CAP. XV.

An Act for carrying into effect the Treaty between Her Majesty and the Republic of *Texas* for the Suppression of the *African* Slave Trade.

[11th *April* 1843.]

'WHEREAS on the Sixteenth Day of *November* in the 'Year of our Lord One thousand eight hundred and 'forty a Treaty was concluded and signed at *London*, between 'Her Majesty the Queen of the United Kingdom of *Great* 'Britain and *Ireland* and the Republic of *Texas*, for the Sup- 'pression of the *African* Slave Trade, whereby it was agreed 'as follows:

'ARTICLE I.—Her Majesty the Queen of the United 'Kingdom of *Great Britain* and *Ireland* and the Republic 'of *Texas* engage to prohibit *African* Slave Trade, either 'by their respective Subjects or Citizens, or under their 'respective Flags, or by means of Capital belonging to 'their respective Subjects or Citizens, and to declare such 'Trade Piracy; and the High Contracting Parties further 'declare, that any Vessel attempting to carry on the Slave 'Trade shall by that Act alone lose all Right to claim 'the Protection of their Flag.

'ARTICLE II.—In order more completely to accomplish 'the Object of the present Treaty, the High Contracting 'Parties mutually consent that those Ships of their re- 'spective Navies which shall be provided with special 'Warrants and Orders, according to the Form in Annex '(A.) to this Treaty, may visit such Merchant Vessels of 'either of the High Contracting Parties as may upon 'reasonable Grounds be suspected of being engaged in 'the aforesaid Traffic in Slaves, or of having been fitted 'out for that Purpose, or of having, during the Voyage 'on which they are met with by the said Cruisers, been 'engaged in the aforesaid Traffic; and that such Cruisers 'may detain and send or carry away such Vessels, in 'order that they may be brought to Trial in the Manner 'herein-after agreed upon.

'But the above-mentioned Right of searching Merchant 'Vessels of either of the High Contracting Parties shall 'be exercised only by Ships of War whose Commanders 'shall have the Rank of Captain, or at least that of 'Lieutenant in the Navy, unless the Command shall by 'reason of Death or otherwise be held by an Officer of 'inferior Rank; and the Commander of such Ship of War 'shall be furnished with a Warrant according to the Form 'annexed to this Treaty, Letter (A.); and the said Right 'shall not be exercised within the *Mediterranean Sea*, nor 'within those Seas in *Europe* which lie without the *Straits*

'*of*

'*of Gibraltar* and to the Northward of the Thirty-seventh 'Parallel of North Latitude, and within and to the East-'ward of the Meridian of Longitude Twenty Degrees 'West of *Greenwich*, nor in the Gulf of *Mexico* to the 'Northward of the Twenty-fifth Parallel of North Lati-'tude, nor to the Westward of the Ninetieth Degree of 'Longitude West of *Greenwich*.

'ARTICLE III.—Each of the High Contracting Parties 'reserves to itself the Right to fix according to its own 'Convenience the Number of Ships of its Navy which 'shall be employed on the Service mentioned in the 'Second Article of this Treaty, and the Stations on 'which such Ships shall cruise.

'The Names of the Ships so to be employed and of 'their Commanders shall be communicated by each Con-'tracting Party to the other; and the Information shall 'be reciprocally given by each to the other when a Cruiser 'is moved from or to a cruising Station, in order that the 'necessary Warrants for the Cruisers may be delivered by 'the Government of either Party, as the Case may be, and 'may, when no longer wanted for Use under this Treaty, 'be returned to the Government which issued them by 'the Government which received them.

'ARTICLE IV.—Immediately after the Government 'which employs the Cruisers shall have notified to the 'Government which is to authorize the Visit the Number 'and Names of the Cruisers intended to be employed, 'the Warrants authorizing the Visit shall be made out 'according to the Form annexed to this Treaty, Letter '(A.), and shall be delivered by the Government autho-'rizing the Visit to the Government employing the 'Cruiser.

'In no Case shall the Right of mutual Visit be exer-'cised upon the Ships of War of either Nation.

'The High Contracting Parties shall agree upon a 'particular Signal to be used by those Cruisers exclusively 'which are invested with the Right of Visit.

'ARTICLE V.—The Cruisers of the High Contracting 'Parties authorized to exercise the Right of Visit and 'Detention in execution of this Treaty shall, in all that 'relates to the Formalities of the Visit and of the Deten-'tion, as well as in regard to the Measures to be taken for 'delivering up to the proper Jurisdictions Vessels sus-'pected of being engaged in the Slave Trade, conform 'strictly to the Instructions annexed to the present Treaty, 'Letter (B.)

