CAP. LII.

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

[10th *August* 1843.]

'WHEREAS on the Nineteenth Day of *January* in the Year of our Lord One thousand eight hundred and thirty-nine a Treaty was concluded and signed at *Santiago*, between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Chile*, for the Abolition of the Traffic in Slaves, whereby it was agreed as follows:

'ARTICLE I.—The Slave Trade having been constitutionally abolished throughout the Territories of the *Chilian* Republic is hereby declared to be henceforward totally prohibited to all the Citizens of the said Republic in all Parts of the World.

'ARTICLE II.—The President of the Republic of *Chile* especially engages, within the Space of Two Months after the Exchange of the Ratifications, should the ordinary Congress then be in Session, or within Two Months after the first subsequent ordinary Meeting of the said Congress, to promulgate a Law imposing the Punishment attached to Piracy on all *Chilian* Citizens who shall, under any Colour or Pretext, take any Part whatever in the Traffic of Slaves; and he in like Manner engages to adopt, from Time to Time as may become needful, the most effectual Measures for preventing the Citizens of the said Republic of *Chile* from being concerned, and the Flag of that Republic from being used, in carrying on in any way the Traffic in Slaves.

'ARTICLE III.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the President of the Republic of *Chile* hereby mutually engage that, by an additional Convention hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the Details of the Measures by which the Law of Piracy, which will become applicable to that Traffic by the Legislation of each of the Two Countries, shall be immediately and reciprocally carried into execution with respect to the Vessels and Subjects or Citizens of each.

'ARTICLE IV.—In order more completely to carry into effect the Spirit of the present Treaty the Two High Contracting Parties mutually consent that those Ships of their Navies respectively which shall be provided with special

'special Instructions for that Purpose, as herein-after 'mentioned, may visit such Merchant Vessels of the Two 'Nations as may be suspected, upon reasonable Grounds, 'of being engaged in the Traffic in Slaves, or of having 'been fitted out for the Purposes thereof, or of having, 'during the Voyage in which they are met by the said 'Cruisers, been engaged in the Traffic in Slaves, contrary 'to the Provisions of this Treaty; and that such Cruisers 'may detain and send or carry away such Vessels, in 'order that they may be brought to Trial in the Manner 'herein-after agreed upon.

'ARTICLE V.—In order to regulate the Mode of carry-'ing the Provisions of the preceding Article into execu-'tion, it is agreed,—

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

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

'Thirdly,—That if at any Time there shall be just 'Cause to suspect that any Merchant Vessel sailing 'under the Flag of either Nation, and proceeding under 'the Convoy of any Ship or Ships of War of either of 'the Contracting Parties, is engaged or is intended 'to be engaged in the Traffic in Slaves, or is fitted out 'for the Purposes thereof, or has, during the Voyage on 'which she may be met with, been engaged in the 'Traffic in Slaves, it shall be lawful for the Com-'mander of any Ship of the Navy of either of the 'Two High Contracting Parties, furnished with such 'Instructions as aforesaid, to visit such Merchant 'Vessel; and such Commander shall proceed to visit 'the same, in communication with the Commanding 'Officer of the Convoy, who, it is hereby agreed, shall 'give every Facility to the Visit, and to the eventual 'Detention, of such Merchant Vessel, and in all Things 'shall assist to the utmost of his Power in the due 'Execution of the present Treaty, according to the 'true Intent and Meaning thereof:

'Fourthly,—It is further mutually agreed, That the 'Commanders of the Ships of the Two Navies respec-

'tively

'tively who shall be employed on this Service shall 'adhere strictly to the exact Tenor of the aforesaid 'Instructions.

'Article VI.—As the Two preceding Articles are 'entirely reciprocal, the Two High Contracting Parties 'engage mutually to make good any Losses which their 'respective Subjects or Citizens may incur by the arbi- 'trary and illegal Detention of their Vessels, it being under- 'stood that this Indemnity shall invariably be borne by 'the Government whose Cruiser shall have been guilty 'of such arbitrary and illegal Detention, and that the 'Visit and Detention of Vessels, specified in Article IV. of 'this Treaty, shall only be effected by those *British* or '*Chilian* Ships which may form Part of the Navies (Royal 'and National) respectively of the Two High Contracting 'Parties to the Treaty, and such Ships only of those 'Navies as shall be provided with the special Instruction 'annexed to the present Treaty, in pursuance of the 'Provisions thereof:

'The Compensation for Damages of which this Article 'treats shall be made within the Term of One Year, 'reckoned from the Day on which the Mixed Court of 'Justice pronounces Sentence on the Vessel for the 'Detention of which such Compensation is claimed.

