CAP. LI.

An Act for carrying into effect the Treaty between Her Majesty and the *Mexican* Republic for the Abolition of the Traffic in Slaves.

[10th *August* 1843.]

'WHEREAS on the Twenty-fourth Day of *February* in the Year of our Lord One thousand eight hundred and forty-one a Treaty was concluded and signed at *Mexico*, between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the *Mexican* Republic, for the Abolition of the Traffic in Slaves, whereby it was agreed as follows:—

'ARTICLE I.—The Slave Trade is declared by this Treaty to be totally and perpetually abolished in all Parts of the World on the Part of the *Mexican* Republic, as are already Slavery in the *Mexican* Territory and the aforesaid Traffic in Slaves on the Part of *Great Britain*.

'ARTICLE II.—The Government of *Mexico* engages to take, immediately after the Exchange of the Ratifications of the present Treaty, and subsequently from Time to Time when it may be necessary, the most effectual Measures to prevent the Citizens of the *Mexican* Republic from being concerned in the Slave Trade, and the Flag of the said Republic from being employed in any way in carrying on that Traffic, and binds itself specially to procure from the National Congress as soon as possible a penal Law by which the severest Punishment shall be imposed on all Citizens of the Republic who shall, under whatsoever Pretext, take any Part in the aforesaid Traffic in Slaves.

'ARTICLE III.—The *Mexican* Government engages to propose in the National Congress a Law which shall declare to be Pirates all such Citizens of the Republic as may be engaged in the Slave Trade, as well as all such Individuals as may carry it on under the National Flag; and Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and His Excellency the President of the Republic mutually bind themselves to promulgate or propose in their respective Legislatures the most suitable Measures for immediately carrying into execution the Laws of Piracy, which are to be applicable to the said Traffic, in conformity with the legislative Enactments of each of the Two Countries with respect to the Vessels and Subjects or Citizens of the Two Nations.

'ARTICLE IV.—In order to prevent completely all Infringement of the Spirit of the present Treaty the Two High Contracting Parties mutually consent that the Ships of their respective Navies which shall be provided as herein-after mentioned with special Instructions for the Purpose, may search such Merchant Vessels of the Two Nations as may be suspected, on reasonable Grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the Purpose thereof, or of having, during the Voyage in which they may be met with by the said Cruisers, been engaged in the Traffic in Slaves, in contravention of the Stipulations of the present Treaty; and the Two Contracting Parties also agree that the said Cruisers may detain such Vessels, and send or convey them to be tried in the Manner herein-after provided.

'With a view to avoid even the Possibility of Annoyance to the Coasting Trade of *Mexico* from the Exercise of the mutual Right of Search stipulated in the present Article, the High Contracting Parties agree that the said Right shall not be enforced within a Line drawn from the Mouth of the *Rio Bravo del Norte*, in Twenty-five Degrees Fifty-five Minutes of North Latitude, and Ninety-seven Degrees Twenty-five Minutes of Longitude West from *Greenwich*, to the Port of *Sisal* in the Peninsula of *Yucatam*, in Twenty-one Degrees Six Minutes of North Latitude, and Ninety Degrees Four Minutes of Longitude West from *Greenwich;* it being always understood that if a Vessel suspected of being engaged in the Slave Trade shall be discovered without the said Line by a *British* or *Mexican* Cruiser, and shall succeed in passing within that Line, it shall not on that Account be considered as protected by the present Restriction, which is solely adopted for the greater Security of the Coasting Trade of *Mexico*.

'Nor shall the reciprocal Right of Search be exercised in the *Mediterranean Sea*, nor in the Seas of *Europe* lying without the Straits of *Gibraltar*, and to the North of the Thirty-seventh Parallel of North Latitude, and to the Eastward of the Meridian of Twenty Degrees West of *Greenwich*.

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

'First,—That their respective Governments shall provide the Ships of the Navies of the Two Nations to be employed in future in the Prevention of the Slave Trade with Copies, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions for Cruisers annexed thereto, *sub literâ* (A.), and of the Regulations for the Tribunals which shall have to try

'the Vessels detained by virtue of the Stipulations contained in this Treaty, which are also annexed, *sub literâ* (B.), which Annexes respectively shall be considered as integral Part of the said Treaty:

'Secondly,—That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships destined for this Service, and furnished with such Instructions, the Force of each, and the Names of their Commanders.