'The High Contracting Parties reserve to themselves 'the Power of making in these Instructions, by common Consent,

'Consent, any Alterations which Circumstances may 'render necessary.

'The Cruisers of the High Contracting Parties shall 'afford to each other mutual Assistance on all Occasions 'when it may be useful that they should act in concert.

'Article VI.—Whenever a Merchant Vessel navigating 'under the Flag of either of the Contracting Parties shall 'have been detained by a Cruiser of the other duly 'authorized to that Effect conformably to the Provisions 'of this Treaty, such Merchant Vessel, as also her Master, 'her Crew, her Cargo, and the Slaves who may be on 'board of her, shall be carried to such Place as shall 'have been appointed to that end by the Contracting 'Parties respectively, and they shall be delivered over 'to the Authorities appointed for that Purpose by the 'Government within whose Territory such Place shall be, 'to be proceeded against before the proper Tribunals, 'as herein-after directed.

'When the Commander of the Cruiser shall not think 'proper to take upon himself to carry in and deliver up 'the detained Vessel, he shall not intrust that Duty to an 'Officer below the Rank of Lieutenant in the Navy, unless 'it be to the Officer who at the Time shall not be lower 'than Third in Command of the detaining Ship.

'Article VII.—If the Commander of a Cruiser of 'either of the Contracting Parties shall have Reason to 'suspect that a Merchant Vessel navigating under Convoy 'of or in company with a Ship of War of the other Con- 'tracting Party has been engaged in the Slave Trade, or 'has been fitted out for the said Trade, he is to make 'known his Suspicions to the Commander of the Ship 'of War, who shall proceed alone to visit the suspected 'Vessel; and if the last-mentioned Commander shall 'find that the Suspicion is well founded, he shall cause 'the Vessel, together with her Master, her Crew, and the 'Cargo, and the Slaves who may be on board of her, to 'be taken into a Port of her own Nation, to be proceeded 'against before the proper Tribunals, as herein-after 'directed.

'Article VIII.—As soon as any Merchant Vessel 'detained and sent in for Adjudication shall arrive at the 'Port to which she is to be carried under the Provisions 'of Annex (B.) to this Treaty, the Commander of the 'Cruiser which shall have detained her, or the Officer 'appointed to bring her in, shall deliver to the Authorities 'appointed for that Purpose a Copy, signed by himself, 'of all the Lists, Declarations, and other Documents 'specified in the Instructions which are annexed to the

'present

'present Treaty, Letter (B.); and the said Authorities 'shall in consequence proceed to a Survey of the detained 'Vessel and her Cargo, and to an Inspection of her Crew 'and of the Slaves who may be on board, after having 'previously given Notice of the Time of such Survey 'and Inspection to the Commander of the Cruiser, or to 'the Officer who shall have brought in the Vessel, in 'order that he, or some Person on his Behalf, may be 'present thereat.

'A Declaration of these Proceedings shall be drawn 'up in Duplicate, signed by the Persons who shall have 'acted therein, or who shall have been present at the same; 'and one of the said Declarations shall be delivered to the 'Commander of the Cruiser, or to the Officer who shall 'have been appointed to bring in the detained Vessel.

'ARTICLE IX.—Any Merchant Vessel of either of the 'High Contracting Parties which shall be visited and de- 'tained in pursuance of the Provisions of this Treaty shall, 'unless Proof be given to the contrary, be deemed to have 'been engaged in the *African* Slave Trade, or to have been 'fitted out for the Purposes of such Traffic, if any of the 'Particulars herein-after specified shall be found in her 'Outfit or Equipment, or to have been on board during 'the Voyage in which the Vessel was proceeding when 'captured; (*videlicet,*)

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

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

'Thirdly,—Spare Plank fitted for being laid down 'as a Second or Slave Deck.

'Fourthly,—Shackles, Bolts, or Handcuffs.

'Fifthly,—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.

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

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

'Eighthly,—A Boiler or other cooking Apparatus of 'an unusual Size, and larger, or fitted for 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.

