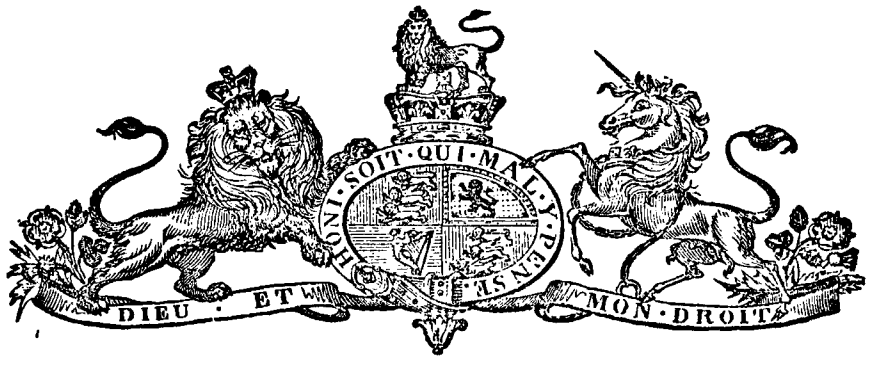


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XL.

An Act to carry into effect the Treaty between Her Majesty and the United States of *America* for the Suppression of the *African* Slave Trade.

[17th *July* 1862.]

WHEREAS on the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two a Treaty was concluded and signed at *Washington*, between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the United States of *America*, for the Suppression of the *African* Slave Trade, whereby it was agreed as follows:

> TREATY between Her Majesty and the United States of *America*, for the Suppression of the *African* Slave Trade. Signed at *Washington*, *April* 7, 1862. Ratifications exchanged at *London*, *May* 20, 1862.

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the United States of *America* being desirous to render more effectual the Means hitherto adopted for the Suppression of the Slave Trade carried on upon the Coast of *Africa*, have deemed it expedient to conclude a Treaty for that

 Purpose,

Purpose, and have named as their Plenipotentiaries; that is to say,

Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, the Right Honourable *Richard Bickerton Pemell* Lord *Lyons*, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of *America*;

And the President of the United States of *America*, *William H. Seward*, Secretary of State;

Who, after having communicated to each other their respective full Powers, found in good and due Form, have agreed upon and concluded the following Articles.

Article I.—The Two High Contracting Parties mutually consent that those Ships of their respective Navies which shall be provided with special Instructions for that Purpose, as hereinafter mentioned, may visit such Merchant Vessels of the Two Nations as may, upon reasonable Grounds, be suspected of being engaged in the *African* Slave Trade, or of having been fitted out for that Purpose, or of having, during the Voyage on which they are met by the said Cruizers, been engaged in the *African* Slave Trade, contrary to the Provisions of this Treaty; and that such Cruizers may detain, and send or carry away, such Vessels, in order that they may be brought to Trial in the Manner hereinafter 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 avoid Doubts, Disputes, and Complaints, the said Right of Search shall be understood in the Manner 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.—The Right of Search shall in no Case be exercised with respect to a Vessel of the Navy of either of the Two Powers, but shall be exercised only as regards Merchant Vessels; and it shall not be exercised by a Vessel of War of either Contracting Party within the Limits of a Settlement or Port, nor within the territorial Waters, of the other Party.

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 special Instructions by which he is duly authorized to search, and shall deliver to such Commander a Certificate, signed by himself,

himself, stating his Rank in the Naval Service of his Country, and the Name of the Vessel he commands, and also declaring that the only Object of the Search is to ascertain whether the Vessel is employed in the *African* Slave Trade, or is fitted up for the said Trade. When the Search is made by an Officer of the Cruizer who is not the Commander, such Officer shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special Instructions, signed by the Commander of the Cruizer, and he shall in like Manner deliver a Certificate, signed by himself, stating his Rank in the Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruizer in which he sails, and the Object of the Search, as above described. If it appears from the Search that the Papers of the Vessel are in regular Order, and that it is employed on lawful Objects, the Officer shall enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid special Instructions, 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 in the Navy, unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer of inferior Rank.

Fourthly.—The reciprocal Right of Search and Detention shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues from the Coast of the Island of *Cuba*.