'Article VII.—In order to bring to Adjudication 'with as little Delay and Inconvenience as possible the 'Vessels which may be detained according to the Tenor 'of Article IV. of this Treaty, there shall be established, 'within the Space of a Year at furthest from the Exchange 'of the Ratifications of the present Treaty, Two Mixed 'Courts of Justice, formed of an equal Number of Indi- 'viduals of the Two Nations named for this Purpose by 'the Two High Contracting Parties especially.

'These Courts shall reside, one in a Possession belong- 'ing to Her *Britannic* Majesty, the other within the 'Territories of the Republic of *Chile;* and the Two 'Governments at the Period of the Exchange of the 'Ratifications of the present Treaty shall declare, each for 'its own Territories, in what Places the Courts shall respec- 'tively reside; each of the Two High Contracting Parties 'reserving to itself the Right of changing at its Pleasure 'the Place of Residence of the Court held within its own 'Territories; provided, however, that one of the Two 'Courts shall always be held upon the Coast of *Africa,* 'and the other in one of the Possessions of the Republic 'of *Chile.*

'These Courts shall judge the Causes submitted to 'them according to the Provisions of the present Treaty, 'without Appeal, and according to the Regulations and

'Instructions

'Instructions which are annexed to the present Treaty, 'and which are considered as forming an integral Part 'thereof.

'ARTICLE VIII.—If the Commanding Officer of any of 'the Ships of the Navies of *Great Britain* and of *Chile* 'respectively, duly commissioned according to the Pro- 'visions of Article IV. of this Treaty, shall deviate in any 'respect from the Stipulations of the said Treaty, or from 'the Instructions annexed to it, the Government which 'shall conceive itself to be wronged thereby shall be enti- 'tled to demand Reparation; and in such Case the Go- 'vernment to which such Commanding Officer may belong 'binds itself to cause Inquiry to be made into the Sub- 'ject of the Complaint, and to inflict upon the said Officer 'a Punishment proportioned to any wilful Transgression 'which he may have committed.

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

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

'Secondly,—Divisions or Bulkheads in the Hold, or 'on Deck, in a 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 Vessels for holding Liquid, unless the 'Master shall produce a Certificate from the Custom 'House at the Place from which he cleared outwards, 'stating that a sufficient Security had been given by 'the Owners of such Merchant Vessel that such extra 'Quantity of Casks or other Vessels should only be 'used for the Reception of Palm Oil, or for other Pur- 'poses of lawful Commerce.

'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 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 of the ordinary Size.

'Ninthly,—

'Ninthly,—An extraordinary Quantity either of Rice, 'of the Flour of Brazil, Manioc, or Cassada, com- 'monly called Farina, of Maize, or Indian Corn, or of 'any other Article of Food whatever, beyond what 'might probably be required for the Use of the Crew, 'such Rice, Flour, Maize, Indian Corn, or other 'Article of Food not being entered on 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 Crew of the Vessel 'as a Merchant Vessel.

'Any One or more of these several Things, if proved, 'shall be considered as *primâ facie* Evidence of the actual 'Employment of the Vessel in the Slave Trade; and the 'Vessel shall thereupon be condemned and be declared 'lawful Prize, unless clear and incontestible 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 Detention 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 had been put on board on the Voyage 'on which the Vessel when captured was proceeding, were 'needed for legal Purposes on that particular Voyage.

'Article X.—If any of the Things specified in the 'preceding Article shall be found in any Merchant Vessel, 'no Compensation for Losses, Damages, or Expences '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 Equip- 'ment or Lading, even though the Mixed Court of Jus- 'tice should not pronounce any Sentence of Condem- 'nation in consequence of her Detention, the Intention 'of the Two High Contracting Parties in agreeing to 'this Stipulation being to discourage, by all the Means 'at their Disposal, the Embarkation of Stores of the Class 'enumerated in the foregoing Article, under any Pretext, 'or for whatever Purpose they may be intended, and 'which, though discovered on board of a Vessel not actu- 'ally engaged or to be employed in the Traffic in Slaves, 'may be surreptitiously converted to the furtherance of 'the iniquitous Designs of those who are, or may here- 'after be so, in contravention of the Provisions of this 'Treaty.