'Ninthly,—An extraordinary Quantity of Rice, of the 'Flour of *Brazil*, Manioc or Cassada, commonly called 'Farina, of Maize, or of *Indian* Corn, or of any other 'Article of Food whatever, beyond what might pro- 'bably be requisite for the Use of the Crew; such 'Rice, Flour, Maize, *Indian* Corn, or other Article of 'Food not being entered in the Manifest as Part of the 'Cargo for Trade.

'Tenthly,—A Quantity of Mats or Matting greater 'than is necessary for the Use of the Vessel as a Mer- 'chant Vessel.

'Any One or more of these several Things, if proved to 'have been found on board or to have been on board 'during the Voyage on which the Vessel was proceeding 'when captured, shall be considered as *primâ facie* Evi- 'dence of the actual Employment of the Vessel in the '*African* Slave Trade; and the Vessel shall thereupon be 'condemned, and be declared lawful Prize, unless clear 'and incontestable Evidence on the Part of the Master 'or Owners shall establish, to the Satisfaction of the 'Court, that such Vessel was, at the Time of her Deten- 'tion or Capture, employed in some legal Pursuit, and 'that such of the several Things above enumerated as 'were found on board her at the Time of her Detention, 'or which had been put on board her during the Voyage 'on which she was proceeding when captured, were needed 'for legal Purposes on that particular Voyage.

'Article X.—A Vessel detained as before mentioned, 'together with her Master, Crew, and Cargo, shall be 'forthwith proceeded against before the proper Tribunals 'of the Country to which she belongs, and shall be tried 'and adjudged by and according to the established Forms 'and Laws in force in that Country; and if in conse- 'quence of such Proceedings the said Vessel shall be 'found to have been employed in the *African* Slave Trade, 'or to have been fitted out for the Purposes thereof, the 'Vessel and her Equipments, and her Cargo of Mer- 'chandize, shall be confiscated, and the Master, the Crew, 'and the Accomplices shall be dealt with conformably to 'the Laws by which they have been tried.

'If the said Vessel shall be confiscated, the Proceeds 'arising from her Sale shall, within Six Months from the 'Date of such Sale, be paid into the Hands of the Go- 'vernment of the Country to which the Captor belongs, 'to be distributed according to Law among the Officers 'and Crew of the capturing Ship.

'Article XI.—If any of the Things specified in Ar- 'ticle IX. of this Treaty shall be found on board or to

'have

'have been on board of any Merchant Vessel during the 'Voyage on which the Vessel was proceeding when cap- 'tured, no Compensation for Losses, Damages, or Ex- 'pences consequent upon the Detention of such Vessel 'shall in any Case be granted either to her Master or to 'her Owner, or to any other Person interested in her 'Equipment or Lading, even though Sentence of Con- 'demnation should not be pronounced against her, in con- 'sequence of her Detention.

'ARTICLE XII.—In all Cases in which a Vessel shall 'under this Treaty be detained as having been engaged 'in the *African* Slave Trade, or as having been fitted out 'for the Purposes thereof, and shall be adjudged and 'confiscated accordingly, the Government whose Cruiser 'detained the Vessel, or the Government by whose Tri- 'bunal the Vessel may be condemned, may purchase the 'condemned Vessel for the Use of its Navy, at a Price to 'be fixed by a competent Person to be chosen for that 'Purpose by the said Tribunal, the Government whose 'Cruiser detained the condemned Vessel having the first 'Choice of purchasing her; but if the condemned Vessel 'shall not be so purchased, the said Vessel shall, imme- 'diately after the Sentence of Confiscation, be broken up 'entirely, and shall be sold in separate Parts after having 'been so broken up.

'ARTICLE XIII.—When a Merchant Vessel detained 'under this Treaty shall, upon Adjudication before the 'proper Tribunal, be held not to have been engaged in 'the *African* Slave Trade, and not to be fitted up for the 'Purposes thereof, she shall be restored to her lawful 'Owner or Owners; and if in the Course of Adjudication 'it shall be proved that she has been visited and detained 'illegally or without sufficient Cause of Suspicion, or if it 'shall be proved that the Visit and Detention have been 'attended with any Abuse or with vexatious Acts, the 'Commander of the Cruiser, or the Officer who shall have 'boarded the said Vessel, or the Officer who shall have 'been appointed to bring her in, and under whom (as 'the Case may be) the Abuse or vexatious Acts shall 'have been committed, shall be liable to Costs and Da- 'mages, to be paid to the Master and to the Owners of 'the Vessel and Cargo.