Article II.—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 Navies of the Two Nations which shall be hereafter employed to prevent the *African* Slave Trade shall be furnished by their respective Governments with a Copy of the present Treaty, of the Instructions for Cruizers 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 present 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 shall hold the Rank of Captain in the Navy, or at least that of Lieutenant; it being nevertheless understood that the Instructions originally issued to an Officer

Officer holding the Rank of Lieutenant of the Navy, or other superior Rank, shall, in case of his Death or temporary Absence, be sufficient to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although such Officer may not hold the aforesaid Rank in the Service.

Thirdly.—That if at any Time the Commander of a Cruizer 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 Negroes on board, or has been engaged in the *African* Slave Trade, or is fitted out for the Purpose thereof, the Commander of the Cruizer shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruizer, shall proceed to the Search of the suspected Vessel; and in case 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 Places where the Mixed Courts of Justice are stationed, in order that it may there be adjudicated upon.

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 III.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects or Citizens may incur by an arbitrary and illegal Detention of their Vessels; it being understood that this Indemnity shall be borne by the Government whose Cruizer shall have been guilty of such arbitrary and illegal Detention; and that the Search and Detention of Vessels specified in the First Article of this Treaty shall be effected only by Ships which may form Part of the Two Navies respectively, 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 Damages of which this Article treats shall be paid within the Term of One Year, reckoning from the Day in which the Mixed Court of Justice pronounces its Sentence.

Article IV.—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 First Article of this Treaty, there shall be established, as soon as may be practicable, Three Mixed Courts of Justice, formed of an equal Number of

of Individuals of the Two Nations, named for this Purpose by their respective Governments. These Courts shall reside, One at *Sierra Leone*, One at the *Cape of Good Hope*, and One at *New York*.

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 or Courts held within its own Territories.

These Courts shall judge the Causes submitted to them according to the Provisions of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral Part thereof; and there shall be no Appeal from their Decision.

Article V.—In case the Commanding Officer of any of the Ships of the Navies of either Country, duly commissioned according to the Provisions of the First Article of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from 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 be proved to have committed.

Article VI.—It is hereby further mutually agreed, that every *British* or *American* Merchant Vessel which shall be searched 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,

1st.—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

2d.—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary for Vessels engaged in lawful Trade.

3d.—Spare Plank fitted for laying down as a Second or Slave Deck.

4th.—Shackles, Bolts, or Handcuffs.

5th.—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.

6th.—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 of other Vessels should be used only to hold Palm Oil, or for other Purposes of lawful Commerce.

7th.—A greater Number of Mess Tubs or Kids than requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

8th.—A Boiler or other Cooking Apparatus of an unusual Size, and larger or capable of being made larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler or other Cooking Apparatus of the ordinary Size.

9th.—An extraordinary Quantity of Rice, of the Flour of *Brazil*, of Manioc or Cassada commonly called Farinha, of Maize, or of Indian Corn, or of any other Article of Food whatever, beyond the probable Wants of the Crew; unless such Rice, Flour, Farinha, Maize, Indian Corn, or other Article of Food be entered on the Manifest as Part of the Cargo for Trade.

10th.—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel; unless such Mats or Matting be entered on the Manifest as Part of the Cargo for Trade.

If it be proved that any One or more of the Articles above specified is or are on board, or have been on board during the Voyage in which the Vessel was captured, that Fact shall be considered as *primâ facie* Evidence that the Vessel was employed in the *African* Slave Trade, and she shall in consequence be condemned and declared lawful Prize; unless the Master or Owners shall furnish clear and incontrovertible Evidence, proving to the Satisfaction of the Mixed Court of Justice that at the Time of her Detention or Capture the Vessel was employed in a lawful Undertaking, and that such of the different Articles above specified as were found on board at the Time of Detention, or as may have been embarked during the Voyage on which she was engaged when captured, were indispensable for the lawful Object of her Voyage.

Article VII.—If any One of the Articles specified in the preceding Article as Grounds for Condemnation should be found on board a Merchant Vessel, or should be proved to have been on board of her during the Voyage on which she was captured,

no Compensation for Losses, Damages, or Expenses consequent upon the Detention of such Vessel shall in any Case be granted, either to the Master, the Owner, or any other Person interested in the Equipment or in the Lading, even though she should not be condemned by the Mixed Court of Justice.

