



SECOND SUPPLEMENT

TO

# The London Gazette

Of *FRIDAY* the 16th of *SEPTEMBER*.

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**Published by Authority.**

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MONDAY, SEPTEMBER 19, 1842.

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**A**T the Court at *Windsor*, the 27th day of  
*August* 1842,

PRESENT,

The *QUEEN*'s Most Excellent Majesty in Council.

**W**HEREAS by an Act of Parliament, made and passed in the first and second years of Her Majesty's reign, intituled "An Act to "revive and continue, until six months after "the commencement of the next session of Par-  
"liament, and to amend an Act for authorizing  
"Her Majesty to carry into immediate execution,  
"by Orders in Council, any Treaties made for  
"the suppression of the slave trade," it was,  
amongst other things, enacted, that it should be  
lawful for Her Majesty, by any Order or Orders  
in Council, to direct, that such Treaties or Con-  
ventions, and all Stipulations contained therein,  
and also all additional Stipulations to any former  
Treaties or Conventions which Her Majesty  
might have concluded, or might hereafter conclude,  
with any Foreign Power or State for the more  
effectual suppression of the slave trade, should be  
carried into immediate execution, and for that  
purpose to declare and direct, in such Orders in  
Council, that all searches, examinations, deten-  
tions, seizures, condemnations, and sales of ships  
or vessels detained, seized, or captured for any  
violations of the provision of any such Treaties,  
Conventions, or Stipulations should be legal; and  
also, by any such Order or Orders in Council, to  
establish tribunals for the trying and deciding all

questions which might arise under such Treaties,  
Conventions, or Stipulations, and for the condem-  
nation of any such vessels as aforesaid, and for  
punishing the violation of any such Treaties,  
Conventions, or Stipulations, and for adjudging  
and enforcing the payment of any penalties for  
any such violation, or to authorize any tribunal  
which might have been theretofore established to  
act in relation to the enforcing such Treaties,  
Conventions, or Stipulations aforesaid; and also to  
authorize the payment of such bounties as were  
allowed in any Act or Acts of Parliament then in  
force, or which might be passed in that present  
session of Parliament, in relation to any such  
bounties for the suppression of the slave trade,  
to the persons detaining, seizing, or capturing any  
such vessels; and that it should be lawful for Her  
Majesty, in any such Order or Orders in Council,  
to declare that all clauses and provisions, powers  
and authorities contained in, and all penalties and  
forfeitures imposed by, any Act or Acts of Par-  
liament then in force, or which might be passed in  
that session of Parliament, for the carrying into  
execution or giving effect to any Treaty, Con-  
vention, or Stipulation theretofore, or which  
might thereafter be made with any Foreign  
Power or State, or in any other Act or Acts of  
Parliament in force for the suppression of the  
slave trade, as should be specified or referred to in  
any such Order or Orders in Council, should be  
applied or put in force for the purpose of carrying  
into immediate execution any such Treaty, Con-  
vention, or additional Stipulation; and that, upon

the issuing of any such Order or Orders in Council, all the directions, powers, and authorities contained therein, and all clauses, provisions, powers, authorities, penalties, and forfeitures referred to in any such Order or Orders, and contained in any such Act or Acts of Parliament, should have the same and like force and effect; and that all acts, matters, and things done under the authority thereof, and all acts and judgments of any tribunals under the same, should be valid and effectual, as fully to all intents and purposes, as if the same had been enacted in or done under the authority of an Act of Parliament:

And whereas by another Act, made and passed in the last session of Parliament, intituled "An Act to continue, until the first day of August one thousand eight hundred and forty-three, an Act for authorizing Her Majesty to carry into immediate execution, by Orders in Council, any Treaties for the suppression of the slave trade," it was enacted, that the said recited Act, and all the powers, provisions, matters, and things therein contained, should continue in force until the first day of August one thousand eight hundred and forty-three:

And whereas a Treaty, between Her Majesty and the Queen of Portugal, for the suppression of the traffick in slaves, was signed at Lisbon on the third day of July last, whereby it was agreed as follows:

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Queen of Portugal and the Algarves, being earnestly desirous of putting an immediate end to the barbarous and piratical practice of transporting the natives of Africa across the sea, for the purpose of consigning them to slavery; and their said Majesties considering that this infamous practice was declared to be a highly penal crime by the law of Great Britain, in the year one thousand eight hundred and seven, and has likewise been prohibited, under severe penalties, by the law of Portugal, in December one thousand eight hundred and thirty-six; and their said Majesties being of opinion, that in order the more completely to prevent for the future the perpetration of this crime, and to render more effectual the operation of the laws enacted in each country for its punishment, it will be expedient to establish regulations of maritime police, and to constitute colonial Commissions, to which regulations and Commissions vessels navigating under the flag of either party, and not belonging to one or the other of the royal navies, shall be amenable; their said Majesties have resolved to conclude a Treaty for this purpose, and have accordingly named as their Plenipotentiaries, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Augustus, Lord Howard de Walden, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Illustrious Order of the Bath, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at the Court of

Her Most Faithful Majesty, &c., &c., &c.; and Her Majesty the Queen of Portugal and Algarves, Dom Pedro de Sousa Holstein, Duke of Palmella, President for Life of the Chamber of Peers, Councillor of State, Grand Cross of the Order of Christ, and of the Tower and Sword, Captain of the Royal Guard of Archers, Knight of the Distinguished Order of the Golden Fleece, and Grand Cross of the Orders of Charles III. in Spain, of the Legion of Honour in France, of Saint Alexander Newsky in Russia, Knight of the Order of Saint John of Jerusalem, Count of Sanfré in Piemont, Minister and Honorary Secretary of State, &c., &c., &c.; who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles:

#### 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, which shall be provided with special instructions, as hereinafter mentioned, may visit and search such vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in transporting negroes for the purpose of consigning them to slavery, or of having been fitted out for that purpose, or of having been so employed during the voyage in which they are met by the said cruisers; and the said High Contracting Parties also consent, that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon; and in order to fix the reciprocal right of search, in such a manner as shall be adapted to the attainment of the objects of this Treaty, and shall at the same time prevent doubts, disputes, and complaints, it is agreed that the said right of search shall be exercised in the manner and according to the rules following:

First: It shall never be exercised except by vessels of war, authorized expressly for that purpose, according to the stipulations of this Treaty.

Second: 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.

Third: Whenever a vessel is searched by a ship of war, the commander of such ship of war shall, immediately upon coming on board the vessel which is to be so searched, and before he begins the search, exhibit to the commander of the vessel which is to be searched, the document by which he is duly authorized to make the search; and he shall deliver to the said commander of the vessel which is to be searched, a certificate signed by

himself, stating his rank in the naval service of his country, and the name of the ship of war which he commands; and this certificate shall also declare, that the only object of the search is to ascertain, whether the vessel to be searched is employed in transporting negroes or others in order to consign them to slavery, or is fitted up for such purpose. When the search is made by an officer of the cruiser, who is not the commander thereof, such officer shall proceed strictly in the same manner as if he were the commander, after having exhibited to the captain of the vessel to be searched, a copy of the above-mentioned document, signed by the commander of the cruiser; and he shall, in like manner, deliver a certificate, signed by himself, stating his rank in the royal navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser 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 that the vessel is employed for lawful purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue her voyage.

Fourth: The rank of the officer who makes the search must not be lower than that of lieutenant of the royal navy, unless he be the officer who shall at the time be second in command of the searching vessel; or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Fifth: The reciprocal right of search and detention shall not be exercised within the Mediterranean Sea, nor within the seas in Europe, which lie without the Straits of Gibraltar, and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

### ARTICLE III.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:

First: That all ships of the royal navies of the two nations, which shall be hereafter employed to prevent the transport of negroes or others for the purpose of consigning them to slavery, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty; of the Instructions A, for Cruisers, annexed thereto; and of the Regulations B, for the Mixed Commissions, annexed thereto; which Annexes, respectively, shall be considered as an integral part of the Treaty.

Second: That each of the High Contracting Parties shall, from time to time, and as often as any changes are made in the ships of war employed in this service, communicate to the other the names of the several ships furnished with such instructions; the force of each, and the names of the several commanders, and of the officers second in command.

