes of lawful Commerce.

Seventh,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

Eighth,—A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

Ninth,—An extraordinary Quantity either of Rice, of the Flour of *Brazil*, of Manioc or Cassada commonly called Farinha, of Maize or *Indian* Corn, or of any other Article of

Food whatever, beyond what might probably be requisite for the Use of the Crew, such Rice, Flour, Maize or *Indian* Corn, or other Article of Food, not being entered on the Manifest as Part of the Cargo for Trade.

Tenth,—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel.

Any One or more of these several Things, if proved to have been found on board, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade, and the Vessel shall thereupon be condemned and declared lawful Prize, unless satisfactory Evidence upon the Part of the Master or Owners shall establish that such Vessel was at the Time of her Detention or Capture employed in some legal Pursuit.

ARTICLE X. — If any of the Things specified in the preceding Article shall be found in any Merchant Vessel, neither the Master nor Owner, nor any Person whatever interested in her Equipment or Cargo, shall be entitled to Compensation for Losses or Damages, even though the Mixed Courts of Justice should not pronounce any Sentence of Condemnation in consequence of her Detention; but the same Tribunal shall be authorized to pay out of the Prize Fund, if they think it in Equity required, some Sum of Money proportionate to the Demurrage suffered, and according to the Circumstances of the Case.

ARTICLE XI.—It is agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruisers as having been engaged in the Slave Trade, or as having been fitted out for the Purpose thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall, immediately after its Condemnation, be broken up entirely, and shall be sold in separate Parts after having been so broken up.

ARTICLE XII.—The Negroes who are found on board of a Vessel detained by a Cruiser, and condemned by the Mixed Courts of Justice, in conformity with the Stipulations of this Treaty, shall be placed at the Disposition of the Government whose Cruiser has made the Capture, but on the Understanding that, not only they shall be immediately put at liberty and kept free, the Government to whom they have been delivered guaranteeing the same, but likewise engaging to afford from Time to Time, and whenever demanded by the other High Contracting Party, the fullest Information as to the State and Condition of such Negroes, with a view of insuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty, marked C., as to the Treatment of Negroes liberated by Sen-

tence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral Part of this Treaty. The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIII.—The Acts and Instruments annexed to this Treaty, and which it is mutually agreed upon shall form an integral Part thereof, are as follows:

A Instructions for the Ships of the Royal and National Navies of both Nations destined to prevent the Traffic of Slaves.

B Regulations for the Mixed Courts of Justice which are to hold their Sittings on the Coast of *Africa* and in the Territory of the Republic of the *Equator*.

C Regulations as to the Treatment of liberated Negroes.

ARTICLE XIV.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications thereof exchanged in *Quito*, within the Space of Two Years from this Date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate Two Originals, in *English* and *Spanish*, of the present Treaty, and have thereunto affixed their respective Seals.

Done in *Quito* this Twenty-fourth Day of *May* in the Year of our Lord One thousand eight hundred and forty-one.

(L. S.) *Walter Cope.*

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## ANNEX A.

To the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the ABOLITION of the SLAVE TRADE of the REPUBLIC of the EQUATOR.

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

ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty or of the Republic of the *Equator*, which shall be furnished with these Instructions, shall have a Right to visit, search, and detain any British or *Equatorial* Merchant Vessel which shall be actually engaged or which shall be suspected to be engaged in the Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she may be met with by such Ship of the *British* or *Equatorial* Navy; and such Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that Mixed Court of Justice, established in virtue of the Seventh Article of the said Treaty, which shall be the nearest to the Place of Detention,

Detention, or which such Commander shall, upon his own Responsibility, think can be soonest reached from such Place.

ARTICLE II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of a Lieutenant in the Navy of *Great Britain* or in that of the Republic of the *Equator* respectively (unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be Second in command of the Ship by which the Search is made.

ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the present Instructions, shall leave on board the Vessel so detained the Master, the Mate or Boatswain, and Two or Three at least of the Crew thereof, the whole of the Slaves, if any, and all the Cargo.

The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel; and such Declaration shall be signed by himself, and shall be given in or sent, together with the captured Vessel, to the Mixed Court of Justice before which such Vessel shall be carried or sent for Adjudication.

The Captor shall deliver to the Master of the detained Vessel a certified List of the Papers seized on board the same, as well as a Statement of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the certified List of the Papers seized, he shall insert his own Name, the Name of the capturing Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time when he brings the Vessel's Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself, and verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her Crew, the Slaves, if any, and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them shall have arrived at the Place of Adjudication, and even after the Vessel has arrived at such Place they shall not be landed without the Permission of the Mixed Court of Justice.

But

But if urgent Reasons, deduced from the Length of the Voyage, from the State of Health of the Slaves, or from other Causes, should require that either the whole or a Portion of the Negroes should be disembarked or be transhipped before the Vessel can arrive at the Place at which One of the said Courts is established, or after her Arrival there, and before Adjudication, the Commander of the capturing Ship may take upon himself the Responsiblity of so disembarking or transhipping the Negroes, provided that such Necessity, and the Causes thereof, be stated in a Certificate in proper Form, and that this Certificate be entered at the Time on the Logbook of the detained Vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred and forty-one, that the preceding Instructions, consisting of Four Articles, shall be annexed to the said Treaty, and shall be considered as an integral Part thereof.

The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

(L. S.) *Walter Cope.*

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## ANNEX B.

To the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR for the Abolition of the SLAVE TRADE of the REPUBLIC of the EQUATOR.

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Republic of the Equator.*

ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty of which these Regulations are declared to be an integral Part shall be composed in the following Manner:

Each of the Two High Contracting Parties shall name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them.

The Judges and the Arbitrators shall, before entering upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Places in which such Courts respectively shall reside, that they will judge fairly and faithfully, that they will have no Preference either for the Claimants or the Captors, and that in all their Decisions they will act in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Government of the Country within whose Territories such Court shall reside. Such Secretary or Registrar shall register all the Acts of such Court, and shall, before he enters upon his Office, make Oath before the Court to which he is appointed, that he will conduct himself

with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office.

The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Republic of the *Equator* shall be paid by the Government of that Republic.

Each of the Governments shall defray Half of the aggregate Amount of the incidental Expenses of such Courts.

ARTICLE II.—The Expenses incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing the Vessel to Adjudication, shall, in case of Condemnation, be defrayed out of the Funds arising from the Sale of the Materials of the broken-up Vessel, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and in case the Proceeds arising from this Sale should not prove sufficient to defray such Expenses, then the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expenses occasioned by bringing her to Adjudication shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided for by Article X. of the Treaty to which these Regulations form an Annex, and by Article VIII. of these Regulations.

ARTICLE III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

These Courts shall judge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Courts shall take place with as little Delay as possible; and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

If in consequence of such Proceedings the Vessel whose Case is brought before the Court shall be found to have been employed in the Slave Trade, or to have been fitted out for the Purposes thereof, such Vessel, her Cargo of Merchandize, and her Equipments, shall be condemned by the Court, and shall be declared lawful Prize; and any Slaves who may have been put on board such Vessel for the Purposes of Traffic shall be emancipated.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either on account of the Absence of Witnesses or for any other Reason, except upon the Application

cation of any of the Parties interested; in which Case, if such Party or Parties shall give satisfactory Security that they will take upon themselves the Expense and Risks of the Delay, the Courts may, at their Discretion, grant an additional Delay, not exceeding Four Months.

Either Party shall be allowed to employ such Counsel as he may think fit, to assist him in conducting his Cause.

All the Acts and essential Parts of the Proceedings of the said Courts shall be written down in the Language of the Country in which the Courts shall respectively reside.