ARTICLE VIII.—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 Cruizers as having been engaged in the *African* Slave Trade, or as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by One of 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; unless either of the Two Governments should wish to purchase her for the Use of its Navy at a Price to be fixed by a competent Person chosen for that Purpose by the Mixed Court of Justice; in which Case the Government whose Cruizer shall have detained the condemned Vessel shall have the First Option of Purchase.

ARTICLE IX.—The Captain, Master, Pilot, and Crew of any Vessel condemned by the Mixed Courts of Justice shall be punished according to the Laws of the Country to which such Vessel belongs, as shall also the Owner or Owners, and the Persons interested in her Equipment or Cargo, unless they prove that they had no Participation in the Enterprize.

For this Purpose the Two High Contracting Parties agree that, in so far as it may not be attended with grievous Expense and Inconvenience, the Master and Crew of any Vessel which may be condemned by a Sentence of One of the Mixed Courts of Justice, as well as any other Persons found on board the Vessel, shall be sent and delivered up to the Jurisdiction of the Nation under whose Flag the condemned Vessel was sailing at the Time of Capture; and that the Witnesses and Proofs necessary to establish the Guilt of such Master, Crew, or other Persons shall also be sent with them.

The same Course shall be pursued with regard to Subjects or Citizens of either Contracting Party who may be found by a Cruizer of the other on board a Vessel of any Third Power, or on board a Vessel sailing without Flag or Papers, which may be condemned by any competent Court for having engaged in the *African* Slave Trade.

ARTICLE X.—The Negroes who are found on board of a Vessel condemned by the Mixed Courts of Justice, in conformity with the Stipulations of this Treaty, shall be placed at the Disposal of the Government whose Cruizer has made the Capture. They shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their Liberty.

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

(A.) Instructions for the Ships of the Navies of both Nations destined to prevent the *African* Slave Trade.

(B.) Regulations for the Mixed Courts of Justice.

ARTICLE XII.—The present Treaty shall be ratified, and the Ratifications thereof shall be exchanged at *London* in Six Months from this Date, or sooner if possible. It shall continue and remain in full Force for the Term of Ten Years from the Day of Exchange of the Ratifications, and further, until the End of One Year after either of the Contracting Parties shall have given Notice to the other of its Intention to terminate the same; each of the Contracting Parties reserving to itself the Right of giving such Notice to the other at the End of said Term of Ten Years. And it is hereby agreed between them, that on the Expiration of One Year after such Notice shall have been received by either from the other Party this Treaty shall altogether cease and determine.

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

Done at *Washington* the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.

(L.S.) WILLIAM H. SEWARD.

Annex (A.) to the Treaty between Great Britain and the United States of America, for the Suppression of the African Slave Trade, signed at Washington on the Seventh Day of April One thousand eight hundred and sixty-two.

Instructions for the Ships of the British and United States Navies employed to prevent the African Slave Trade.

ARTICLE I.—The Commander of any Ship belonging to the *British* or United States Navy which shall be furnished with these

these Instructions shall have a Right to search and detain any *British* or United States Merchant Vessel which shall be actually engaged or suspected to be engaged in the *African* Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in such Trade during the Voyage in which she may be met with by such Ship of the *British* or United States Navy; and such Commander shall thereupon bring or send such Merchant Vessel (save in the Case provided for in Article V. of these Instructions) as soon as possible for Judgment before One of the Three Mixed Courts of Justice established in virtue of the IVth Article of the said Treaty; that is to say,

If the Vessel shall be detained on the Coast of *Africa*, she shall be brought before that One of the Two Mixed Courts of Justice to be established at the *Cape of Good Hope* and at *Sierra Leone* which may be nearest to the Place of Detention, or which the Captor, on his own Responsibility, may think can be soonest reached from such Place.

If the Vessel shall be detained on the Coast of the Island of *Cuba*, she shall be brought before the Mixed Court of Justice at *New York*.

Article II.—Whenever a Ship of either of the Two Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be searched under the Provisions of the said Treaty, the Search shall be conducted with the Courtesy and Consideration 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 Lieutenant in the Navy, or by the Officer who at the Time shall be Second in Command of the Ship by which such 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 Tenor 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, the whole of the Negroes, if any, and all the Cargo. The Captor shall at the Time of Detention draw up in Writing a Declaration, which shall exhibit the State in which he found the detained Vessel. 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 whom such Vessel shall be carried or sent for Adjudication. He shall deliver to the Master of the detained Vessel a signed and certified List of the

Papers found on board the same, as well as a Certificate of the Number of Negroes found on board at the Moment of Detention.