'Thirdly,—That when the Commander of a Cruiser of either of the Two Nations shall suspect that any One or more Vessel or Vessels navigating under the Escort or Convoy of a Ship of War of the other Nation carries Slaves on board, or has been engaged in this prohibited Traffic, or is fitted out for it, he shall communicate his Suspicions to the Commanding Officer of the Convoy, who, accompanied by the Commanding Officer of the Cruiser, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions appear well founded according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to the Place where it is to be brought to Trial, in order that the just Sentence may there be pronounced.

'Fourthly,—It is further agreed, that the Commanders of the Ships of the Two Navies who shall be employed on this Service shall adhere in each Case to the exact Tenor of the said Instructions.

'Article VI.—As the Two preceding Articles are entirely reciprocal, the High Contracting Parties engage to make good any Losses incurred by their respective Subjects or Citizens by the arbitrary and illegal Detention of their Vessels, it being understood that this Compensation shall be paid invariably by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention; and they also engage that the Visit and Detention of Vessels, specified in the Fourth Article of this Treaty, shall only be effected by such *English* or *Mexican* Ships as may form Part of the Royal and National Navies of the High Contracting Parties, and which are provided with the Documents mentioned in the preceding Article.

'Article VII.—It is agreed by the present Article, that the Vessels detained, in conformity with the Fourth Article of this Treaty, by *British* or *Mexican* Cruisers, shall be conducted or sent, together with their Commanders, Crews, and Cargoes, to the nearest Point in the Country to which the captured Vessel belongs, where there may be a competent Tribunal to try it; (that is to say,) *British* Vessels are to be conducted or sent to

'the

'the nearest Possession of Her *Britannic* Majesty where 'such Tribunal exists, and *Mexican* Vessels to the Port 'of *Vera Cruz*, except in Cases in which Slaves shall be 'on board at the Time of Capture; in such Cases the 'Vessel shall be sent or conducted to the nearest Posses- 'sion of either of the Two Powers, or to such Place 'belonging to either as may be soonest reached, accord- 'ing to the Judgment of the Commander of the capturing 'Ship, under his own Responsibility, in order that the 'Slaves may be landed; the Vessel, with the Remainder 'of her Cargo, her Commander and Crew, shall be after- 'wards sent or conducted to the Place where she is to 'be tried, in conformity with the before-mentioned Pro- 'visions of this Article.

'The Governments of the High Contracting Parties 'shall have the Power to name, by themselves or through 'the Medium of their Legations or Consulates, an Ad- 'vocate, who may be a Subject or Citizen of either of the 'Two Nations, to undertake the Prosecution or Defence, 'as the Case may be, of the Vessels brought to Trial, and 'solemnly pledge themselves to afford to such Advocates 'all necessary Liberty and Protection, and such as is 'allowed by Law to the Advocates of the Country.

'For the more speedy Conclusion of these Trials, the 'High Contracting Parties engage to procure the Enact- 'ment of Laws which shall abridge as much as possible 'the Forms of Indictment and Sentence.

'Article VIII.—When the Commanding Officer of any 'of the Ships of the Navies of Her *Britannic* Majesty or 'of the Republic of *Mexico*, commissioned respectively in 'due Form, according to the Provisions of the Fourth 'Article of this Treaty, shall deviate in any respect from 'the Stipulations of the said Treaty, or from the Instruc- 'tions annexed thereto, the Government which shall con- 'ceive itself wronged shall be entitled to demand Repar- 'ation, and in such Case the Government in whose Service 'the said Commanding Officer may be binds itself to 'cause an Inquiry to be made into the Subject of Com- 'plaint, and to inflict on such Officer a Punishment 'proportioned to the Offence.

'Article IX.—It is further agreed, that every Mer- 'chant Vessel, *British* or *Mexican*, which shall be visited 'by virtue of the present Treaty, may be detained and 'sent or brought before the proper Tribunals, if there 'shall be found in her Equipment any of the following 'Things:—

'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 a 'Vessel engaged in a lawful Trade.

'Thirdly,—

'Thirdly,—Spare Plank prepared to be fitted up as a Second or Slave Deck.

'Fourthly,—Shackles, Bolts, or Handcuffs.