'Article XI.—It is hereby agreed between the Two 'High Contracting Parties, that in all Cases in which a 'Vessel shall be detained under this Treaty by their 'respective Cruisers, as having been engaged in the Slave 'Trade, or as having been fitted out for the Purposes 'thereof, and shall consequently be adjudged and con-

'demned

'demned by the Mixed Courts of Justice to be estab-
'lished as aforesaid, the said Vessel shall, immediately
'after its Condemnation, be broken up entirely, and shall
'be sold in separate Parts after having been so broken up.

'ARTICLE XII.—The Negroes who are found on board
'of a Vessel detained by a Cruiser, and condemned by the
'Mixed Courts of Justice, in conformity with the Stipu-
'lations of this Treaty, shall be placed at the Disposition
'of the Government whose Cruiser has made the Cap-
'ture, on the distinct Understanding that they shall be
'immediately set at liberty and kept free, the Govern-
'ment to which they have been delivered guaranteeing
'the same, and likewise engaging to afford from Time to
'Time, and whenever demanded by the other High Con-
'tracting Party, the fullest Information as to the State
'and Condition of such Negroes, with a view of in-
'suring 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 Negroes
'liberated by Sentence of the Mixed Courts of Justice,
'have been drawn up, and are declared to form an inte-
'gral Part of this Treaty. The Two High Contracting
'Parties reserve to themselves the Right to alter or sus-
'pend, by common Consent and mutual Agreement, but
'not otherwise, the Terms and Tenor of such Regulations.

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

'(A.) Instructions for the Ships of the Navies of
'both Nations destined to prevent the Traffic in Slaves.

'(B.) Regulations for the Mixed Courts of Justice,
'which are to hold their Sittings on the Coast of *Africa*,
'and in one of the Possessions of the Republic of *Chile*.

'(C.) Regulations as to the Treatment of liberated
'Negroes.

'ARTICLE XIV.—The present Treaty, consisting of
'Fourteen Articles, shall be ratified, and the Ratifications
'thereof exchanged at *Santiago*, as soon as possible within
'the Space of Twelve Months from this Date.

'In witness whereof the respective Plenipotentiaries
'have signed, in Triplicate Originals, *English* and *Spanish*,
'the present Treaty, and have hereunto affixed the Seal
'of their Arms.

'Done at *Santiago de Chile*, this Nineteenth Day of
'*January* in the Year of our Lord One thousand
'eight hundred and thirty-nine.

'(L. S.) *John Walpole.*
'(L. S.) *Joaquin Tocornal.*

‘ Annex (A.)

‘ To the Treaty between Great Britain and the Republic ‘ of Chile, for the Abolition of the Traffic in Slaves.

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

‘ Article I.—The Commander of any Ship belonging ‘ to the Navy of Her *Britannic* Majesty or of the Republic ‘ of *Chile*, which shall be furnished with these Instructions, ‘ shall have a Right to visit, search, and detain any *British* ‘ or *Chilian* Merchant Vessel which shall be actually ‘ engaged, or which shall be suspected to be engaged, in ‘ the Slave Trade, or to be fitted out for the Purposes ‘ thereof, or to have been engaged in the Traffic in Slaves ‘ during the Voyage in which she may be met with by ‘ such Ship of the *British* or *Chilian* Navy; and such ‘ Commander shall thereupon bring or send such Merchant ‘ Vessel as soon as possible for Judgment before that one ‘ of the Two Mixed Courts of Justice, established in virtue ‘ of Article Seven of the said Treaty, which shall be the ‘ nearest to the Place of Detention, or which such Com- ‘ mander shall, upon his own Responsibility, think can be ‘ soonest reached from such Place.

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

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

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

‘ Court

'Court of Justice before which such Vessel shall be carried 'or sent for Adjudication.

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

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

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

'Article IV.—The Slaves shall not be disembarked 'till after the Vessel which contains them shall have 'arrived at the Place of Adjudication, in order that in 'the event of the Vessel not being adjudged legal Prize 'the Loss of the Proprietors may be more easily repaired; 'and even after the Slaves have arrived at such Place 'they are not to be landed without the Permission of the 'Mixed Court of Justice.

'But if the urgent Reasons deduced from the Length 'of the Voyage, from the State of Health of the Slaves, 'or from other Causes, should require that either the 'Whole or a Portion of the Negroes should be disembarked before the Vessel can arrive at the Place at 'which one of the said Courts is established, the Commander of the capturing Ship may take upon himself 'the Responsibility of so disembarking the Negroes; 'provided that such Necessity and the Causes thereof be 'stated in a Certificate in proper Form, and that this 'Certificate be entered at the Time on the Log Book 'of the detained Vessel.