'These Costs and Damages may be awarded by the 'Tribunal before which the Proceedings against the de- 'tained Vessel, her Master, Crew, and Cargo, shall have 'been instituted; and the Government of the Country to 'which the Officer whose Proceedings gave occasion for 'such Award belongs shall pay the Amount of the said 'Costs and Damages within the Period of One Year from 'the Date of the Award.

'ARTICLE XIV.—If in the Visit or Detention of a Merchant Vessel under this Treaty any Abuse or Vexation shall have been committed, and if the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Vexations of which he has to complain, and of the Costs and Damages to which he lays claim; and this Declaration shall be made by him before the competent Authorities in the first Port of his own Country at which he may arrive, or before the Consular Agent of his own Nation at a Foreign Port, if the Vessel shall first proceed to a Foreign Port where there is such an Agent.

'This Declaration shall be confirmed by an Examination upon Oath of the principal Persons among the Crew or Passengers who have witnessed the Visit or Detention; and a formal Statement of the whole shall be drawn up, and Two Copies thereof shall be delivered to the Master, who shall forward One of them to his own Government in support of his Claim for Costs and Damages.

'It is understood, that if any Circumstances should unavoidably prevent the Master from making this Declaration, it may be made by the Owner, or by any other Person interested in the Vessel and in her Cargo.

'On receiving officially a Copy of the formal Statement above mentioned the Government of the Country to which the Officer so charged with Abuses and Vexation shall belong shall forthwith institute an Inquiry into the Matter; and if the Complaint be proved to be valid, the said Government shall cause to be paid to the Master or Owner, or to any other Person interested either in the Vessel which has been molested or in her Cargo, the proper Amount of Costs and Damages.

'ARTICLE XV.—The High Contracting Parties engage reciprocally to communicate each to the other, when asked to do so, and free of Expence, Copies of Proceedings instituted, and of Judgments given, relative to Vessels visited or detained in execution of the Provisions of this Treaty.

'ARTICLE XVI.—The High Contracting Parties agree to insure the immediate Freedom of all Slaves who shall be found on board Vessels detained and condemned in virtue of the Stipulations of the present Treaty; and for this Purpose it is agreed that all Slaves found on board a *Texian* Vessel detained in the *West Indies* shall, if the Vessel be condemned by the *Texian* Tribunals, be delivered over by the *Texian* to the *British* Authorities, to be conveyed, at the Expence of the *British* Government, to some one of the *British* Colonies in the *West Indies;*

'and

'and in regard to *Texian* Vessels detained on the Coast of '*Brazil* or on the Coast of *Africa*, it is further agreed that, 'in order that any Slaves found on board such Vessels may 'not be exposed to the Sufferings which would attend a 'Voyage to *Texas*, such Slaves shall, notwithstanding any 'thing to the contrary in Articles VI. and VII. of this 'Treaty, be carried or sent at once by the Commander of 'the capturing Cruiser to one of the *British* Settlements 'on the Coast of *Africa*, the Vessel herself being sent on 'to *Galveston* for Adjudication.

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

'(A.) Forms of Warrants to authorize, and of Orders 'to guide, the Cruisers of either Nation in making 'Visits and Detentions under this Treaty.

'(B.) Instructions for the Cruisers of the respective 'Navies employed under this Treaty to prevent the '*African* Slave Trade.

'ARTICLE XVIII.—The present Treaty, consisting of 'Eighteen Articles, shall be ratified, and the Ratifications 'thereof shall be exchanged in *London* in Nine Months 'from this Date, or sooner if possible.

'In witness whereof the respective Plenipotentiaries 'have signed the same, and have affixed thereto the Seals 'of their Arms.

'Done at *London*, the Sixteenth Day of *November* in 'the Year of our Lord One thousand eight hun-'dred and forty.

'(L.S.) *Palmerston.*
'(L.S.) *J. Hamilton.*

'ANNEX (A.)

'To the TREATY between GREAT BRITAIN and the REPUBLIC 'of TEXAS for the SUPPRESSION of AFRICAN SLAVE TRADE; 'signed at *London, November* the Sixteenth in the Year 'One thousand eight hundred and forty.