'Fifthly,—A Quantity of Water in Casks or Tanks much greater 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 Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House of the Port from which he cleared outwards, stating that the Owners of such Vessel had given sufficient Security that such extra Quantity of Casks or of other Vessels should only be employed to receive Palm Oil, or for other Purposes of lawful Commerce.

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

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

'Ninthly,—An extraordinary Quantity of Rice, of Flour of Brazil, of Manioc or Cassava commonly called Farina, of Maize, exceeding what might probably be consumed by the Crew, such Rice, Flour, or Maize not appearing to be entered on the Manifest as Part of the Cargo for Trade.

'Any One or more of these several Circumstances, if proved, shall be considered as Indications *primâ facie* of the actual Employment of the Vessel in the Slave Trade, and will serve therefore to condemn and declare her a lawful Prize, unless it be established by satisfactory Evidence on the Part of the Master or Owners that the Vessel at the Time of her Detention was employed in some legal Pursuit.

'Article X.—If any of the Things specified in the preceding Article be found in any Merchant Vessel, no Compensation for Losses, Damages, or Expences resulting from the Detention of such Vessel shall be allowed either to her Master or to her Owner, or other Person interested in her Equipment or Lading, even though the Tribunal declare her acquitted.

'Article XI.—It is hereby agreed between the Two High Contracting Parties that in all Cases in which a Vessel shall be detained, according to the Stipulations of this Treaty, by their respective Cruisers as having been engaged in the Slave Trade, or as having been fitted out for the Purpose thereof, and shall consequently be tried and condemned by the proper Tribunal, the said Vessel

'shall,

'shall, immediately after her Condemnation, be broken 'up, and the separate Parts sold.

'Article XII.—Each of the High Contracting Parties 'solemnly binds itself to guarantee the Liberty of the 'Negroes who may be emancipated and conducted to either 'of the Two Nations, by virtue of the Stipulations of this 'Treaty, from the Moment of their landing in their re-'spective Territories, and to afford from Time to Time, 'when demanded by the other Party or by the respective 'Tribunals, the fullest Information as to the State and 'Condition of such Negroes, with a view of insuring the 'due Execution of the Treaty in this respect.

'For this Purpose the Regulations annexed to this 'Treaty, *sub literâ* (C.), as to the Treatment of such libe-'rated Negroes, have been drawn up and declared an 'integral Part of the said Treaty.

'The High Contracting Parties reserve to themselves 'the Right of altering and suspending, by common Con-'sent, but not otherwise, the Terms of the said Regu-'lations.

'Article XIII.—The Annexes of this Treaty, which 'it is mutually agreed shall form an integral Part thereof, 'are as follows:

'(A.) Instructions for the Ships of the *British* and '*Mexican* Navies destined to prevent the Traffic in 'Slaves.

'(B.) Regulations for the Tribunals which are to 'take cognizance of the Trials of the Vessels detained 'by virtue of the Stipulations of this Treaty.

'(C.) Regulations for the Treatment of the liberated 'Negroes.

'Article XIV.—As the principal Object of this Treaty, 'additional Articles, and Three Annexes which form Part 'of it, is no other than that of preventing the Traffic in 'Slaves, without any Annoyance to the respective Mer-'chant Shipping of the Two Nations, the High Contract-'ing Parties, animated by the same Sentiments, agree 'that if in future it should appear necessary to adopt new 'Measures for attaining the said beneficent Object, or for 'obviating any Inconvenience to the aforesaid Shipping, 'which Experience shall have made known, in conse-'quence of those established in this Treaty, additional 'Articles, and Annexes proving inefficacious, the said 'High Contracting Parties will consult together for the 'complete Attainment of the Object proposed.

'Article XV.—The present Treaty, consisting of Fif-'teen Articles, shall be ratified, and the Ratifications

'thereof

'thereof exchanged in *London*, within a Year from this 'Date.

'In witness whereof the respective Plenipotentiaries 'have signed, in Duplicate, in the *English* and *Spanish* 'Languages, the present Treaty, and have affixed their 'respective Seals.

'Done in the City of *Mexico*, this Twenty-fourth Day 'of *February* in the Year of our Lord One thou- 'sand eight hundred and forty-one.

'(L.S.) *Richard Pakenham.*
'(L.S.) *Luis Gonzaga Cuevas.*

'ADDITIONAL ARTICLES.