In the Declaration which the Captor is hereby required to make, as well as in the certified List of the Papers seized, and in the Certificate of the Number of Negroes found on board the detained Vessel, he shall insert his own Name and Surname, the Name of the capturing Ship, and the Latitude and Longitude of the Place where the Detention shall have been made.

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

ARTICLE IV.—If urgent Reasons, arising from the Length of the Voyage, the State of Health of the Negroes, or any other Cause, should require that either the whole or a Portion of such Negroes should be disembarked before the Vessel can arrive at the Place at which One of the Mixed Courts of Justice is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes, provided the Necessity of the Disembarkation, and the Causes thereof, be stated in a proper Form. Such Certificate shall be drawn up and entered at the Time on the Log Book of the detained Vessel.

ARTICLE V.—In case any Merchant Vessel detained in pursuance of the present Instruction should prove to be unseaworthy, or in such a Condition as not to be taken to One of the Three Ports where the Mixed Courts of Justice are to be established, in pursuance of the Treaty of this Date, the Commander of the detaining Cruizer may take upon himself the Responsibility of abandoning or destroying her, provided the exact Causes which made such a Step imperatively necessary be stated in a Certificate, verified on Oath. Such Certificate shall be drawn up and formally executed in Duplicate at the Time.

In case of the Abandonment or Destruction of a detained Vessel, the Master and Crew, together with the Negroes and Papers found on board, and One Copy of the sworn Certificate mentioned in the preceding Paragraph of this Article, shall be sent and delivered to the proper Mixed Court of Justice at the earliest possible Moment.

The

The undersigned Plenipotentiaries have agreed, in conformity with the Eleventh Article of the Treaty signed by them on this Day, that the present Instructions shall be annexed to the said Treaty, and be considered an integral Part thereof.

Done at *Washington*, the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

Annex (B.) to the Treaty between Great Britain and the United States of America for the Abolition of the African Slave Trade, signed at Washington on the Seventh Day of April One thousand eight hundred and sixty-two.

Regulations for the Mixed Courts of Justice.

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:

The Two High Contracting Parties shall each name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without Appeal, all Cases of 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 they enter upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Place in which such Courts shall respectively reside, that they will judge fairly and faithfully; that they will have no Preference either for Claimant or for Captor; and that they will act in all their Decisions 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 Party in whose Territories such Court shall reside.

Such Secretary or Registrar shall register all the Acts of the Court to which he is appointed, and shall, before he enters upon his Office, make Oath before the Court that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his Office.

The Salaries of the Judges and Arbitrators shall be paid by the Governments by whom they are appointed.

The

The Salary of the Secretaries or Registrars of the Two Courts to be established in the Territories of *Great Britain* shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Territories of the United States shall be paid by the United States Government.

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

ARTICLE II.—The Expenses incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Negroes, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall in case of Condemnation be defrayed from the Funds arising out of the Sale of the Materials of the Vessel, after the Vessel shall have been broken up, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandise; and in case the Proceeds arising out of this Sale should not prove sufficient to defray such Expenses, 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, except in the Cases specified and otherwise provided for under Article VII. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

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

The said Courts shall adjudge definitively and without Appeal all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of the Courts shall take place as summarily 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.

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 Cause, except upon the Application of any of the Parties interested; but in that Case, upon such Party or Parties giving satisfactory Security that they will take upon

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 the Conduct of his Cause.

All the Acts and essential Parts of the Proceedings of the said Courts shall be committed to Writing, and be placed upon record.

ARTICLE IV.—The Form of the Process or Mode of proceeding to Judgment 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 shall take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board of such Vessel, and shall also take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, in order 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 such 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 in any Case brought before them, whether with respect to the Legality of the Detention, or the Liability of the Vessel to Condemnation, or as to the Indemnification to be allowed, or as to any other Question which may arise out of the said Capture, or in case any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators so appointed as aforesaid, which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two Judges on the Case; and the final Sentence or Decision shall be pronounced conformably to 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 (with the Exception of the Negroes found on board, if such Negroes shall have been previously disembarked under the Provisions of Articles IV. and V. of the Instructions annexed to the Treaty of this Date), 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 a Valuation of the Damages which he may have a Right to demand. The Captor himself, and in his Default his Government, shall remain responsible for the Damages to which

the Master of such Vessel, or the Owners either of the Vessel or of her Cargo, may be pronounced to be entitled.