'The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them 'on this Day, the Nineteenth of *January* One thousand 'eight hundred and thirty-nine, that the preceding Instructions, consisting of Four Articles, shall be annexed to the 'said Treaty, and be considered as an integral Part thereof.

'The Nineteenth Day of *January* One thousand eight 'hundred and thirty-nine.

'(L.S.) *John Walpole.*
'(L.S.) *Joaquin Tocornal.*

‘ Annex (B.)

‘ To the Treaty between Great Britain and the Republic ‘ of Chile, for the Abolition of the Traffic in Slaves.

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

‘ Article I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty, of which these ‘ Regulations are declared to be an integral Part, shall be ‘ composed in the following Manner:—Each of the Two ‘ High Contracting Parties shall name a Judge and an ‘ Arbitrator, who shall be authorized to hear and to ‘ decide, without Appeal, all Cases of the Capture or Detention of Vessels which, in pursuance of the Stipulations ‘ of the aforesaid Treaty, shall be brought before them. ‘ The Judges and the Arbitrators shall, before entering ‘ upon the Duties of their Office, respectively make Oath ‘ before the principal Magistrate of the Places in which ‘ such Courts respectively shall reside, that they will judge ‘ fairly and faithfully, that they will have no Preference ‘ either for the Claimants or the Captors, and that they ‘ will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

‘ There shall be attached to each of such Courts a ‘ Secretary or Registrar, who shall be appointed by the ‘ Government of the Country within the Territories of ‘ which such Court shall reside. Such Secretary or Registrar shall register all the Acts of such Court, and ‘ shall, before he enters upon his Office, make Oath before ‘ the Court to which he is appointed, that he will conduct ‘ himself with due Respect for his Authority, and will act ‘ with Fidelity and Impartiality in all Matters relating to ‘ his said Office.

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

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

‘ Article II.—The Expences incurred by the Officer ‘ charged with the Reception, Maintenance, and Care of ‘ the detained Vessels, Slaves, and Cargo, and with the ‘ Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in ‘ case of Condemnation, be defrayed from the Funds

'arising from the Sale of the Materials of the broken-up 'Vessel, of the Ship's Stores, and of such Parts of the 'Cargo as shall consist of Merchandize; and in case the 'Proceeds arising from this Sale should not prove sufficient to defray such Expences, the Deficiency shall be 'made good by the Government of the Country within 'whose Territories the Adjudication shall have taken 'place.

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

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

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

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

'The final Sentence shall not in any Case be delayed 'beyond the Period of Two Months, either on account 'of the Absence of Witnesses or for any other Cause, 'except upon the Application of any of the Parties interested, in which 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 an additional Delay, not exceeding Four Months. Either Party shall be allowed to 'employ such Counsel as he may think fit to assist him in 'the Conduct of his Cause.

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

'Article IV.—The Form of the Process shall be as 'follows:—The Judges appointed by the Two Nations 'respectively shall, in the first place, proceed to examine 'the Papers of the detained Vessel, and to take the 'Depositions of the Master or Commander, and of Two 'or Three at least of the principal Individuals on board 'such Vessel, as well as the Declaration on Oath of the 'Captor, should such Declaration appear necessary to

'enable them to judge and to pronounce whether the said 'Vessel has been justly detained or not, according to the 'Stipulations of the aforesaid Treaty, so that according 'to the Judgment pronounced the Vessel may be con- 'demned or released.

'In the event of the Two Judges not agreeing as to the 'Sentence which they ought to pronounce in any Case 'brought before them, either with respect to the Legality 'of the Detention, the Liability of the Vessel to Con- 'demnation, or the Compensation to be allowed, or as to 'any other Question which may arise out of the said 'Capture, or if any Difference of Opinion should arise 'between them as to the Mode of Proceeding in the said 'Court, they shall draw by Lot the Name of One of the 'Two Arbitrators appointed as aforesaid, which Arbitra- 'tor, after having considered the Proceedings which 'have taken place, shall consult with the Two above- 'mentioned Judges, and the final Sentence or Decision 'shall be pronounced conformably to the Opinion of the 'Majority of the Three.

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

'The Two High Contracting Parties bind themselves 'to pay, within the Term of a Year from the Date of 'the Sen ence, 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 or Citizen.

'Article VI.—If the detained Vessel shall be con- 'demned, she shall be declared lawful Prize, together with 'her Cargo, of whatever Description it may be, with the 'Exception of the Slaves who shall have been brought on 'board for the Purposes of Commerce; and the said Ves- 'sel, in conformity with the Regulations in Article IX. of 'the Treaty of this Date, shall, as well as her Cargo, be 'sold by public Sale for the Profit of the Two Govern- 'ments, subject to the Payment of the Expences herein- 'before mentioned.