'I.—Her *Britannic* Majesty agrees that, for the first 'Eight Years of the Duration of the present Treaty, the 'Government of the Republic shall not be obliged to 'appoint Cruisers to prevent the Traffic in Slaves; but 'the said Government of *Mexico* reserves to itself the 'Right of appointing such Cruisers as soon as the Cir- 'cumstances of its Navy may permit such Appointment, 'giving Notice thereof to the Government of Her *Bri- 'tannic* Majesty.

'II.—To avoid even the Possibility of Prejudice re- 'sulting from the Ninth Article of Treaty of this Date to 'the Merchant Vessels which the *Mexican* Government 'may have occasion to employ in certain Cases for the 'Conveyance of Troops by Sea, or of Convicts from one 'Point of the Republic to another, it is agreed to except 'from the Operation of the Ninth Article the Merchant 'Vessels employed by the *Mexican* Government in such 'Service; such Vessels shall not be liable to be detained, 'even if One or more of the Things mentioned in the 'aforesaid Article should be found on board, provided 'they do not convey Negroes for the Slave Trade, and that 'the Captain of the Vessel on board which the prohibited 'Articles or Effects are found produce a Document, signed 'by any competent Authority of the Republic, stating 'the Service on which such Vessel is employed; but such 'Document must not be of a Date so remote that it may 'be believed, on reasonable Grounds, to have been issued 'for another Voyage anterior to that on which such Vessel 'has been met with.

'The Two preceding additional Articles shall have the 'same Force and Effect as if they had been inserted, 'Word for Word, in the Treaty of this Date. They 'shall be ratified and the Ratifications exchanged at the

'same

'same Time as those of the Treaty of which they form 'Part.

'In witness whereof the respective Plenipotentiaries 'have signed them, and affixed their Seals.

'Done in the City of *Mexico*, this Twenty-fourth 'Day of *February* in the Year of our Lord One 'thousand eight hundred and forty-one.

'(L.S.) *Richard Pakenham.*

'(L.S.) *Luis Gonzaga Cuevas.*

'ANNEX (A.)

'To the TREATY between GREAT BRITAIN and the REPUBLIC 'of MEXICO for the ABOLITION of the SLAVE TRADE.

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

'ARTICLE I.—The Commander of any Ship belonging 'to the Navy of Her *Britannic* Majesty, or of the Repub- 'lic of *Mexico*, duly furnished with these Instructions, 'shall have the Right to visit, search, and detain any '*British* or *Mexican* Merchant Vessel which shall be 'engaged, or suspected on good Grounds of being en- 'gaged, in the Slave Trade, or of being fitted out for that 'Purpose, or of having been engaged in the said Traffic 'during the Voyage in which such Vessel may be met with 'by such Ship of the *British* or *Mexican* Navy. If such 'Commander should find his Suspicions borne out, he 'may send or bring such Vessels as soon as possible to 'be tried by the competent Tribunals, according to the 'Tenor of the Seventh Article of the Treaty of this 'Date.

'ARTICLE II.—Whenever a Ship of either of the said 'Two Navies, duly authorized as aforesaid, shall meet a 'Merchant Vessel liable to be visited under the Provi- 'sions of the Treaty, the Search shall be conducted in 'the most considerate Manner, and with every Attention 'which ought to be observed between Two allied and 'friendly Nations; and the Search shall in every Case be 'made by an Officer holding a Rank not lower than that 'of Lieutenant in the Navy to which he belongs, or by 'the Officer who at the Time shall be Second in Command 'of the Ship by which the Search is made.

'ARTICLE III.—The Commander of any Ship of the 'Two Navies, duly authorized who may detain any Mer- 'chant Vessel in pursuance of the present Instructions, 'shall leave on board the detained Vessel her Master,

'Mate,

'Mate, or Boatswain, and Two or Three at least of her 'Crew, all her Cargo, and all the Slaves, until they arrive 'at the Place where they are to be disembarked, as sti- 'pulated in the Seventh Article of the Treaty.

'The Captor shall at the Time of Detention draw up 'in Writing an authentic Declaration, to be signed by 'himself, which shall set forth the State in which he found 'the detained Vessel, and this Document shall be given 'in or sent together with the captured Vessel to the 'Tribunal before which such Vessel shall be carried or 'sent for Adjudication.