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 Court; it being mutually agreed that such Costs and Damages shall be paid by the Government of the Country of which the Captor shall be a Subject.

ARTICLE VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Negroes who shall have been brought on board for the Purpose of Trade; and the said Vessel, subject to the Stipulations in the VIIIth Article 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 hereinafter mentioned.

The Negroes who may not previously have been disembarked shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom the Cruizer which made the Capture belongs, in order to be forthwith set at liberty.

ARTICLE VII.—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 the VIIth Article of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations, 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 have actually sustained by such Capture and Detention; and it is agreed that the Indemnification shall be as follows:

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 Merchandise, if any, deducting all Charges and Expenses which would have been payable

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 (save as herein-after mentioned) not of total Loss, the Claimant or Claimants shall be indemnified,—

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

(B.) For Demurrage, when due, 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.

The Claimant or Claimants shall be entitled to Interest at the Rate of 5 (Five) *per Cent. 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 Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the 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 having 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 in that Case shall not have the Right of receiving 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

Tons.		Tons.		£	
100	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 VIII.—Neither the Judges nor the Arbitrators, nor the Secretaries or Registrars 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 or Registrars have to perform.

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

First.—On the Part of Her *Britannic* Majesty, and in those Courts which shall sit within 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 in case the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled by the Governor or Lieutenant-Governor resident in such Possession; in his unavoidable Absence, by the principal Magistrate of the same, or in the unavoidable Absence of the principal Magistrate by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before it for Adjudication shall proceed to adjudge the same, and to pass Sentence accordingly.

Secondly.—On the Part of *Great Britain*, and in that Court which shall sit within the Territories of the United States of *America*, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in case the Vacancy be originally that of the *British* Arbitrator, his Place shall be filled by the *British* Consul, or in the unavoidable Absence of the Consul by the *British* Vice-Consul; and in case 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; but if there be no *British* Consul or Vice-Consul to fill the Place of *British* Arbitrator, then the United States Arbitrator shall be called in, in those Cases in which the *British* Arbitrator would be called in; and in case the Vacancy be both of the *British* Judge and of the *British* Arbitrator, and there be neither *British* Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the United States Judge and Arbitrator shall

shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Thirdly.—On the Part of the United States, and in that Court which shall sit within their Territories, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York*; and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

Fourthly.—On the Part of the United States of *America*, and in those Courts which shall sit within the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the United States Judge, his Place shall be filled by the United States Arbitrator; and either in that Case, or in case the Vacancy be originally that of the United States Arbitrator, his Place shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul; in case the Vacancy be both of the United States Judge and of the United States Arbitrator, then the Vacancy of the Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul; but if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then the *British* Arbitrator shall be called in, in those Cases in which the United States Arbitrator would be called in; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then the *British* Judge and the *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same, and pass Sentence accordingly.

The chief Authority of the Place in the Territories of either High Contracting Party where the Mixed Courts of Justice shall sit shall, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, forthwith give Notice of the same by the most expeditious Method in his Power to the Government of that other High Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period. And each of the High Contracting

Parties agrees to supply 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 XIth Article of the Treaty signed by them on this Day, that the preceding Regulations shall be annexed to the said Treaty, and considered an integral Part thereof.

Done at *Washington*, the Seventh Day of *April* in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

And whereas it is expedient that Provision should be made for giving effect to the Provisions of the said Treaty and Annexes: 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, as follows:

Officers commanding Ships of Her Majesty or of the United States of America, being duly authorized, empowered to visit and search Merchant Ships of the Two Nations.

1. It shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the United States of *America*, not below the Rank of Lieutenant of the Royal Navy (unless by the Death of the Commander of such Ship or otherwise the Command thereof shall have devolved upon an Officer of inferior Rank, and then for such last-mentioned Officer), and who shall be duly instructed and authorized, according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant in the Royal Navy who shall be acting under the Orders of any Officer commanding a Ship of War so instructed and authorized as aforesaid, 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 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 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 Fourth 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.

Ships suspected of having been fitted out for the Purpose of Traffic in

2. 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 Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the

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 *American* 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 of Justice to be appointed according to the Provisions of the said Treaty.