'The

'The Slaves shall receive from the Court a Certificate 'of Emancipation, and shall be delivered over to the 'Government to whom belongs the Cruiser which made 'the Capture, to be dealt with according to the Regula- 'tions and Conditions contained in the Annex to this 'Treaty, *sub literâ* (C.)

'The Charges incurred for the Support and for the 'Return Voyage of the Commanders and Crews of con- 'demned Vessels shall be defrayed by the Government 'of which such Commanders and Crews are the Subjects 'or Citizens.

'ARTICLE VII.—The Mixed Courts of Justice shall also 'take cognizance of, and shall decide definitively, and 'without Appeal, all Claims for Compensation on account 'of Losses occasioned to Vessels and Cargoes detained 'under the Provisions of this Treaty, but which shall not 'have been condemned as legal Prize by the said Courts; 'and in all Cases wherein Restitution of such Vessels and 'Cargoes shall be decreed (save as mentioned in Article X. 'of the Treaty to which these Regulations form an Annex, 'and in a subsequent Part of these Regulations,) the 'Court shall award to the Claimant or Claimants, or to 'his or their lawful Attorney or Attornies, for his or 'their Use, a just and complete Indemnification for all 'Costs of Suit, and for all Losses and Damages which the 'Owner or Owners may have actually sustained by such 'Capture and Detention; (that is to say,)

'First,—In case of total Loss, the Claimant or Claim- 'ants 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 Merchan- 'dize, 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, not of total Loss, 'save as herein-after mentioned, 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, according to the Sche- 'dule annexed to the present Article.

'(c) For any Deterioration of the Cargo.

'(d) For all Premium of Insurance on additional 'Risks.

'Further,—The Claimant or Claimants shall be entitled 'to Interest, at the Rate of Five *per Centum per Annum*

'on the Sum awarded, until such Sum is paid by the 'Government to which the capturing Ship belongs. The 'whole Amount of such Indemnification shall be calculated 'in the Money of the Country to which the detained Ves- 'sel belongs, and shall be paid at the Rate of Exchange 'current at the Time of the Award.

'The Two High Contracting Parties, however, have 'agreed, that if it shall be proved to the Satisfaction of 'the Judges of the Two Nations, and without Recourse 'to the Decision of an Arbitrator, that the Captor has 'been led into Error by the Fault of the Master or 'Commander of the detained Vessel, the detained Vessel '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 VIII.—Neither the Judges, nor the Arbitra- 'tors, nor the Secretaries of the Mixed Courts of Justice, 'shall demand or receive from any of the Parties con- 'cerned in the Cases which shall be brought before such 'Courts any Emolument or Gift, under any Pretext what- 'soever, for the Performance of the Duties which such 'Judges, Arbitrators, and Secretaries have to perform.

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

'First,—On the Part of Her *Britannic* Majesty, and 'in that Court which shall sit within the Possessions 'of Her said Majesty, if the Vacancy be that of the '*British* Judge, his Place shall be filled by the *British* 'Arbitrator; and either in that Case, or if the Vacancy 'be originally that of the *British* Arbitrator, the Place 'of such Arbitrator shall be filled successively by the 'Governor or Lieutenant Governor resident in such

'Possession,

'Possession, by the principal Magistrate of the same, 'and by the Secretary of the Government; and the 'said Court so constituted as above shall sit, and in all 'Cases brought before them for Adjudication shall pro- 'ceed to adjudge the same, and to pass Sentence 'accordingly.

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

'Thirdly,—On the Part of the Republic of *Chile*, 'and in that Court which shall sit within the Terri- 'tories of the said Republic, if the Vacancy be that of 'the *Chilian* Judge, his Place shall be filled by the '*Chilian* Arbitrator; and either in that Case, or if the 'Vacancy be originally that of the *Chilian* Arbitrator, 'the Place of such *Chilian* Arbitrator shall be filled by 'the Intendant Governor of the Province in which the 'said Tribunal may reside, or by the Military Governor 'of *Valparaiso* if the Tribunal should reside in *Valparaiso;* 'and the said Court, so constituted as above, shall sit, 'and in all Cases brought before them for Adjudication 'shall proceed to adjudge the same, and pass Sentence 'accordingly.