'FORM I.—*Warrant in virtue of which a Cruiser of either 'of the High Contracting Parties may visit and detain a 'Merchant Vessel belonging to or bearing the Flag of the 'other, and suspected of African Slave Trade, or of being 'fitted out for it.*

'Whereas by a Treaty between *Great Britain* and the 'Republic of *Texas*, signed at *London* on the Sixteenth 'Day of *November* in the Year One thousand eight hun-'dred and forty, for the total Extinction of the *African* 'Slave Trade, it was stipulated that certain Cruisers be-'longing to the said Countries respectively should be

'authorized, under the special Instructions thereto annexed, to visit and detain within particular Limits 'Merchant Vessels of the other Contracting Party engaged in the *African* Slave Trade, or suspected of being 'fitted out for that Traffic: And whereas the Government of has thought fit that the Vessel you 'command shall be one of the Cruisers 'furnished with the said special Instructions, and you will 'accordingly receive Instructions from the said Government for your Guidance on the said Service; you are 'therefore authorized and empowered by virtue of those 'Instructions and of this present Warrant to visit Merchant 'Vessels under the Flag suspected of being 'engaged in the *African* Slave Trade, within the Limits 'set forth in the Second Article of the aforesaid Treaty, 'and to deal with such Vessels as shall have engaged in 'the *African* Slave Trade, or shall be suspected of being 'fitted out for that Traffic, as pointed out in the said 'Treaty and in the Instructions thereunto annexed.

'Given under our Hands and the Seal of the Office 'of Admiralty, this Day of 'One thousand eight hundred and

'(Signature.)

'To the Commander of the Ship 'the .

'FORM II.—*Order for the Guidance of the Commander of 'the Cruiser of either of the High Contracting Parties in 'visiting and detaining a Merchant Vessel belonging to 'or bearing the Flag of the other.*

'Whereas by a Treaty between *Great Britain* and the 'Republic of *Texas*, signed at *London* on the Sixteenth 'Day of *November* in the Year One thousand eight hundred and forty, for the total Extinction of the *African* 'Slave Trade, it was stipulated that certain Cruisers be'longing to the said Countries respectively should be 'authorized under the special Instructions thereto annexed 'to visit and detain, within particular Limits, Merchant 'Vessels of the other Contracting Party engaged in the '*African* Slave Trade, or suspected of being fitted out for 'that Traffic: And whereas we think fit that the Vessel 'you command shall be one of the Cruisers 'furnished with the said special Instructions; we herewith 'transmit to you a Copy of the said Treaty and of the 'Instructions thereto annexed; and you are accordingly 'authorized and empowered by virtue of this present Order 'and of the accompanying Warrant from the Government 'of to visit, within the Limits set forth in 'the Second Article of the aforesaid Treaty, Merchant 'Vessels under the Flag suspected of being 'engaged in the *African* Slave Trade, and to deal with 'such Vessels as shall have engaged in the said Traffic,

'or

'or shall be suspected of being fitted out for that Traffic 'in the Manner pointed out in the said Treaty, Instruc- 'tions, and Warrant; and we charge and require you to 'conform most strictly to all the Provisions and Stipu- 'lations contained therein, taking care to exercise the 'Authority so conferred upon you in the mildest Manner, 'and with every Attention which is due between allied 'and friendly Nations, and to co-operate cordially with 'the Commanders of any Vessels of War 'employed in the same Service.

'Given under our Hands the Day of
'One thousand eight hundred and
'.

'(Signature.)

'To the Commander of the Ship
'the .

'These Forms of Warrants and Orders shall be an- 'nexed to the Treaty signed this Day between *Great Bri- 'tain* and the Republic of *Texas* for the Suppression of '*African* Slave Trade, and shall be considered as an 'integral Part of that Treaty.

'In witness whereof the respective Plenipotentiaries 'have signed the present Annex, and have affixed thereto 'the Seals of their Arms.

'Done at *London*, the Sixteenth Day of *November* in 'the Year of our Lord One thousand eight hun- 'dred and forty.

'(L. S.) *Palmerston.*
'(L. S.) *J. Hamilton.*

'Annex (B.)

'To the Treaty between *Great Britain* and the Republic of '*Texas* for the Suppression of *African* Slave Trade, signed 'at *London*, *November* the Sixteenth in the Year One thou- 'sand eight hundred and forty.