Slaves liable to search and Detention.

3. 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 Judges and Arbitrators to decide Cases of Detention.

4. 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 of Justice which shall be established in Her 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 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.

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

5. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of any 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

In Case of the Death or Incapacity from Illness of any British Judge of such Courts

or of the British Arbitrator.

Her Majesty, or until such Judge shall resume the Duties of his said Office; and in case of the Vacancy of the Office of *British* Arbitrator of the Mixed 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 of Justice, 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, or until such Arbitrator shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Mixed Court of Justice established by virtue of the said Treaty within the Possessions of the United States of *America*, or in case of his assuming *ad interim* the Duties of a Judge of the said Mixed 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 it shall be lawful for the United States 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 it shall be lawful for the United States Judge and United States Arbitrator of such Court to sit 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.

In Case of the Death or Incapacity from Illness or other lawful Impediment of the United States Judge or Arbitrator of such Court sitting in Territories

6. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of the said Court established by virtue of the said Treaty within the Territories of the United States, the Place of such United States Judge shall be filled by the United States Arbitrator *ad interim* until the Office shall be thereafter filled by some Person appointed by the said United States, or until such Judge shall resume the Duties of his said Office; and in case of the Death, Sickness, Absence on Leave of the said United States Arbitrator of such Court, or in case of his assuming *ad*

ad interim the Duties of the United States Judge of the said Court as aforesaid, the Place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of *New York*; and it shall be lawful for the said Court so constituted as aforesaid to act, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly. of United States.

7. In case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such United States Judge of any of the Courts established by virtue of the said Treaty which shall sit within the Possession of Her Majesty, the Place of such United States Judge shall be filled by the United States Arbitrator; and in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the United States Arbitrator, or in case his assuming *ad interim* the Duties of the United States Judge of the said Mixed Court, the Office of such United States Arbitrator shall be filled by the United States Consul, or in the unavoidable Absence of the Consul by the United States Vice-Consul; and in case the Vacancy be both of the United States Judge and United States Arbitrator, then the Vacancy of the United States Judge shall be filled by the United States Consul, and that of the United States Arbitrator by the United States Vice-Consul; and if there be no United States Consul or Vice-Consul to fill the Place of the United States Arbitrator, then it shall be lawful for the *British* Arbitrator to act in all those Cases in which the United States Arbitrator would be required to act; and in case the Vacancy be both of the United States Judge and of the United States Arbitrator, and there be neither United States Consul nor Vice-Consul to fill *ad interim* the Vacancies, then it shall be lawful for the *British* Judge and the *British* Arbitrator to sit in such Court; and in all Cases brought before them for Adjudication it shall be lawful for such Court so constituted to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by the United States, or until the said United States Judge and United States Arbitrator shall resume the Duties of their said Offices respectively. In Case of Death, Incapacity through Illness or other lawful Impediment of United States Judge or Arbitrator of such Courts sitting within Territories of Her Majesty.

8. 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 Mixed Court shall be established, whether belonging to Her Majesty or to the United States of *America*; Judges and Arbitrators to take an Oath.

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 United States of America, signed at Washington on the Seventh Day of June One thousand eight hundred and sixty-two.'

Secretary or Registrar to take an 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 Mixed Courts, 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.

9. 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 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.

10. 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

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 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 Mixed Court to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

11. The Pendency of any Suit or Proceeding instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo of 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 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 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 engaged in the Slave Trade.

12. If any of the Particulars specified in the Sixth Article of the said Treaty shall be found in the Outfit and Equipment of or on board of any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.* 5 G. 4. c. 113.

Captured Negroes to be delivered over.

13. Immediately after Sentence of Condemnation upon a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the said Treaty, all Negroes or others who were on board for the Purpose of being consigned to Slavery shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

Vessel condemned to be sold for Her Majesty's Service or broken up.

14. 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

Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof, and of the Goods, Wares, and Merchandise laden therein, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty.

15. 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, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the said Treaty, 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.

Persons found on board condemned Vessel may be sent to proper Jurisdiction to be tried.

