ANNO SEXTO

# GULIELMI IV. REGIS.

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a Penal Law, inflicting a severe Punishment on all those Her Catholic Majesty's Subjects who shall, under any Pretext whatsoever, take any Part whatever in the Traffic in Slaves.

ARTICLE III.—The Captain, Master, Pilot, and Crew of a Vessel condemned as good Prize by virtue of the Stipulations of this Treaty shall be severely punished according to the Laws of the Country of which they are Subjects, as also the Owner of the said condemned Vessel, unless he proves that he had no Participation in the Enterprize.

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

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

1°. It shall never be exercised except by Vessels of War authorized expressly for that Object, according to the Stipulations of this Treaty.

2°. In no Case shall the Right of Search be exercised with respect to a Vessel of the Royal Navy of either of the Two Powers, but only as regards Merchant Vessels.

3°. Whenever a Merchant Vessel is searched by a Ship of War the Commander of the said Ship shall, in the Act of so doing, exhibit to the Commander of the Merchant Vessel the Document by which he is duly authorized to that End, and shall deliver to him a Certificate, signed by him, stating his Rank in the Naval Service of his Country, and the Name of the Vessel he commands; and which also declares that the only Object of the Search is to ascertain whether the Vessel is employed in the Slave Traffic, or if it is fitted up for the said Traffic: When the Search is made by an Officer of the Cruizer who is not the Commander, the said Officer shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special Orders, signed by the Commander of the Cruizer, and shall in like Manner deliver a Certificate, signed by him, stating his Rank in the Royal Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruizer in which he sails, and the Object of the Search, as has been already laid down: If it appears from the Search that the Papers of the Vessel are in regular Order,

and

and that it is employed on licit Objects, the Officer shall enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid especial Orders, and the Vessel shall be left at liberty to pursue its Voyage. The Rank of the Officer who makes the Search must not be less than that of Lieutenant of the Royal Navy, unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer of inferior Rank.

4°. The reciprocal Right of Search and Detention shall not be exercised within the *Mediterranean Sea*, or within the Seas in *Europe* lying without the *Streights of Gibraltar*, and which lie to the Northward of the Thirty-seventh Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*.

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

1°. That all the Ships of the Royal 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 Cruizers annexed thereto, marked (A.), and of the Regulations for the Mixed Courts of Justice annexed thereto, marked (B.); which Annexes respectively shall be considered as integral Parts of the Treaty.

2°. That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders: The said Commanders ought to hold the Rank of Captain in the Royal Navy, or at least of Lieutenant, it being nevertheless understood that the Instructions originally issued to an Officer holding the Rank of Lieutenant in the Navy, or other superior Rank, shall be sufficient, in case of Death or temporary Absence of the same, to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although the said Officer may not hold the aforesaid Rank in the Service.

3°. That if at any Time the Commander of a Cruizer of either of the Two Nations shall suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of the other Nation carries Slaves on board, or has been engaged in the Traffic in Slaves, or is fitted out for the Purpose thereof, the said Commander of the Cruizer shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruizer, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to one of the Points where the Mixed Courts of Justice are stationed, in order that the just Sentence may there be pronounced.

4°. It

4°. It is further mutually agreed, that the Commanders of the Ships of the Two Royal Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

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

ARTICLE VII.—In order to bring to Adjudication, with as little Delay and Inconvenience as possible, the Vessel which may be detained according to the Tenor of the Fourth Article of this Treaty, there shall be established, as soon as may be practicable, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations, and named for this Purpose by their respective Sovereigns. These Courts shall reside, the one in a Possession belonging to His *Britannic* Majesty, the other within the Territories of Her Catholic Majesty; and at the Period of the Exchange of the Ratifications of the present Treaty the Two Governments shall declare, each for its own Dominions, in what Place these Courts shall respectively reside.