'*Instructions to Cruisers.*

'First,—Whenever a Merchant Vessel belonging to 'or bearing the Flag of either of the High Contracting 'Parties to the Treaty of this Date shall be visited by 'a Cruiser of the other, the Officer commanding the 'Cruiser shall, before he proceeds to the Visit, exhibit 'to the Master of such Vessel the special Orders which 'confer upon him by Exception the Right to visit her; 'and he shall deliver to such Master a Certificate, signed 'by himself, specifying his Rank in the Navy of his 'Country, with the Name of the Ship which he com- 'mands, and declaring that the only Object of his Visit 'is to ascertain whether the Vessel is engaged in the

'*African* Slave Trade, or is fitted out for the Purpose 'of such Traffic, or has been engaged in the said Traffic 'during the Voyage in which she is met with by the 'said Cruiser. When the Visit is made by an Officer 'of the Cruiser other than her Commander, such Officer 'shall not be under the Rank of Lieutenant in the 'Navy, unless he be the Officer who at the Time is 'Second in Command of the Ship by which the Visit 'is made; and in these Cases such Officer shall exhibit 'to the Master of the Merchant Vessel a Copy of the 'special Orders above mentioned, signed by the Com-'mander of the Cruiser, and shall likewise deliver to 'such Master a Certificate, signed by himself, specifying 'the Rank which he holds in the Navy of his Country, 'the Name of the Commander under whose Orders he 'is acting, the Name of the Cruiser to which he belongs, 'and the Object of his Visit, as herein-before recited.

'If it shall be ascertained by the Visit that the Ship's 'Papers are regular and her Proceedings lawful, the 'Officer shall certify upon the Log Book of the Vessel that 'the Visit took place in virtue of the special Orders above 'mentioned, and these Formalities having been completed 'the Vessel shall be permitted to continue her Course.

'Secondly,—If, in consequence of the Visit the Officer 'commanding the Cruiser shall be of opinion that there 'are sufficient Grounds for believing that the Vessel is 'engaged in the *African* Slave Trade, or has been fitted 'out for that Traffic, or has been engaged in that 'Traffic during the Voyage in which she is met with 'by the Cruiser, and if he shall in consequence deter-'mine to detain her, and to have her delivered up for 'Adjudication, he shall forthwith cause a List to be 'made out in duplicate of all the Papers found on 'board; and he shall sign this List and the Duplicate, 'adding after his own Name his Rank in the Navy and 'the Name of the Vessel under his Command.

'He shall in like Manner make out and sign in 'duplicate a Declaration stating the Place and Time of 'the Detention, the Name of the Vessel and that of her 'Master, the Names of the Persons composing her 'Crew, and the Number and Condition of the Slaves 'found on board.

'This Declaration shall further contain an exact De-'scription of the State of the Vessel and of her Cargo.

'Thirdly,—The Commander of the Cruiser shall 'without Delay carry or send the detained Vessel, with 'her Master, Crew, Passengers, Cargo, and the Slaves 'found on board, to one of the Ports or Places herein-'after specified, in order that Proceedings may be in-'stituted in regard to them conformably to the Laws 'of the Country under whose Flag the Vessel is sailing; 'and he shall deliver the same to the competent Autho-

'rities,

'rities, or to the Persons who shall have been specially 'appointed for that Purpose by the Government within 'whose Territory such Port or Place shall be.

'Fourthly,—No Person whatever shall be taken out 'of the detained Vessel, nor shall any Part of her Cargo 'nor any of the Slaves found on board be removed from 'her until after such Vessel shall have been delivered 'over to the Authorities of her own Nation, excepting 'in the Cases otherwise provided for in the Treaty to 'which these Instructions form an Annex or in the 'present Instructions, or unless the Removal of the 'Whole or of Part of the Crew or of the Slaves found 'on board shall be deemed necessary, either for the 'Preservation of their Lives or from any other Consi-'deration of Humanity, or for the Safety of the Persons 'who shall be charged with the Navigation of the Vessel 'after her Detention; in any such Case the Comman-'der of the Cruiser, or the Officer appointed to bring 'in the detained Vessel, shall make a Declaration of such 'Removal, in which he shall specify the Reasons for the 'same; and, except as otherwise provided for with re-'spect to Slaves in the said Treaty or in these Instruc-'tions, the Master, Sailors, Passengers, or Slaves so 'removed shall be carried to the same Port or Place as 'the Vessel and her Cargo, and they shall be received 'in the same Manner as the Vessel, agreeably to the 'Regulations herein-after set forth.