ARTICLE IV.—The Form of the Process shall be as follows:—

The Judges appointed by the Two Governments respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and to take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as the Declaration on Oath of the Captor, should such Declaration appear to be necessary, in order to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that according to this Judgment the Vessel may be condemned or released.

In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce with respect to the Legality of the Detention of any Vessel, as to the Liability of the Vessel to Condemnation, as to the Compensation to be allowed to the Owners, or as to any other Question which may arise out of any Capture, or if any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall in any such Case draw by Lot the Name of One of the Two Arbitrators appointed as is stated in Article I. of this Annex, and the Arbitrator whose Name shall be so drawn shall, after he has considered the Proceedings which have taken place, consult with the Two above-mentioned Judges, and the final Sentence or Decision shall be pronounced in conformity with the Opinion of the Majority of the Three.

ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master or to the Person who represents him; and such Master or other Person may before the same Court claim to have a Valuation made, in order to ascertain the Amount of the Damages to which he shall be entitled. The Captor himself, and in his Default his Government, shall remain responsible for the Damages which may definitively be pronounced to be due to the Master of such Vessel, or to the Owners of the Vessel or of her Cargo.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the aforesaid Court,

Court, it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be a Subject or Citizen.

ARTICLE VI.—If a detained Vessel shall be condemned she shall be declared lawful Prize, together with her Cargo, whatever it may be, with the Exception of the Slaves who shall have been found on board; and the said Vessel, in conformity with the Regulations in Article XI. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale, for the Profit of the Two Governments, subject to the Payment of the Expenses herein mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty, Letter C.

ARTICLE VII.—The Commander and the Crew of a Vessel condemned under this Treaty, and all Persons found on board who shall have been Accomplices in her Slave Trade Undertaking, shall, on Condemnation of the Vessel, be sent as Prisoners to the nearest Settlement of the Country of which they are Subjects or Citizens, and shall be there delivered over to the Authorities of the Place, to be tried according to the Laws of their Country, for the Offences which they have committed against those Laws. The Commander of the Cruiser which made the Capture of the Vessel shall, on the Requisition of the Members of the Mixed Courts of Justice, take charge of the Commander, the Crew, and Accomplices on board of the captured Vessel, and shall convey them and deliver them over as before mentioned.

The Charges incurred for the Support and Return Voyage of the Commander, the Crew, and the Accomplices, thus sent as Prisoners, shall be defrayed by the Government of which they are the Subjects or Citizens.

ARTICLE VIII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed (save as mentioned in a subsequent Part of these Regulations, and in Article X. of the Treaty to which these Regulations form an Annex,) the Court shall award to the Claimant or Claimants, or to 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 Owner or Owners may

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, Equipment, and Stores.

B For all Freights due and payable.

C For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expenses payable upon the Sale of such Cargo, including Commission of Sale.

D For all other regular Charges in such Case of total Loss.

Secondly,—In all other Cases not of total Loss, save as herein-after mentioned, the Claimant or Claimants shall be indemnified,—

A For all special Damages and Expenses occasioned to the Ship by her Detention, and for Loss of Freight when due or payable.

B For Demurrage, according to the Schedule annexed to the present Article.

C For any Deterioration of the Cargo.

D For all Premium of Insurance on additional Risks.

Further, the Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing Ship belongs. The whole Amount of such Indemnification shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange current at the Time of the Award.

The Two High Contracting Parties however, have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without Recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel shall in such Case not receive for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expenses consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

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

And so on in proportion.

ARTICLE IX.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts of Justice, shall demand or receive from any of the Parties concerned in the Cases which

shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

ARTICLE X.—The Two High Contracting Parties have agreed, that in the event of the Death, Sickness, Absence on Leave, or other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts, the Post of such Judge or of such Arbitrator shall be supplied *ad interim* in the following Manner:

First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit in One of the Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass Sentence accordingly.