'The said Captor shall deliver to the Master of the 'detained Vessel a signed Certificate, stating the Papers 'seized on board the same, as well as the Number of 'Slaves found on board at the Time of Detention.

'In the authentic Declaration hereby required to be 'made by the Captor, and in the Certificate of the Papers 'seized, he shall insert his Name and Rank, the Name of 'the capturing Ship, the Latitude and Longitude of the 'Spot where the Detention shall have taken place, and 'the Number of Slaves found on board the Vessel at the 'Time of such Detention.

'The Declaration to be produced by the capturing 'Commander shall also set forth the Place where the 'Slaves have been landed, in pursuance of the Stipulation 'in the Seventh Article of the Treaty, as well as the 'Necessity and Reasons for having conveyed them to such 'Place.

'The Officer in charge of the detained Vessel shall, at 'the Time of giving in the aforesaid Papers to the pro- 'per Tribunal, produce a Statement, sworn to and signed 'by himself, of the Changes which may have taken place 'with respect to the Vessel, her Crew, the Slaves, if any, 'and her Cargo, from the Time of her Detention to the 'Day of the Delivery of such Document.

'The undersigned Plenipotentiaries have agreed, in 'conformity with the Thirteenth Article of the Treaty 'signed this Day, that the preceding Instructions, con- 'sisting of Three Articles, shall be annexed to the said 'Treaty, and be considered an integral Part thereof.

'Done in the City of *Mexico*, this Twenty-fourth Day 'of *February* One thousand eight hundred and 'forty-one.

'(L. S.) *Richard Pakenham.*
'(L. S.) *Luis Gonzaga Cuevas.*

'ANNEX

' Annex (B.)

' Of the Treaty between Great Britain and the Republic ' of Mexico for the Abolition of the Slave Trade.

' *Regulations for the Courts which are to take cognizance* ' *of the Causes of the Vessels detained by virtue of the* ' *Stipulations of the Treaty of this Date.*

' Article I.—The Courts which, according to the ' Laws of the Two Contracting Nations, are to take cognizance of the Causes of the Vessels detained by virtue ' of the Stipulations of the Treaty to which these Regulations are annexed, shall proceed in the most summary ' Manner permitted by the Laws of their respective ' Countries, and with entire Subjection to the Stipulations ' of the said Treaty, observing in every Case the strictest ' Impartiality.

' Each of the Two High Contracting Parties engages ' to pay out of their respective Treasuries the Salaries of ' the Judges and Officers appointed to take cognizance of ' these Causes.

' Article II.—The Expences incurred by the Officer ' charged with the Reception, Maintenance, and Care of ' the detained Vessel, Slaves, and Cargo, and the Expences ' of carrying the Sentence into execution, and all Disbursements occasioned in bringing the Vessel before the competent Court, shall, in case of Condemnation, be defrayed from the Funds arising from the Sale of the ' Materials of the Vessel after the same shall have been ' broken up, of the Ship's Stores and other Articles of ' Merchandize found on board; and in case the Proceeds ' arising from such Sales should not prove sufficient to ' defray such Expences the Deficiency shall be made good ' by the Government of the Country within whose Territory the Vessel shall have been tried.

' If the detained Vessel shall be acquitted, the Expences ' occasioned by bringing her to Adjudication shall be ' defrayed by the Captor, except in the Cases specified ' and provided for in the Tenth Article of the Treaty of ' this Date, and in the Sixth Article of these Regulations.

' Article III.—The final Sentence of the Courts ' which have to take cognizance of these Causes shall not ' in any Case be delayed for more than Two Months, ' whether 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 themselves the Expence and Risks of ' the Delay, the Courts may, at their Discretion, grant

' any

'any additional Delay, not exceeding Four Months. 'Either Party may employ such Person or Persons as he 'may think fit to assist him in the Trials in question.

'All the Acts and essential Parts of the Proceedings of 'the respective Courts shall be drawn up in Writing in 'the Language of the Country to which the Court belongs.

'ARTICLE IV.—If the detained Vessel shall be restored 'by the Sentence of the Court, the Vessel and the Cargo, 'in the State in which they shall then be found, shall 'forthwith be given up to the Master, or to the Person 'who represents him; and such Master or other Person 'may, before the same Court, claim a Valuation of the 'Damages which he may have a Right to demand.