Third: That if at any time there shall be just cause to suspect, that any 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 transport of negroes or others for the purpose of consigning them to slavery; or is fitted out for that purpose; or has, during the voyage in which she has been met with, been so employed; it shall be the duty of any commander of any ship of the royal navy of either of the two High Contracting Parties, furnished with such instructions as aforesaid, to communicate in writing his suspicions to the commander of the convoy; and the said commander of the convoy shall give an acknowledgment in writing of the said communication; and the said commander of the convoy, accompanied by the commander of the cruiser, shall proceed to search the suspected vessel. If the suspicions shall prove to be well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent by the commander of the convoy to one of the points where the Mixed Commissions are stationed, in order that the vessel may undergo the sentence applicable to her case.

Fourth: It shall not be lawful to visit or detain, under any pretext or motive whatever, any merchant vessel when at anchor in any port or roadstead belonging to either of the two High Contracting Parties, or within cannon shot of the batteries on shore, unless on a written demand for co-operation on the part of the Authorities of such country; but should any suspected vessel be met with in such port or roadstead, due representation of the same is to be made to the Authorities of the country, requesting them to take the necessary measures to prevent the violation of the stipulations of this Treaty; and the said Authorities shall proceed to take effectual measures accordingly.

### ARTICLE IV.

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 any arbitrary and illegal detention of their vessels; it being understood, that this compensation shall be made by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention. 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 Commission pronounces sentence on the vessel, for the detention of which such compensation is claimed.

### ARTICLE V.

It is however distinctly understood between the Two High Contracting Parties, that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese subjects to be accompanied, in voyages to and from the Portuguese possessions off the coast of Africa, by slaves who are *bonâ fide* household servants, and who may be duly named and described as such in

passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such slaves shall have embarked: Provided,

First: That in such voyages, no Portuguese subject, except he be a Portuguese settler, removing definitely from his residence in a Portuguese possession on the coast of Africa, shall be accompanied by more than two slaves, being *bonâ fide* household servants.

Secondly: That such a settler removing definitely, with his family, from his residence in a Portuguese possession on the coast of Africa, shall not be accompanied by more than ten slaves, and that all these slaves shall be *bonâ fide* his household servants.

Thirdly: That such household slaves shall be found at large and unconfined in the vessel; and clothed like Europeans in similar circumstances.

Fourthly: That no other slave shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage, on which the settler and his family shall be so accompanied by such household slaves, shall be a direct voyage to the Portuguese islands of Cape Verd, Princes, or St. Thomas, from some place in the Portuguese possessions on the coast of Africa, where the said settler shall have been permanently residing.

Fifthly: That the passports above-mentioned shall enumerate each of the persons on board the vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Sixthly: That there be nothing in the equipment or character of the vessel in which such household slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the slaves, shall be liable to be proceeded against as accomplices in an infraction of the present Treaty, and to be punished accordingly; and the vessel and cargo shall be adjudged and condemned, and the slaves shall be liberated.

#### ARTICLE VI.

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 II. of this Treaty, there shall be established, as soon as may be practicable, two or more Mixed Commissions, formed of an equal number of individuals of the two Nations, and named for this purpose by their respective Sovereigns.

Of these Commissions one half shall reside in possessions belonging to Her Britannick Majesty, the other half within the territories of Her Most Faithful Majesty; and the two Governments, at the period of exchanging the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Commissions shall

respectively reside. Each of the Two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Commissions held within its own dominions; provided always, that two at least of the said Commissions shall always be held either on the coast of Africa, or in one of the islands off that coast.

These Commissions shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

#### ARTICLE VII.

The Mixed Commission at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July 1817, shall continue to exercise its functions and shall, from and after the end of six months after the exchange of the ratifications of this Treaty, and until the appointment and definitive establishment of the Mixed Commissions under the present Treaty, adjudge, without appeal, according to the principles and stipulations of the present Treaty, and of the Annexes thereof, the cases of such vessels as may be sent or brought before it; and any vacancies which may occur in such Mixed Commission, shall be filled up in the same manner in which vacancies in the Mixed Commissions to be established under the provisions of this Treaty are to be supplied.

#### ARTICLE VIII.

If the commanding officer of any of the ships of the royal navies of Great Britain and Portugal, respectively, duly commissioned according to the provisions of Article II. of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

#### ARTICLE IX.

Any vessel, British or Portuguese, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may be sent or brought before one of the Mixed Commissions established in pursuance of the provisions thereof, if any of the things hereinafter mentioned shall be found in her outfit or equipment, or shall be proved to have been on board during the voyage in which the vessel was proceeding when captured, namely:

First: Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly: Divisions or bulk-heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

Thirdly: Spare plank fitted for being laid down as a second or slave deck.