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

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

ARTICLE VIII.—It is hereby agreed between the High Contracting Parties, that the Mixed Commissions which are at present established and sitting under the Convention concluded between *Great Britain* and *Spain* on the Twenty-third Day of *September* One thousand eight hundred and seventeen shall continue to sit, and shall during Two Months, to be reckoned from the Exchange of the Ratifications of this Treaty, and until the further Appointment and definitive Establishment of the Mixed Courts of Justice under the present Treaty, adjudge without Appeal,

according to the Principles and Stipulations of the same, and of the several Annexes thereof, the Cases of such Vessels as may be sent or brought before them; and any Vacancies which may occur in such Mixed Commissions shall be filled up in the same Manner in which Vacancies of the Mixed Courts of Justice to be established under the Provisions of this Treaty are to be supplied.

ARTICLE IX.—In case the Commanding Officer of any of the Ships of the Royal Navies of *Great Britain* and *Spain* respectively, duly commissioned 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 Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; and in such Case the Government to which such Commanding Officer may belong binds himself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

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

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

2°. Divisions or Bulk Heads in the Hold or on Deck in greater Number than necessary for Vessels engaged in lawful Trade.

3°. Spare Planks fitted for laying down as a Second or Slave Deck.

4°. Shackles, Bolts, or Handcuffs.

5°. 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.

6°. An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should only be used to hold Palm Oil, or for other Purposes of lawful Commerce.

7°. A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel.

8°. A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

9°. An extraordinary Quantity either of Rice, of the Flour of *Brazil*, Manive or Cassada, commonly called Farinha, of

Maize or of *Indian* Corn, beyond what might properly be requisite for the Use of the Crew; such Rice, Flour, Maize, or *Indian* Corn not being 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 *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade, and the Vessel shall thereupon be condemned and declared lawful Prize, unless satisfactory Evidence upon the Part of the Master or Owners shall establish that such Vessel was at the Time of her Detention or Capture employed in some legal Pursuit.

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

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

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

The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

ARTICLE XIV.—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 Royal 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 Colonial Possessions of Her Catholic Majesty.

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

ARTICLE XV.—The present Treaty, consisting of Fifteen Articles, shall be ratified, and the Ratifications thereof exchanged within the Space of Two Months from this Date, or sooner, if possible.

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

*Madrid*, this Twenty-eighth Day of *June* in the Year One thousand eight hundred and thirty-five.

*George Villiers.* (L. S.)
*Francisco Martinez de la Rosa.* (L. S.)

## ANNEX (A.)

To the TREATY between GREAT BRITAIN and SPAIN for the ABOLITION of the SLAVE TRADE, of the Twenty-eighth of *June* One thousand eight hundred and thirty-five.

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

ARTICLE I.—The Commander of any Ship belonging to the Royal *British* or *Spanish* Navy, which shall be furnished with these Instructions, shall have a Right to search and detain any *British* or *Spanish* Merchant Vessel which shall be actually engaged or 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 *Spanish* 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 the Seventh Article of the said Treaty which shall be the nearest to the Place of Detention, or which such Commander shall upon his own Responsibility think can be soonest reached from such Place.

ARTICLE II.—Whenever a Ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of Lieutenant in the Navies of *Great Britain* and *Spain* respectively, 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 Royal 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 of Justice before which such Vessel shall be carried or sent for Adjudication. He shall deliver to the Master of the detained Vessel a signed Certificate 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 Certificate of the Papers seized, he shall insert his own Name and Surname, 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 of the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time of 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 the Changes which 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 until 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 Arrival of the Slaves at such Place they are not to be landed without the Permission of the Mixed Court of Justice.

But if urgent Reasons, arising from the Length of the Voyage, from the State of Health of the Slaves, or from any 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 the Necessity of the Disembarkation and the Causes thereof be stated in a Certificate in proper Form, and provided that this Certificate shall be drawn up and entered at the Time on the Log Book of the detained Vessel.

The under-signed Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty, signed by them on this Day the Twenty-eighth of *June* One thousand eight hundred and thirty-five, that the present Instructions shall

be annexed to the said Treaty, and be considered an integral Part thereof.

This Day the Twenty-eighth of *June* in the Year One thousand eight hundred and thirty-five.

*George Villiers.* (L. S.)
*Francisco Martinez de la Rosa.* (L. S.)