'Fifthly,—All *Texian* Vessels which shall be detained 'by the Cruisers of *Great Britain* in consequence of 'being engaged in the *African* Slave Trade shall be 'carried and delivered up to the *Texian* Jurisdiction 'at *Galveston;* but any Slaves found on board of *Texian* 'Vessels detained on the Coast of *Brazil* or on the 'Coast of *Africa*, whether by a *British* or by a *Texian* 'Cruiser, under the Treaty to which the Instructions 'form an Annex, shall at once be carried or sent by the 'Commander of the capturing Cruiser to one of the '*British* Settlements on the Coast of *Africa;* and any 'Slaves found on board of *Texian* Vessels detained in 'the *West Indies*, whether by a *British* or a *Texian* 'Cruiser, under the Treaty to which these Instructions 'form an Annex, shall, together with the Vessel so de-'tained, be carried and delivered up to the *Texian* 'Authorities at *Galveston*, to be disposed of after Adju-'dication according to the Provisions of the said Treaty.

'All *British* Vessels which shall be detained by the 'Cruisers of *Texas* in consequence of being engaged 'in the *African* Slave Trade shall, together with the 'Slaves found on board, be carried and delivered up 'to the *British* Jurisdiction at *Bathurst* on the River '*Gambia* if taken off the Coast of *Africa*, or at *Port* '*Royal* in *Jamaica* if taken in the *West Indies.*

'Sixthly,—

'Sixthly,—As soon as a Merchant Vessel which shall 'have been detained as aforesaid shall arrive at one of 'the Ports or Places above mentioned, the Commander 'of the Cruiser, or the Officer appointed to bring in 'such detained Vessel, shall forthwith deliver to the 'Authorities duly appointed for that Purpose by the 'Government within whose Territory such Place shall 'be the Vessel and her Cargo, together with the Mas-'ter, Crew, and Passengers, and the Slaves found on 'board, unless such Slaves shall have been carried or 'sent to another Port or Place as herein-before directed, 'and also the Papers which shall have been seized on 'board the Vessel, and one of the Duplicate Lists of 'the said Papers, retaining the other in his own Pos-'session. Such Officer shall at the same Time deliver 'to the said Authorities one of the Declarations made 'out in Duplicate, as herein-before specified, adding 'thereto a Statement of any Changes which may have 'taken place from the Time of the Detention of the 'Vessel to that of the Delivery, as well as a Copy of 'the Statement of any Removals which may have taken 'place as above provided for.

'In delivering over these several Documents the 'Officer shall make, in Writing and on Oath, an Attes-'tation of their Truth.

'Seventhly,—If the Commander of a Cruiser of 'either of the High Contracting Parties, who shall be 'duly furnished with the aforesaid special Instructions, 'shall have Reason to suspect that a Merchant Vessel 'sailing under Convoy of or in company with a Ship 'of War of the other Party is engaged in the *African* 'Slave Trade, or has been fitted out for the Purpose of 'that Traffic, or has been engaged in the said Traffic 'during the Voyage in which she is met with by the 'said Cruiser, he shall confine himself to communicating 'his Suspicions to the Commander of the Ship of War, 'and he shall leave it to the latter to proceed alone to 'visit the suspected Vessel, and to deliver her up to the 'Jurisdiction of her own Country, if there should be 'Cause for doing so.

'These Instructions shall be annexed to the Treaty 'signed this Day between *Great Britain* and the Republic 'of *Texas* for the Suppression of *African* Slave Trade, and 'shall be considered as an integral Part of that Treaty.

'In witness whereof the respective Plenipotentiaries 'have signed the present Annex, and have affixed thereto 'the Seals of their Arms.

'Done at *London*, the Sixteenth Day of *November* in 'the Year of our Lord One thousand eight hun-'dred and forty.

'(L.S.) *Palmerston.*
'(L.S.) *J. Hamilton.*

'And

'And whereas the said Treaty was ratified by and between 'Her Majesty and the Republic of *Texas*, and such Ratifica- 'tions were exchanged at *London* on the Eighteenth Day of 'June in the Year of our Lord One thousand eight hundred 'and forty-two: And whereas it is expedient and necessary 'that effectual Provision should be made for carrying into 'execution the Provisions of the Treaty aforesaid, and the 'Articles additional thereto;' 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 *Texas*, who shall be duly instructed and authorized according to the several Provisions of the said Treaty, and within the Waters therein described, to visit and search any Merchant Vessel of either of the said Two Nations liable to Suspicion, and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Treaty, and upon sufficient Grounds to detain, and send or carry away, and deliver over without Delay any such Vessel, together with its Master, Crew, Passengers, Slaves, and Cargo, to the Authorities appointed for the Purposes of the said Treaty by the respective Governments of the said Two Nations, and to one of the Jurisdictions in the said Instructions mentioned, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries; and all such Commanders of Her said Majesty's Ships, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, shall comply with the several Provisions and Instructions of the said Treaty and Articles which apply thereto respectively.