Fourthly: Shackles, bolts, or handcuffs.

Fifthly: A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant vessel.

Sixthly: An extraordinary number of water casks, or of other 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 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 for the reception of palm oil, or for other purposes 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, or other cooking apparatus, of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

Ninthly: An extraordinary quantity of rice, of the flour of Brazil manioc, of cassada, commonly called farina, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite 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, larger 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 to have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *prima facie* evidence of the actual employment of the vessel in the transport of negroes or others for the purpose of consigning them to slavery; and the vessel shall thereupon be condemned, and shall be declared lawful prize, unless clear and incontestably satisfactory 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 on some legal pursuit, and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been on board of her on the voyage on which she was proceeding when captured, 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 vessel which is detained under the stipulations of this Treaty, or shall be proved to have been on board the vessel during the voyage on which the vessel was proceeding when captured, no compensation for losses, damages, or expences, consequent upon the deten-

tion of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Commission should not pronounce any sentence of condemnation in consequence of her detention.

#### ARTICLE XI.

In all cases in which a vessel shall be detained, under this Treaty, by the respective cruisers of the Contracting Parties, as having been engaged in transporting negroes or others for the purpose of consigning them to slavery, or as having been fitted out for that purpose, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, either of the two Governments may purchase the condemned vessel for the use of its royal navy, at a price to be fixed upon by a competent person, to be chosen by the Court of Mixed Commission for that purpose; but the Government whose cruiser shall have detained the condemned vessel shall have the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

#### ARTICLE XII.

When any vessel shall have been declared good prize by one of the Mixed Commissions, the captain, pilot, crew, and passengers found on board the said vessel, shall be immediately placed at the disposal of the Government of the Country under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of that Country. In the like manner, the owner of the vessel, the persons interested in the equipment and cargo, and their several agents, shall be tried and punished, unless they can prove that they took no part in that infraction of the present Treaty, on account of which the vessel was condemned.

#### ARTICLE XIII.

Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the negroes who may be emancipated under the present Treaty, by the Mixed Commissions sitting within the colonies or possessions of such Government; and to afford, from time to time, and whenever demanded by the other party, or by the members of the Mixed Commissions by whose sentence the slaves shall have been liberated, the fullest information as to the state and condition of such negroes, with a view of insuring the due execution of the Treaty in this respect.

For this purpose, the Regulations C, annexed to this Treaty, as to the treatment of negroes liberated by sentence of the Mixed Commissions, have been drawn up, and are declared to form an integral part of this Treaty; the two High Contracting Parties reserving to themselves the right to alter, by common consent and by 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, employed to prevent the transport of negroes or others, for the purpose of consigning them to slavery.

B. Regulations for the Mixed Commissions.

C. Regulations as to the treatment of liberated negroes.

## ARTICLE XV.

Her Majesty the Queen of Portugal and Algarves hereby declares the slave trade to be piracy, and that those of her subjects who shall, under any pretext whatever, take any part in the traffick in slaves, shall be subjected to the most severe secondary punishment.

## ARTICLE XVI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Lisbon, at the expiration of two months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Lisbon, the third day of July, in the year of our Lord one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)  
DUKE OF PALMELLA. (L.S.)

*Additional Article to the Treaty concluded between Great Britain and Portugal, for the Abolition of Slave Trade, on the third day of July, in the year of our Lord one thousand eight hundred and forty-two.*

As the object of this Treaty, and of the three Annexes which form part of it, is no other than that of preventing the traffick in slaves, without any annoyance to the respective merchant shipping of the two nations; and as this fraudulent traffick is carried on from the coast of Africa, where the Crown of Portugal has also extensive colonial possessions, where legitimate commerce exists, and and which it is important in the spirit of this Treaty to promote and protect,—the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to either of them to adopt new measures, or alter any of the executive regulations for attaining the said beneficent object, or for obviating any unforeseen inconvenience to the aforesaid shipping or lawful commerce which experience shall have made known, in consequence of those established in this Treaty and its Annexes proving inefficacious or injurious,—the said High Contracting Parties engage to consult together for the more complete attainment of the object proposed.

The present Additional Article shall have the same force and effect, as if it were inserted, word for word, in the Treaty signed on this day; and it shall be ratified, and the ratifications shall be exchanged within the term of two months from the date of its signature, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done at Lisbon, the third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)  
DUKE OF PALMELLA. (L.S.)