'Fourthly,—On the Part of *Chile*, and in that Court 'which shall sit within the Possessions of Her *Britannic* 'Majesty, if the Vacancy be that of the *Chilian* Judge, 'his Place shall be filled by the *Chilian* Arbitrator; and 'either in that Case, or if the Vacancy be originally

'that of the *Chilian* Arbitrator, the Place of *Chilian* 'Arbitrator shall be filled successively by the *Chilian* 'Consul and *Chilian* Vice Consul, if there be a *Chilian* 'Consul or Vice Consul appointed to and resident in 'such Possession; and if the Vacancy be both of the '*Chilian* Judge and of the *Chilian* Arbitrator, then the 'Vacancy of the *Chilian* Judge shall be filled by the '*Chilian* Consul, and that of the *Chilian* Arbitrator by 'the *Chilian* Vice Consul, if there be a *Chilian* Consul 'and a *Chilian* Vice Consul appointed to and resident in 'such Possession; and in the Case in which there be no '*Chilian* Consul or Vice Consul to fill the Place of '*Chilian* Arbitrator, then the *British* Arbitrator shall 'be called in those Cases in which a *Chilian* Arbitrator 'would be called in; and in case the Vacancy be both 'of the *Chilian* Judge and *Chilian* Arbitrator, and there 'be neither *Chilian* Consul nor *Chilian* Vice Consul to 'fill *ad interim* the Vacancies, then the *British* Judge 'and *British* Arbitrator shall sit, and in all Cases 'brought before them for Adjudication shall proceed to 'adjudge the same, and pass Sentence accordingly.

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

'The undersigned Plenipotentiaries have agreed, in 'conformity with Article XIII. of the Treaty signed by 'them on this Day, the Nineteenth of *January* One thou-'sand eight hundred and thirty-nine, that the preceding 'Regulations, consisting of Nine Articles, shall be annexed 'to the said Treaty, and considered as an integral Part 'thereof.

'The Nineteenth Day of *January* One thousand eight 'hundred and thirty-nine.

'(L.S.) *John Walpole.*
'(L.S.) *Joaquin Tocornal.*

'ANNEX

ANNEX (C.)

To the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE for the ABOLITION of the TRAFFIC in SLAVES.

Regulations for the good Treatment of liberated Negroes.

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

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

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

ARTICLE IV.—If the Cruiser which made the Capture is *Chilian*, then the Negroes shall be delivered over to the *Chilian* Authorities of that Place in the Dominions of *Chile* in which the Mixed Court of Justice is established; and the *Chilian* Government solemnly engages that such Negroes shall there be treated strictly according to the Regulations actually in force in *Chile* with respect to free Negroes, or according to such Regulations as may in future be established in *Chile* in this respect, and which Regulations shall always have in view the humane Object of securing honestly and faithfully to emancipated Negroes the unmolested Enjoyment of their Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, Advancement in Morality and Civilization, and sufficient Instruction in the mechanical Arts in order that the said emancipated Negroes may be enabled to earn their own Subsistence, whether as Artizans, Mechanics, or Servants.

ARTICLE V.—For the Purpose which is explained in Article VI. there shall be kept in the Office of the Governor of the Part of the Possessions of the Republic of

Chile

'*Chile* where the Mixed Court of Justice resides, a Register of all emancipated Negroes, in which shall be entered with scrupulous Exactness the Names given to the Negroes, the Names of the Vessels in which they were captured, the Names of the Persons to whose Care they have been committed, and any other Circumstances likely to contribute to the End in view.

'Article VI.—The Register to which the preceding Article refers will serve to form a general Return, which the Governor of that Part of the Possessions of the Republic of *Chile* where the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid Mixed Commission, in order to show the Existence of the Negroes emancipated under this Treaty, the Improvement made in their Condition, and the Progress made in their religious and moral Instruction, and in the Arts of Life. The aforesaid Return shall also specify the Names and Descriptions of such of the emancipated Negroes as shall have died during the Period for which the Return is made up.

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

'Article VIII.—The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this Day, the Nineteenth of *January* One thousand eight hundred and thirty-nine, that this Annex, consisting of Eight Articles, shall be united to the said Treaty, and be considered an integral Part thereof. The Nineteenth Day of *January* One thousand eight hundred and thirty-nine.

'(L.S.) *John Walpole.*
'(L.S.) *Joaquin Tocornal.*

'Articles additional to the Treaty concluded this Nineteenth Day of *January* One thousand eight hundred and thirty-nine, between Her *Britannic* Majesty and the Republic of *Chile*, for the Suppression of the Slave Trade.