'The Captor himself, and in his Default his Govern- 'ment, 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 above-named Court; it being mutually 'understood and agreed, that such Costs and Damages 'shall be made good by the Government of the Country 'of which the Captor shall be a Subject.

'ARTICLE V.—If the detained Vessel shall be con- 'demned, she shall be declared lawful Prize, together 'with her Cargo, of whatever Description it may be, and 'the said Vessel shall, as well as her Cargo, be sold by 'public Auction, for the Benefit of the Two Governments, 'subject to the Payment of the Expences herein-after 'mentioned.

'ARTICLE VI.—The Courts 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 Cases wherein Restitution of such Vessels and 'Cargoes shall be decreed, save as mentioned in Article 'the Tenth of the Treaty to which these Regulations form 'an Annex, and in a subsequent Part of these Regula- 'tions, the Court shall award to the Claimant or Claim- 'ants, 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 Merchandize, if any, deducting all Charges and Expences '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 Expences '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 Five *per Centum per Annum* on the Sum 'awarded, until such Sum is paid by the Government to 'which the capturing Ship belongs. The whole Amount 'of such 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 'Court 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 Expences 'consequent upon such Detention.

'Schedule of Demurrage or daily Allowance for a Vessel of

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

'And so in proportion.

'Article

'ARTICLE VII.—Neither the Magistrates who constituted the Courts, nor the Secretaries, nor the subordinate Officers, 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 their Duties.

'The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty of this Date, that the preceding Regulations, consisting of Seven Articles, shall be annexed to the said Treaty, and considered as an integral Part thereof.

'Done in the City of *Mexico*, this Twenty-fourth Day of *February* One thousand eight hundred and forty-one.

'(L.S.) *Richard Pakenham.*
'(L.S.) *Luis Gonzaga Cuevas.*

'ANNEX (C.)

'To the TREATY between GREAT BRITAIN and the REPUBLIC of MEXICO for the ABOLITION of the SLAVE TRADE.

'*Regulations for the Treatment of liberated Negroes.*

'ARTICLE I.—The Object of these Regulations is, to secure to Negroes liberated by the Stipulations of the Treaty to which they form an Annex, *sub literâ* (C.), permanent good Treatment, and full and complete Emancipation, in conformity with the humane Intentions of the High Contracting Parties.

'ARTICLE II.—As soon as the Slaves are disembarked, in conformity with the Provisions of the Seventh Article of the Treaty to which these Regulations are annexed, they shall receive from the chief political Authority a Certificate of Emancipation, and shall immediately be placed at the Disposition of the Government of the Nation to which the Point or Place of Disembarkation belongs, in order that they may be treated in accordance with the present Regulation.

'ARTICLE III.—The Government of the Republic of *Mexico* engages, when the Case occurs, to secure to the Negroes the Enjoyment of their acquired Liberty, good Treatment, adequate Instruction in the Tenets of Religion and Morality, and such as may be necessary in order that they may be able to maintain themselves as Artizans, Mechanics, or domestic Servants.

'ARTICLE IV.—Her *Britannic* Majesty, in like Manner, engages to treat such Negroes, when disembarked in any Point of Her Dominions, in exact Conformity with

'the Laws in force in the Colonies of *Great Britain* for the 'Regulation of the emancipated Negroes.

'Article V.—The Two Governments engage to take 'the requisite Measures, with a view to obtain, periodically, 'Information of the Existence of the Negroes who may 'have been emancipated by virtue of the Treaty of this 'Date, of the Improvement in their Condition, and of 'the Progress made in their Instruction, both religious 'and moral, as also in the Arts of Life, or Proof of their 'Death. These Data will serve to furnish, as the Case 'occurs, the Information spoken of in the Twelfth Article 'of the said Treaty.

'The undersigned Plenipotentiaries have agreed, in 'conformity with the Thirteenth Article of the Treaty of 'this Date, that these Regulations, consisting of Five 'Articles, shall be annexed to the said Treaty, and be 'considered as an integral Part thereof.

'Done in the City of *Mexico*, this Twenty-fourth Day 'of *February* in the Year of our Lord One thousand eight 'hundred and forty-one.