## ANNEX (B.)

To the TREATY between GREAT BRITAIN and SPAIN for the ABOLITION of the SLAVE TRADE, of the Twenty-eighth of *June* One thousand eight hundred and thirty-five.

*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in a Colonial Possession of Her Catholic Majesty.*

ARTICLE 1.—The Mixed Courts of Justice to be established under the Provisions of the Treaty of which these Regulations are declared to be an integral Part shall be composed in the following Manner:

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

The Judges and the Arbitrators shall, before they enter upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Place in which such Courts respectively shall reside that they will judge fairly and faithfully, that they will have no Preference either for the Claimant or for 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 Sovereign in whose Territories such Court shall reside.

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

The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* shall be paid by His *Britannic* Majesty, and that of the Secretary or Registrar of the Court to be established in the Colonial Possessions of *Spain* shall be paid by Her Catholic Majesty.

Each of the Two Governments shall defray Half of the Aggregate Amount of the Expences of such Courts.

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

after the Vessel shall have been broken up, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize, and in case the Proceeds arising out of 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 Captors, except the Cases specified and otherwise provided for under Article the XI^th^ of the Treaty to which these Regulations form an Annex, and under Article the VII^th^ of these Regulations.

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

These Courts shall adjudge 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 as summarily as possible; and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, 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 Risk of the Delay, the Courts may, at their Discretion, grant an additional Delay not exceeding Four Months.

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

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

ARTICLE IV.—The Form of Process, or Mode of proceeding to Judgment, 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 shall take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board of such Vessel, and shall also take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that, according to this Judgment, the Vessel may be condemned or released. In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce in any Case brought before them, whether with respect to the Legality of the Detention or the Liability of the Vessel to Condemnation, or to the Indemnification to be allowed, or as to any other Question which may arise out of the

said Capture, or in case any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators so appointed as aforesaid; which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Judges on the Case, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

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

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the 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 VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo, of whatever Description it may be, with the Exception of the Slaves who shall have been brought on board for the Purposes of Commerce, and the said Vessel, subject to the Regulations in Article XII. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the Two Governments, subject to the Payments of the Expences herein-after mentioned.

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

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

First,

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 Judges of the Two Nations, and without having recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expences consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

| | |
|---|---|
| One hundred Tons to One hundred and twenty inclusive - - - | Five Pounds |
| One hundred and twenty-one Tons to One hundred and fifty inclusive - - | Six Pounds |
| One hundred and fifty-one Tons to One hundred and seventy inclusive - - | Eight Pounds |
| One hundred and seventy-one Tons to Two hundred inclusive - - - | Ten Pounds |
| Two hundred and one Tons to Two hundred and twenty inclusive - - | Eleven Pounds |
| Two hundred and twenty-one Tons to Two hundred and fifty inclusive - | Twelve Pounds |
| Two hundred and fifty-one Tons to Two hundred and seventy inclusive - | Fourteen Pounds |
| Two hundred and seventy-one Tons to Three hundred inclusive - - - | Fifteen Pounds |

*per Diem.*

And so on in proportion.

ARTICLE

ARTICLE VIII.—Neither the Judges nor the Arbitrators nor the Secretaries of the Mixed Courts of Justice shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

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

1°. On the Part of His *Britannic* Majesty, and in that Court which shall sit within the Possessions of His said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled up by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and to pass Sentence accordingly.

2°. On the Part of *Great Britain*, and in that Court which shall sit within the Possessions of Her Catholic Majesty, if the Vacancy be that of the *British* Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *British* Arbitrator, his Place 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 in the Case where the Vacancy be both of the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if there be a *British* Consul and *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 *Spanish* Arbitrator shall be called in in those Cases in which a *British* Arbitrator, were there 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 *Spanish* Judge and *Spanish* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

3°. On the Part of *Spain*, and in that Court which shall sit within the Possessions of Her Catholic Majesty, if the Vacancy be that of the *Spanish* Judge, his Place shall be filled by the *Spanish* Arbitrator; and either in that Case, or in the Case

where the Vacancy be originally that of the *Spanish* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