'Article I.—It is agreed and understood, that if there should be any Delay in appointing the Judge and the Arbitrator to be nominated on the Part of the Republic

'of

'of *Chile* to act in each of the Mixed Courts of Justice to 'be established under this Treaty, or if those Officers, 'after being appointed, should at any Time be absent, 'then and in either of such Cases the Judge and Arbi- 'trator appointed on the Part of Her *Britannic* Majesty, 'and present in the said Courts, shall, in the Absence of 'the *Chilian* Judge and Arbitrator, proceed to open the 'said Courts, and to adjudge such Cases as may be 'brought before them under the Treaty; and the Sentence 'pronounced upon such Cases by the said *British* Judge 'and Arbitrator shall have the same Force and Validity 'as if the Judge and the Arbitrator on the Part of *Chile* 'had been appointed and had been present and acting in 'the Mixed Courts in the Cases in question.

'ARTICLE II.—It is also agreed, notwithstanding the 'Provisions of the First Article of the Annex (B.), that 'so long as no *Chilian* Judge and Arbitrator are nomi- 'nated it will be unnecessary for the Republic of *Chile* to 'nominate the Secretary or Actuary mentioned in the said 'Article; that in the meanwhile the Secretary or Actuary 'of the Court which may exist within the Territory of the 'Republic of *Chile* shall be named and paid by the Go- 'vernment of Her *Britannic* Majesty, and that the entire 'Expence of both the Courts to be established under this 'Treaty shall be borne by the Government of Her *Bri- 'tannic* Majesty.

'The present additional Articles shall form an integral 'Part of the Treaty for the Suppression of Slave Trade 'signed this Day, and shall have the same Force and 'Validity as if they were inserted Word for Word in that 'Treaty, and shall be ratified within Twelve Months, or 'sooner if possible.

'Done at *Santiago de Chile*, this Nineteenth Day of '*January* in the Year of our Lord One thousand 'eight hundred and thirty-nine.

'(L.S.) *John Walpole.*
'(L.S.) *Joaquin Tocornal.*

'And whereas the said Treaty was ratified between Her Ma- 'jesty the Queen of the United Kingdom of *Great Britain* and '*Ireland* and the Republic of *Chile*, and such Ratification was 'exchanged on the Sixth Day of *August* One thousand eight 'hundred and forty-two: And whereas an additional and ex- 'planatory Convention was concluded at *Santiago* on the 'Seventh Day of *August* One thousand eight hundred and 'forty-one, as follows:

'ARTICLE

'Article I.—The Two High Contracting Parties recognize as valid and existing all the Obligations which it 'was their Intention respectively to contract by all and 'each of the Articles of the Treaty of the Nineteenth 'of *January* One thousand eight hundred and thirty-nine, 'to co-operate for the effectual and complete Abolition of 'the Slave Trade, and by all and each of the Articles of 'the Annexes marked (A.), (B.), and (C.), and by the 'Two separate additional Articles, which, as therein 'stipulated, ought and are to be considered as integral 'Parts of the above-mentioned Treaty, all in the same 'Manner as if the above-mentioned Treaty formed an 'integral Part of the present Convention, and was inserted 'Word for Word in it; saving, however, the Exceptions 'and Modifications which are hereafter expressed.

'Article II.—The Power which, by the Articles IV. 'and V. of the above-mentioned Treaty of the Nineteenth 'of *January* One thousand eight hundred and thirty-nine, 'is conceded to the Vessels of the Navies of the Two 'Nations which shall be employed in impeding the Traffic 'in Slaves, to visit the Merchant Vessels of both which 'may be found in the Case indicated in Article IV. already 'referred to, and in order that in consequence of the 'Visit they may proceed with respect to the Vessels and 'their Cargo in accordance with the Instructions in An-'nex (A.), shall not be understood as yielded unless to be 'exercised solely and exclusively in the Places which are 'hereafter expressed; (that is to say,)

'First,—Along the Western Coast of *Africa* from 'the Fortieth Degree of South Latitude to the Twenty-'fifth Degree of North Latitude, and to the Twenty-'seventh Degree of West Longitude calculated from the 'Meridian of *Greenwich.*

'Second,—All round the Island of *Madagascar*, to 'the Extent of Twenty Leagues from that Island.

'Third,—The same Distance from the Coasts of the 'Island of *Cuba.*

'Fourth,—The same Distance from the Coasts of the 'Island of *Puerto Rico*; and,

'Fifth,—The same Distance from the Coasts of '*Brazil.*

'Nevertheless, if a Vessel of which Suspicion should 'be entertained, and which should have been chased 'whilst within the assigned Limits, should succeed in 'passing them, it may be searched, provided that it has 'not been lost Sight of during the Chase.