Secondly,—On the Part of *Great Britain*, and in that Court which shall sit in some Place within the Territories of the Republic of the *Equator*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *British* Arbitrator, the Place of *British* Arbitrator shall be filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul or *British* Vice Consul appointed to and resident in such Place; and if the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and a *British* Vice Consul appointed to and resident in such Place; and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* Arbitrator, then the *Equatorial* Arbitrator shall be called in, in those Cases in which a *British* Arbitrator, if there were any, would be called in; and in case the Vacancy be both of the *British* Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice Consul to fill *ad interim* the Vacancies, then the *Equatorial* Judge and *Equatorial* Arbitrator shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass Sentence accordingly.

Thirdly,—On the Part of the *Equatorial* Republic, and in that Court which shall sit within the Territories of the said Republic, if the Vacancy be that of the *Equatorial* Judge, his Place shall be filled by the *Equatorial* Arbitrator; and either in that Case, or if the Vacancy be originally that of the

the *Equatorial* Arbitrator, the Place of such Arbitrator shall be filled successively by the Judges of First Instance, according to their Seniority, resident in the Place where such Court shall sit, or by an Advocate appointed for the Purpose; and the said Court so constituted as above shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass Sentence accordingly.

Fourthly,—On the Part of the *Equatorial* Republic, and in that Court which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Equatorial* Judge, his Place shall be filled by the *Equatorial* Arbitrator; and either in that Case, or if the Vacancy be originally that of the *Equatorial* Arbitrator, the Place of *Equatorial* Arbitrator shall be filled successively by the *Equatorial* Consul and *Equatorial* Vice Consul, if there be an *Equatorial* Consul or *Equatorial* Vice Consul appointed to and resident in such Possession; and if the Vacancy be both of the *Equatorial* Judge and of the *Equatorial* Arbitrator, then the Vacancy of the *Equatorial* Judge shall be filled by the *Equatorial* Consul, and that of the *Equatorial* Arbitrator by the *Equatorial* Vice Consul, if there be an *Equatorial* Consul and an *Equatorial* Vice Consul appointed to and resident in such Possession, and if there be no *Equatorial* Consul or *Equatorial* Vice Consul to fill the Place of *Equatorial* Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which an *Equatorial* Arbitrator would be called in; and in case the Vacancy be both of the *Equatorial* Judge and *Equatorial* Arbitrator, and there be neither *Equatorial* Consul nor Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and *British* Arbitrator shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass Sentence accordingly.

The highest Civil Authority of the Settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or of the Arbitrator of the other High Contracting Party, forthwith give Notice of the same to the highest Civil Authority of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may be supplied at the earliest Period; and each of the High Contracting Parties agrees to fill up definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts, from Death or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred and forty-one, that the preceding Regulations, consisting of Ten Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

(L.S.) *Walter Cope.*

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ANNEX

ANNEX C.

To the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the Abolition of the SLAVE TRADE of the REPUBLIC of the EQUATOR.

*Regulations for the good Treatment of liberated Negroes.*

ARTICLE I.—The Object of these Regulations is to secure to Negroes liberated by virtue of the Stipulations of the Treaty to which these Regulations from an Annex (marked C.), permanent good Treatment, and full and complete Freedom, in conformity with the humane Intentions of the High Contracting Parties.

ARTICLE II.—Immediately after Sentence of Condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a Vessel charged with being concerned in Slave Trade, all Negroes who were on board such Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

ARTICLE III.—If the Cruiser which made the Capture is *British*, the *British* Government engages that the Negroes shall be treated in exact Conformity with the Laws in force in the *British* Colonies applicable to free-born or to emancipated Negroes.