4°. On the Part of *Spain*, and in that Court which shall sit within the Possessions of His *Britannic* Majesty, if the Vacancy be that of the *Spanish* Judge, his Place shall be filled by the *Spanish* Arbitrator; and either in that Case, or in the Case where the Vacancy be originally that of the *Spanish* Arbitrator, his Place shall be filled successively by the *Spanish* Consul and *Spanish* Vice Consul, if there be a *Spanish* Consul or *Spanish* Vice Consul, appointed to and resident in such Possession; and in the Case where the Vacancy be both of the *Spanish* Judge and of the *Spanish* Arbitrator, then the Vacancy of the Judge shall be filled by the *Spanish* Consul, and that of the *Spanish* Arbitrator by the *Spanish* Vice Consul, if there be a *Spanish* Consul and a *Spanish* Vice Consul appointed to and resident in such Possession; and in that Case in which there be no *Spanish* Consul or *Spanish* Vice Consul to fill the Place of the *Spanish* Arbitrator, then the *British* Arbitrator shall be called in in those Cases in which a *Spanish* Arbitrator, were there any, would be called in; and in case the Vacancy be both of the *Spanish* Judge and *Spanish* Arbitrator, and there be neither *Spanish* Consul nor *Spanish* Vice Consul to fill *ad interim* the Vacancies, then the *British* Judge and the *British* Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

The Governor or Lieutenant Governor of the Settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the Governor or Lieutenant Governor 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 the Fourteenth Article of the Treaty signed by them on this Day, the Twenty-eighth of *June* One thousand eight hundred and thirty-five, that the preceding Regulations, consisting of Nine Articles, shall be annexed to the said Treaty, and considered an integral Part thereof.

This Day, the Twenty-eighth of *June* in the Year One thousand eight hundred and thirty-five.

*George Villiers.* (L. S.)

*Francisco Martinez de la Rosa.* (L. S.)

ANNEX

## ANNEX (C.)

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 a full and complete Emancipation, in conformity with the humane Intentions of the High Contracting Parties.

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

ARTICLE III.—If the Cruizer which made the Capture is *English* 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 apprenticed Negroes.

ARTICLE IV.—If the Cruizer which made the Capture is *Spanish*, in this Case the Negroes shall be delivered over to the *Spanish* Authorities of the *Havanna*, or of any other Point of the Dominions of the Queen of *Spain* in which the Mixed Court of Justice is established; and the *Spanish* Government solemnly engages that they shall be treated strictly according to the Regulations lately promulgated and now actually in force at the *Havanna* with respect to the Treatment of emancipated Negroes, or according to such Regulations as may in future be adopted, and which have and shall always have the humane Object of improving and securing honestly and faithfully to the emancipated Negroes the Enjoyment of their acquired Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, their Advancement in Morality and Civilization, and their sufficient Instruction in the mechanical Arts, in order that the said emancipated Negroes may be put in a Condition to earn their Subsistence, whether as Artisans, Mechanics, or Servants.

ARTICLE V.—For the Purpose which is explained in Article VI. there shall be kept in the Office of the Captain General or Governor of the Part of the Dominions of the Queen of *Spain* 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 or Captain General of the Part of the Dominions of the Queen of *Spain* where the Mixed Court of Justice resides shall be bound

to

to deliver every Six Months to the aforesaid Mixed Commission, in order to show the Existence of the Negroes emancipated under this Treaty, the Decease of such as have died, the Improvement in their Condition, and the Progress made in their Instruction, both religious and moral, as also in the Arts of Life.

ARTICLE VII.—As the principal Object of the Treaty of which the present Annex forms an integral Part is no other than that of improving the Condition of these unhappy Victims of Avarice, the High Contracting Parties, animated with the same Sentiments of Humanity, agree, that if in future it should appear necessary to adopt new Measures for obtaining the same benevolent End, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and agree upon other Means better adapted for the complete Attainment of the Object proposed.

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

This Day, the Twenty-eighth of *June* in the Year One thousand eight hundred and thirty-five.