16. For the Purpose of giving effect to the Ninth Article of the said Treaty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, with respect to Persons being within the United Kingdom of *Great Britain* and *Ireland* and for the Governor, Lieutenant Governor, or principal Magistrate of any other Part of Her Majesty's Dominions, with respect to Persons being within such other Part of Her Majesty's Dominions, if he shall think fit, by Order in Writing under his Hand, to direct that the Captain, Master, Pilot, or any of the Crew of any Vessel which shall have been so condemned as mentioned in the said Ninth Article, or any other Person found on board such Vessel at the Time of Capture, shall be forthwith conveyed within the Jurisdiction of the Nation under whose Flag such Vessel so condemned as aforesaid was sailing at the Time of Capture, or to which such Vessel may belong; and when any such Order shall have been made as aforesaid, it shall be lawful to arrest and detain within any Part of Her Majesty's Dominions any Person in respect of whom any such Order shall have been made as aforesaid; and it shall be lawful for any Judge, Justice of the Peace, Headborough, Peace Officer, Constable, or other Person having the like Authority to cause to be arrested and detained, and to arrest and detain, for the Purpose of being conveyed within the proper Jurisdiction, any Person in respect of whom such Order shall have been made as aforesaid, as fully and effectually as if such Person had committed a Felony within the Jurisdiction where such Person may be.

Measures to be taken to secure Attendance of Witnesses.

17. When any such Order shall have been made, such Secretary of State, Governor, Lieutenant Governor, or other principal Magistrate making such Order shall be empowered to take all such Measures as to him shall seem requisite and expedient for the Purpose of securing the Attendance of Witnesses, and the Production of

of Proofs necessary to establish the Guilt of the Person or Persons with respect to whom such Order shall have been made before the Court or Judge having the proper Jurisdiction in that Behalf.

Bounty for Slaves captured.

18. There shall be paid to the Commanders, Officers, and Crews 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 *American* 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 on Tonnage of Slave Ships captured and demolished.

19. Where any Ship or Vessel which shall have been seized and condemned under the Provisions of the Treaty aforesaid 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, 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.

Where no Slaves are on board a Ship seized an additional Bounty to be paid.

20. Where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the 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.

21. All

Bounties to be paid out of Monies to be provided by Parliament.

21. All Bounties payable under this Act shall be paid out of any Monies that may be provided by Parliament for that Purpose to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaty or Convention, 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.

22. 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.

23. 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 Treasury.

24. 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 Shares.

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

25. Where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *American* Ship or Vessel taken and condemned in pursuance of the said Treaty and of this Act, but who shall not have been delivered 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, 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.

26. Any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of the Share of the Proceeds of any *British* or *American* 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 it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine

determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice-Admiralty Courts relating to any such Seizure.

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

27. All the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Percentage due thereon to *Greenwich* Hospital, shall be extended to all the Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crew of any of Her Majesty's Ships and Vessels of War.

Treasury may order Payment of Costs awarded for Vessels of Her Majesty and of the United States of America detained but not condemned.

28. Where any Ship or Vessel belonging in whole or in part to Subjects of Her Majesty or of the United States of *America* 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 Mixed 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 to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid 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.

29. 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, to direct Payment to be made out of any Monies that may be provided by Parliament as aforesaid of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure or any proportionate Part thereof.

No Compensation when any Articles specified in the Sixth Article of the Treaty are found on board.

30. If any of the Things specified in the Sixth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before the said Mixed Court of Justice, neither the Master nor the Owner, nor any Persons whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation

or Damages for such Detention, although the said Commissioners should not pronounce any Sentence of Condemnation.

Right of search and Detention only to be exercised with certain Limits.

31. The Right of Search and Detention by the First Article of the said Treaty conferred shall be exercised only within the Distance of Two hundred Miles from the Coast of *Africa*, and to the Southward of the Thirty-second Parallel of North Latitude, and within Thirty Leagues of the Coast of the Island of *Cuba*.

Right of Search not to be exercised by one Nation in Ports, &c. of the other.

32. It shall not be lawful for Vessels of War of either of the said Two Nations to exercise such Right of Search within the Limits of a Settlement or Port or within the Territorial Waters of the other Nation.

Actions or Suits for Things done in pursuance of the said Treaty or this Act.

33. If any Action or Suit shall be commenced in *Great Britain* or elsewhere against any Person or Persons for anything done in pursuance of the said Treaty or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of the said Treaty or of this Act, and if it shall appear so to have been done the Jury shall find for the Defendant or the 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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