ARTICLE IV.—If the Cruiser which made the Capture is *Equatorial*, then the Negroes shall be delivered over to the *Equatorial* Authorities of that Place in the Dominions of the Republic of the *Equator* in which the Mixed Court of Justice is established; and the *Equatorial* Government solemnly engages that such Negroes shall be there treated strictly according to the Regulations in force at the Time being in the Republic of the *Equator* with respect to free Negroes. The Republic of the *Equator* further engages that those Regulations shall always be framed with the view of securing, honestly and faithfully, to emancipated Negroes, unmolested Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, Advancement in Morality and Civilization, and sufficient Instruction in the Mechanical Arts to enable the said emancipated Negroes to earn their own Subsistence as Artisans, Mechanics, or Servants.

ARTICLE V.—For the Purpose which is explained in the following Article, there shall be kept in the Office of the Governor, in that Part of the Possessions of the Republic of the *Equator* where the Mixed Court of Justice resides, a Register of all emancipated Negroes; and in such Register shall be entered, with scrupulous Exactness, the Names given to the Negroes, the Names of the Vessels in which they were captured, the Names

of

of the Persons to whose Care they have been committed, and any other Circumstances likely to contribute to the full and permanent Liberty and Welfare of such emancipated Negroes.

ARTICLE VI.—The Register to which the preceding Article refers will serve to form a general Return, which the Governor of that Part of the Possessions of the Republic of the *Equator* where the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid Mixed Commission, in order to show the continued Freedom of the Negroes emancipated under this Treaty, the Improvement effected in their Condition, and the Progress made in their Religious and Moral Instruction, and in their Acquirement of the Arts of Life; the aforesaid Return shall also specify the Names and Descriptions of such of the emancipated Negroes as shall have died since the Period of the last Return.

ARTICLE VII.—The High Contracting Parties agree, that if in future it should appear necessary to adopt new Measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other Means better adapted for the complete Attainment of the Objects they have in view.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred and forty-one, that this Annex, consisting of Seven Articles, shall be united to the said Treaty, and be considered an integral Part thereof.

The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

(L.S.) *Walter Cope.*

ARTICLES ADDITIONAL to the Treaty concluded on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one between Her *Britannic* Majesty and the Republic of the *Equator* for the Suppression of Slave Trade.

ARTICLE I.—It is agreed and understood, that if there should be any Delay in appointing the Judge and Arbitrator to be nominated on the Part of the Republic of the *Equator* to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after being appointed, should at any Time be absent, then and in either of such Cases the Judge and Arbitrator who shall be appointed on the Part of Her *Britannic* Majesty, and who shall be present in the said Courts, shall, in the Absence of the *Equatorial* Judge and Arbitrator, proceed to open the said Courts, and to adjudge such Cases as may be brought before them under the Treaty; and the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have the same Force and Validity as if the Judge and the Arbitrator on the Part of the Republic of the *Equator* had been present and acting with them.

ARTICLE II.—It is also agreed, notwithstanding the Provisions of the First Article of the Annex B., that so long as no *Equatorial* Judge and Arbitrator shall have been nominated it will be unnecessary for the Republic of the *Equator* to nominate the Secretary or Registrar mentioned in the said Article; that in the meanwhile the Secretary or Registrar of the Court which may exist within the Territory of the Republic of the *Equator* shall be named and paid by the Government of Her *Britannic* Majesty, and that the entire Expense of both the Courts to be established under this Treaty shall be borne by the Government of Her *Britannic* Majesty.

The present additional Articles shall form an integral Part of the Treaty for the Abolition of the Slave Trade of the Republic of the *Equator* signed this Day, and shall have the same Force and Validity as if they were inserted Word for Word in that Treaty, and shall be ratified in the same Form and at the same Time.

The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

(L.S.) *Walter Cope.*

FURTHER ADDITIONAL ARTICLE to the Treaty concluded on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one between *Great Britain* and the Republic of the *Equator* for the Abolition of the Traffic in Slaves.