*George Villiers.* (L. S.)
*Francisco Martinez de la Rosa.* (L. S.)

Treaty ratified on the 27th August 1835.

And whereas the said Treaty was ratified between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and Her Majesty the Queen Regent of *Spain*, and such Ratification was exchanged on the Twenty-seventh Day of *August* in the Year of our Lord One thousand eight hundred and thirty-five: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty; be it therefore enacted by the King'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 and may be lawful for any Officer commanding any Ship of War of His Majesty or of the Queen Regent of *Spain*, not below the Rank of Lieutenant of the Royal Navy, (unless by the Death or Absence of the Commander of such Ship the Command thereof shall have devolved upon an Officer of inferior Rank, and then for such last-mentioned Officer,) and who shall be duly instructed and authorized according to the Provisions of the said Treaty, and for any Officer not below the Rank of Lieutenant in the Royal Navy who shall be acting under the Orders of any Officer commanding a Ship of War so instructed and authorized as aforesaid, to visit and search any Merchant Vessel of either of the said Two Nations which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or having been fitted out for that Purpose, or of having during the Voyage in which such Vessel is met been engaged in such Traffic, excepting within the *Mediterranean Sea*, or within the Seas in *Europe* lying without the *Streights of Gibraltar*, and which lie to the Northward of the Thirty-seventh Parallel

Officers commanding Ships of His Majesty or of the Queen of Spain, being duly authorized, empowered to visit and search Merchant Ships within certain Limits.

Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of *Greenwich*, 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 are hereby authorized and required, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Treaty as apply thereto respectively.

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

II. And be it further enacted, That all Ships and Vessels belonging wholly or in part to His 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 during the Voyage in which such Vessel is met been engaged in such Traffic, and all Boats, Apparel, and Cargoes therein, shall be and are hereby declared to be and made subject to Search and Detention by *British* or *Spanish* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and are also hereby made subject to the Adjudication of and 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.

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

III. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His 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 His 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 Lords Commissioners of His Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators are hereby authorized and 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 Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully and effectually, to all Intents and Purposes, as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

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

IV. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the Mixed Court which shall be established in His 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 Lords Commissioners shall from Time to Time direct; and such Secretary or Registrar is hereby authorized and empowered to do, perform, and execute all the Duties of such Office set forth and prescribed by the said Treaty, and to do, perform, and execute all such Acts, Matters, and 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 further 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 His 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 His Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by His Majesty, 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 Her Catholic Majesty, 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 *ad interim* 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 *Spanish* 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 and may be lawful for the *Spanish* Judge and *Spanish* 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 His 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 further enacted, That every such Judge and Arbitrator so appointed by His Majesty shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to His *Britannic*

*Britannic* Majesty or to Her Most Catholic Majesty, in which the Court shall be established; which Oath any such Magistrate is hereby 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 His Majesty and Her Catholic Majesty, signed at *Madrid* on the Twenty-eighth Day of *June* One thousand eight hundred and thirty-five.'

Secretary or Registrar's Oath.

And every Secretary or Registrar appointed by His Majesty under the Provisions of the said Treaty and of this Act shall, before he enters on the Duties of his said Office, take an Oath before One of the Judges of the said Court, who is hereby empowered to administer the same, in the Form following; (that is to say,)

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

Judges and Arbitrators may administer Oaths.

VII. And be it further enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, 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 Suit, Proceeding, Matter, or Thing under their Cognizance, and to send for and issue Precepts for the producing all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken upon or 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 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 His

His Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any Prosecution for such Offence in His Majesty's said Court of King'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 further enacted, That the Pendency of any Suit or Proceeding 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 and be deemed and adjudged in any Court whatever to be a good and complete Bar in any Action, Suit, or Proceeding, whether brought or 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 Act, Matter, or Thing, done under the Authority or in pursuance of the Provisions of the said Treaty; any thing in any Act or Acts of Parliament or Law or Laws to the contrary notwithstanding.

Judges and Commissioners of Arbitration already appointed under former Treaties may act until Judges and Arbitrators are appointed under this Act.