'Article III.—The before-mentioned Treaty and the 'present Convention shall be respectively ratified by Her 'Majesty the Queen of the United Kingdom of *Great* '*Britain* and *Ireland*, and by the President of the Repub-

'lic

'lic of *Chile;* and the Ratifications of both shall be exchanged within One Year, reckoned from the Date of the present Convention, or sooner, if possible.

'In faith of which the respective Plenipotentiaries have signed Three Copies of the present Convention in the *English* Language, and have sealed them with their Arms.

'Done in the City of *Santiago*, the Seventh Day of *August* in the Year of our Lord One thousand eight hundred and forty-one.

'(L.S.) *John Walpole.*

'(L.S.) *Ramon Luis Yrarrazaval.*

'And whereas the said additional and explanatory Convention was also ratified between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of *Chile*, and such Ratification was exchanged at *Santiago* on the Sixth Day of *August* 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 the Annexes thereto, and also the said additional and explanatory Convention:' 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 *Chile*, not below the Rank of Lieutenant of the Royal Navy, (unless the Command shall, by reason of Death or otherwise, be held by an Officer of inferior Rank,) or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly instructed and authorized, according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty or of the Republic of Chile, being duly authorized and empowered, may visit and search Merchant Ships of either 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, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes

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

Cargoes therein, shall be subject to Search and Detention by *British* or *Chilian* Vessels of War, duly authorized for that Purpose, according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

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

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

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

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established in Her Majesty's Dominions, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

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

V. And be it enacted, That in case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be

be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the Republic of *Chile*, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Chilian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Chilian* Judge and *Chilian* Arbitrator of such Court to sit alone in such Court; and in all Cases brought before them for Adjudication to adjudge the same and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Court shall be established, whether belonging to Her *Britannic* Majesty or to the Republic of *Chile*; which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Form of Oath.

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

Secretary or Registrar to take an Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty and of this Act, before he

he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Court, who shall be empowered to administer the same in the Form following; (that is to say,)

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best 'of my Skill and Knowledge, act in the Execution of my 'Office; and that I will conduct myself with Respect to the 'Authority of the Judges and Arbitrators of the Court to which 'I am attached, and will act with Fidelity in all the Affairs 'which may belong to my Charge, and without Preference or 'Favour either for Claimants or Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

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

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

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Per-

sons on board the same, in consequence of any Capture, Seizure, or Detention, or any thing done in pursuance of the Provisions of the said Treaty.

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

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel wholly or in part owned by Subjects of Her Majesty, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the Slave Trade, or to have been fitted out for the 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, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.* 5 G. 4. c. 113.

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

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

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

Bounty for Slaves captured.

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

Bounty on Tonnage of Slave Ships captured and demolished.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished,

lished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel, at the Rate of Thirty Shillings for every Ton of such Tonnage.

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

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of Consolidated Fund.

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

Bounties not liable to Payment of Fees.

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

Proof of Tonnage.

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

Copy of Sentence of Condemnation to be produced to the Commis-

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her

Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. sioners of the Treasury.

XX. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any *British* or *Chilian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over. One Moiety of the Bounty only to be paid in certain Cases.

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Chilian* 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. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

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

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of *Chile* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex (B.) to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury. Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained but not condemned.

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

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

XXV. 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 said Mixed Courts, 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 the said Mixed Courts should not pronounce any Sentence of Condemnation; but that in such Case it shall and may be lawful for the said Mixed Court, if they shall think fit, to pay out of the Prize Fund under the Control of the said Court such Sum of Money as, according to the Circumstances of the Case, they may judge reasonable, in proportion to the Demurrage suffered.

CAP. LIII.

An Act for carrying into effect the Treaty between Her Majesty and the Queen of *Portugal* for the Suppression of the Traffic in Slaves.

[10th *August* 1843.]

'WHEREAS on the Third Day of *July* in the Year of our Lord One thousand eight hundred and forty-two a Treaty was concluded and signed at *Lisbon* between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Queen of *Portugal*, for the Suppression of the Traffic in Slaves, whereby it was agreed as follows:

'ARTICLE I.—The Two High Contracting Parties mutually declare to each other that the infamous and piratical Practice of transporting the Natives of *Africa* by Sea, for the Purpose of consigning them to Slavery, is and shall for ever continue to be a strictly prohibited and highly penal Crime in every Part of their respective Dominions, and for all the Subjects of their respective Crowns.

'ARTICLE II.—The Two High Contracting Parties mutually consent, that those Ships of their Royal Navies respectively