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and His Excellency the President of the Republic of the *Equator*, having deemed it convenient and necessary to prorogue the Term stipulated in the Fourteenth Article of the Treaty concluded on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one, between *Great Britain* and the Republic of the *Equator*, for the Abolition of the Traffic in Slaves, have named and authorized as their Plenipotentiaries *ad hoc;* (that is to say,)

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, *Walter Cope* Esquire, Her Majesty's Consul in the *Equator:*

And His Excellency the President of the Republic of the *Equator*, General *José Maria Urbina*, Minister of State in general:

Who, after having exchanged their full Powers, found to be in good and due Form, have agreed upon the following:

The Term stipulated for the Exchange of the Ratifications of the Treaty for the Abolition of the Traffic in Slaves, signed by the Plenipotentiaries of *Great Britain* and the *Equator* on the Twenty-fourth Day of *May* One thousand eight hundred and forty-one, is prorogued, and in virtue of that Prorogation it is agreed by the Two Contracting Parties that the said Treaty shall be ratified, and the Ratifications exchanged in *Quito*, within the Space of Two Years from the Date hereof, or sooner if possible.

In

In witness whereof the respective Plenipotentiaries have signed this Agreement in Duplicate, and have sealed it with their respective Seals.

Done in the City of *Cuença* on the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and forty-six.

(L.S.) *Walter Cope.*

Ratifications of Treaty exchanged on the 5th July 1847.

And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of the *Equator*, and such Ratifications exchanged at *Quito* on the Fifth Day of *July* One thousand eight hundred and forty-seven: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty, and Annexes thereto, and additional Articles: Be it therefore enacted by the Queen'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 Officer commanding any Ship of War of Her Majesty or of the Republic of the *Equator* not below the Rank of Lieutenant of the Royal Navy (unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly instructed and authorized according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or Negroes from *Africa*, in order to transport them to other Parts of the World for Sale, or any Vessel fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty, or of the Republic of the Equator, being duly authorized and empowered, to visit and search Merchant Ships.

Ships suspected of having been fitted out for the Purpose of the said Traffic in Slaves liable to Search and Detention.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the said Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Equatorian* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

III. And

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her 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 Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty 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 things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act,

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established, 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 Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

In case of the Death or Incapacity from Illness of any British Judge of such Courts, or of the British Arbitrator.

V. And be it enacted, That in the Case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the *Equatorian* Republic, or of his assuming *ad interim* the Duties

of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Equatorian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Equatorian* Judge and *Equatorian* Arbitrator of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall 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 established, whether belonging to Her *Britannic* Majesty or to the Republic of the *Equator*, which Oath any such Magistrate shall be authorized to administer in the Form following; that is to say,

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour either for Claimants or Captors or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the Republic of the *Equator* signed at on the in the Year One thousand eight hundred and .'

Secretary or Registrar's Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty, and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Court, who shall be 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 Judges and Arbitrators of the Court 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.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, 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 Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding 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 giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid, under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the 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 Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, 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 deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether 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 anything done in pursuance of the Provisions of the said Treaty.

Vessels equipped for Traffic in Slaves to be deemed en-

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel engaged or to be engaged in such Traffic, and visited and detained in pursuance

pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the said Traffic, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful. gaged in the Slave Trade.

XI. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, together with the Goods, Wares, and Merchandize laden therein, for the Profit of the Two Governments of *Great Britain* and the Republic of the *Equator*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same. Vessels condemned to be sold for Her Majesty's Service or broken up.

XII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels. Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

XIII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crew of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council or by any Proclamation to be made for that Purpose. Bounty for Slaves captured.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage. Bounty on Tonnage of Slave Ships captured and demolished.

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions Where no Slaves are on board a Ship seized, an

additional Bounty to be paid.

Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of Consolidated Fund.

XVI. And be it enacted, That all Bounties payable under this Act shall be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XVII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Proof of Tonnage.

XVIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves.

One Moiety of the Bounty only to be paid in certain Cases.

XX. And be it enacted, That where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over

over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

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

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Equatorian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act.

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act.

XXII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained, but not condemned.

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of the *Equator* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex B. to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XXIV. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the

United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

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