Commanders of Ships of War to exercise Right of searching Merchant Vessels liable to Suspicion, and suspected of being engaged in the Slave Trade.

II. And be it enacted, That where any such Officer of the Republic of *Texas* shall send, carry, or deliver over as aforesaid any such Merchant Vessel wholly or in part owned by any Subject or Subjects of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, every Proceeding instituted in the Tribunals herein-after mentioned in regard to such Merchant Vessel and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be detained by the Cruizers of the Republic of *Texas* and delivered up to the Jurisdiction of Her Majesty at *Bathurst* on the River *Gambia* shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*, and that all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruisers of the Republic of *Texas* and delivered up to the Jurisdiction of Her Majesty either at *Jamaica*, *Cape of Good Hope*,

In case of Officers of the Republic of Texas detaining British Vessels, Proceedings to be conducted in the Name of Her Majesty.

Hope, or *Demerara* shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively shall be authorized to take cognizance thereof accordingly.

Vessels detained in pursuance of the Treaty to be held as engaged in the Slave Trade.

III. And be it enacted and declared, That any such Merchant Vessel wholly or in part owned as last aforesaid, visited and detained in pursuance of the said Treaty, shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and equipped and employed in the Objects declared unlawful by an Act 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*, if any of the Particulars specified in the Ninth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty shall be found in her Outfit or Equipment or on board of her.

5 G. 4. c. 113.

Where a British Vessel is seized by an Officer of the Republic of Texas, Proceeds may be apportioned according to Tenth Article of Treaty.

IV. And be it enacted, That in case any such Merchant Vessel wholly or in part owned as last aforesaid shall be seized by any Officer of the Republic of *Texas* duly authorized, and shall, with the Goods, Wares, and Merchandize laden therein, be confiscated according to the Laws of this Country and the Provisions of the said Treaty, it shall be lawful for Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* to direct the Proceeds arising from the Sale thereof to be paid into the Hands of the Government of the Republic of *Texas*, according to the Provisions of the Tenth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty; and the Proceeds arising from the Sale of any Ship and Cargo agreed to be paid into the Hands of the Government of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Tenth Article as aforesaid, shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* may appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Tenth Article; and the same, after deducting all necessary Expences, shall be distributed amongst the Officers and Crew of the capturing Ship in the Manner hereafter directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

V. And be it enacted, That there shall be paid 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 Seizures under the aforesaid Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, who shall be seized and found on board a

British or *Texian* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of Her Majesty's Treasury, and to be distributed amongst the Captors aforesaid, in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order, by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Bounties not liable to Payment of Fees.

VI. 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, on the Seizure of Slaves found on board any Ship or Vessel condemned in pursuance of the Provisions of this Act, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Mode of obtaining such Bounty.

VII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Numbers 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.

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

VIII. And be it enacted, That where any Slave, or Person treated, dealt with, carried, kept, or detained as a Slave, shall be taken or seized on board any *British* or *Texian* Ship or Vessel in pursuance of the Provisions of the said Treaty and of this Act, but shall not have been condemned, or 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, by Warrant, signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of a Sum not exceeding One Moiety of the Bounty which would have been due in each Case respectively if such Slave had been delivered over and condemned.

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

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

X. And

Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

X. 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 or Vessels of War.

Where illegal Detention is made, the Lords of the Treasury may award Compensation.

XI. And be it enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place and have been made by any Officer of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, mentioned in the Thirteenth Article of the said Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, it shall be lawful for the said 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 and Damages which may be awarded: 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.

Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Seizor's Costs.

XII. 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 Seizures under the aforesaid Treaty of the Sixteenth Day of *November* in the Year One thousand eight hundred and forty, and Judgment shall be given against the Seizor, or 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 Expences as the said Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

CAP. XVI.

An Act for carrying into effect the Treaty between Her Majesty and the Oriental Republic of the *Uruguay* for the Abolition of the Slave Trade.

[11th *April* 1843.]

'WHEREAS on the Thirteenth Day of *July* in the Year of our Lord One thousand eight hundred and thirty-nine a Treaty was concluded and signed at *Monte Video* between Her Majesty the Queen of the United Kingdom of

'*Great*