'(L. S.) *Richard Pakenham.*
'(L. S.) *Luis Gonzaga Cuevas.*

'And whereas on the Thirteenth Day of *April* in the Year of 'our Lord One thousand eight hundred and forty-two a further 'additional Article to the said Treaty was concluded and signed, 'whereby it was agreed as follows:

'Additional Article.—The Ratifications of the Treaty 'for the Suppression of the Slave Trade under the Flag 'of *Mexico*, concluded at *Mexico* on the Twenty-fourth 'Day of *February* in the Year One thousand eight hun- 'dred and forty-one, shall be exchanged in *London* within 'Six Months from the Date of this Agreement.

'The present additional Article shall have the same 'Force and Effect as if it had been inserted, Word for 'Word, in the aforesaid Treaty of the Twenty-fourth 'Day of *February* in the Year One thousand eight hun- 'dred and forty-one, and the Ratifications of it shall be 'exchanged in *London* at the same Time as the Ratifi- 'cation of the Treaty of which it forms a Part.

'In witness whereof the respective Plenipotentiaries 'have signed the present Agreement, and have affixed 'their respective Seals.

'Done in the City of *Mexico*, the Thirteenth Day of 'April in the Year of our Lord One thousand 'eight hundred and forty-two.

'(L. S.) *Richard Pakenham.*
'(L. S.) *Jose Maria Tornel.*

'And

'And whereas the said Treaty and additional Article was 'ratified between Her Majesty the Queen of the United King-'dom of *Great Britain* and *Ireland* and the Republic of *Mexico*, 'and such Ratifications were exchanged at *London* on the 'Twenty-ninth Day of *July* in the Year 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 said Treaty and Annexes, 'and additional Article:' 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 *Mexican* Republic, 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, unless he be at the Time Commander or Second in Command of the searching Ship instructed and authorized as aforesaid, to visit and detain in any Seas, except within the Limits exempted by the Terms of the Fourth Article of the said Treaty, 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 having been fitted out for that Purpose, or having been engaged in such Traffic during the Voyage in which such Vessel is met, contrary to the Provisions of the said Treaty, and to 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 as herein-after mentioned; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty or of the Mexican Republic, duly authorized and empowered to visit and search Merchant Ships of the Two Nations within certain Limits.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects, which shall be suspected upon reasonable Grounds of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Mexican* Vessels of War duly authorized for that Purpose, according to the Stipulations of the said Treaty, and subject to Adjudication, as herein-after mentioned.

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

III. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board 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 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 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,

Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

5 G. 4. c. 113. intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

The Trial of Vessels engaged in the Slave Trade.

IV. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, to take cognizance of and try any such *British* Vessel which shall be detained or captured within the Limits aforesaid under any such Order or Authority, and to condemn any such Vessel, and adjudge, as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Punishing Persons giving false Evidence.

V. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding 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 Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England;* and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex.*

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

VI. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done under or in pursuance of the Provisions of the said Treaty.

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

VII. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts for the Benefit of the Two Governments of *Great Britain* and *Mexico*, and the Proceeds thereof shall be paid to such Person or Persons

as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

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

VIII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the Treaty or Articles herein-before mentioned, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion of the net Proceeds 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.

Bounty for Slaves captured.

IX. And be it enacted, That there shall be paid to the Commander, 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 *Mexican* Ship or Vessel taken 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 Commissioners of Her Majesty's Treasury, and 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.

X. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, 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.

XI. And be it enacted, That 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.

Bounties to be paid out of the Consolidated Fund.

XII. And be it enacted, That all Bounties payable under this Act 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 such Seizures under the Provisions of any such Treaties or Conventions; and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

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

Proof of Tonnage.

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

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

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

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

XVI. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any *British* or *Mexican* 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 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.

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

of this Act, 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.

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

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

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

The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expences incurred by him.

XX. 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, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

No Compensation to be made when any Articles specified in the Ninth Article of the Treaty are found on board.

XXI. Provided always, and be it enacted, That if any of the Things specified in the Ninth Article of the said Treaty shall be found on board any Vessel which shall be detained and brought before either of the Tribunals before mentioned, neither the Master nor the Owner, nor any Person whatsoever interested in the Equipment or Cargo of the Vessel, shall recover any Compensation or Damages for such Detention although such Tribunal should not pronounce any Sentence of Condemnation.