X. Provided always, and it is hereby enacted, That, until the Appointment and Establishment of the Mixed Courts to be appointed and established under and by virtue of the said Treaty and this Act, it shall and may be lawful for the Commissary, Judges, and Commissioners of Arbitration appointed under and by virtue of a Treaty made between His Majesty and the King of *Spain* for preventing Traffic in Slaves, and signed at *Madrid* on the Twenty-third of *September* in the Year One thousand eight hundred and seventeen, and of an Act of Parliament passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, for carrying into execution the said Treaty, to do and perform all Acts, Matters, and Things which by the said Treaty of the Twenty-eighth Day of *June* One thousand eight hundred and thirty-five and by this Act are required and authorized to be done and performed by the Judges and Arbitrators of the said Mixed Courts, when established, according to the true Intent and Meaning of the said last-mentioned Treaty and of this Act.

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

XI. And be it further enacted and declared, That if any of the Particulars specified in the Tenth 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 His 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, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.*

5 G. 4. c. 113.

XII. And

Bounty for Slaves captured.

XII. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *Spanish* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct, by any Order in Council or by any Proclamation to be made for that Purpose.

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

XIII. Provided always, and be it further 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 His 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.

XIV. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Spanish* Ship or Vessel in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

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

XV. And be it further 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 and are hereby extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His 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.

XVI. And be it further enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of Her Catholic Majesty shall have been detained and brought to Adjudication by any Officers of His Majesty the King 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 His Majesty's Treasury, by Warrant signed

signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be 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 His Majesty's Treasury.

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

XVII. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His 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 His 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 Tenth Article of the Treaty are found on board.

XVIII. Provided always, and it is hereby enacted, That if any of the Things specified in the Tenth 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 Court 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.

Defendants in Actions brought for Things done under this Act may plead the General Issue.

XIX. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty or this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Treaty or of this Act; and if it shall appear so to have been done the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

All Acts performed under the Treaty to be good and sufficient in Law.

XX. And whereas by the Eighth Article of the said Treaty it was agreed that the Mixed Commissions which were then established and sitting under the Convention concluded between *Great Britain* and *Spain* on the Twenty-third *September* One thousand eight hundred and seventeen

seventeen should continue to sit, and should during Two Months, to be reckoned from the Exchange of the Ratifications of the said Treaty, and until the further Appointment and definitive Establishment of the Mixed Courts of Justice under the said Treaty, adjudge without Appeal, according to the Principles and Stipulations of the same and of the several Annexes thereof, the Cases of such Vessels as might be sent or brought before them: And whereas in conformity with the said Treaty certain Officers of His Majesty's Navy have been instructed and authorized to search and detain any *British* and *Spanish* Merchant Vessel actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the Purpose thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she might be met with by such Officer, and to bring or send such Merchant Vessel for Judgment: And whereas it may have happened that under the said Authority and Instructions *British* and *Spanish* Merchant Vessels may have been already, and before the passing of this Act, detained and brought or sent before the Mixed Commissions established and sitting under the said Convention between *Great Britain* and *Spain* concluded on the Twenty-third *September* One thousand eight hundred and seventeen, and the Commissioners may have proceeded to adjudge the Cases of such Vessels; and it is expedient that all Acts done in conformity with the said Treaty and with the said Instructions should be rendered valid, and that all Persons acting under and by virtue of such Authority and Instructions should be protected and indemnified; be it therefore enacted, That all Acts done by or under the Authority of any Officer of His Majesty's Navy in conformity with the said Treaty, who may have been instructed and authorized to search and detain and bring or send any Merchant Vessels for Judgment according to the said Treaty, and all Adjudications and Orders and other Acts which may have been made and done by the said Mixed Commissions in consequence thereof, shall be deemed and taken to be good and valid in Law; and no Officer of His Majesty's Navy or other Person acting under such Instructions and Authority, and in conformity with the said Treaty, and no Commissioner or other Officer of the said Mixed Commissions, shall be liable to any Prosecution or Suit at Law for any such Acts, Adjudications, or Orders so done or made by them respectively as aforesaid.

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