*Annex A. to the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3d day of July 1842.*

Instructions for the ships of the British and Portuguese Royal Navies employed to prevent the Traffic in Slaves.

## ARTICLE I.

The commander of any ship belonging to the Royal British or Portuguese Navy, who shall be furnished with these Instructions, shall have a right to visit, search, and detain, except within the limits excepted in Article II. of the Treaty, any British or Portuguese vessel which shall be actually engaged, or shall be suspected to be engaged, in transporting negroes or others for the purpose of consigning them to slavery, or to be fitted out with such view, or to have been so employed during the voyage on which she may be met with by such ship of the British or Portuguese Navy; and such commander shall thereupon bring or send such vessel, as soon as possible, for judgment before that one of the Mixed Commissions established in virtue of Article VI. of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, judge 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 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 Portugal, respectively, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank, or unless the officer who makes the search shall at the time be second in command of the ship by which such search is made.

## ARTICLE III.

The commander of any ship of the two royal navies, duly authorized as aforesaid, who may detain any vessel in pursuance of the tenour of the present Instructions, shall, at the time of deten-

tion, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; which declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Commission 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, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of slaves found on board the vessel at the time of the detention.

When the commander of the cruizer shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not intrust that duty to an officer below the rank of lieutenant in the navy, unless it be to the officer who at the time shall not be lower than third in command of the detaining ship.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers before the Mixed Commission, deliver in to 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 papers.

#### ARTICLE IV.

No part of the crew or passengers, or of the cargo, or of the slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one of the Mixed Commissions, unless the transfer of the whole or part of the crew or passengers, or of the whole or part of the slaves found on board, should be considered necessary, either to preserve their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the vessel after its seizure; in which case the commander of the cruizer, or the officer charged with the said seized vessel, shall draw out a certificate, in which he shall declare the reasons of the said transfer; and the commanders, sailors, or passengers, thus transferred, shall be conducted to the same port as the vessel and its cargo.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this day, the third of July 1842, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered an integral part thereof.

The third day of July one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)  
DUKE OF PALMELLA. (L.S.)

*Annex B. to the Treaty between Great Britain and Portugal, upon Slave Trade, of the 3d day of July 1842.*

Regulations for the Mixed Commissions which are to adjudge the cases of vessels under the Treaty between Great Britain and Portugal, upon Slave Trade, of the third day of July, of one thousand eight hundred and forty-two.

#### ARTICLE I.

The Mixed Commissions 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 commissioner 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 commissioners 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 Commissions 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 Commissions a secretary or registrar, who shall be appointed by the Sovereign in whose territories such Commission shall reside. Such secretary or registrar shall register all the acts of such Commission, and shall, previously to entering upon his office, make oath before the Commission 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 Commissions, which are to be established in the dominions of Her Britannic Majesty, shall be paid by Her said Majesty; and that of the secretary or registrar of the Commissions, which are to be established in the colonial possessions of Portugal, shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expences of such Commissions.

#### 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 from the sale of the materials of the vessel, after the same shall have been broken up, of the vessel's stores, and of such part 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 expenses 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.

1 The Mixed Commissions 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.

These Commissions shall judge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels;

The proceedings of these Commissions shall take place with as little delay as possible; and, for this purpose, the Commissions are required to decide each case, as far as may be practicable, within the space of twenty days, to be counted from the day on which the detained vessel shall be brought into the port where the deciding Commission 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 risk of the delay, the Commission 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.

The proceedings of the said Mixed Commissions shall be open to the public; and all the essential parts of the proceedings of the said Commissions shall be written down in the language of the country in which the Commissions shall respectively reside.

### ARTICLE IV.

The form of the process shall be as follows:—

The Commissioners appointed by the two Governments, respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary, in order to enable them to judge and pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that the vessel may be condemned or released accordingly.

In the event of the two Commissioners 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 condemnation, or the indemnification 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 Commission,—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 Commissioners; 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 Commission, the vessel and her 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 Commission, claim to have a valuation made of the amount 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 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-mentioned Commission; 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 negroes or others who shall have been brought on board for the purpose of being consigned to slavery; and the said vessel, in conformity with the regulations in Article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The slaves shall receive from the Commission 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 regulations and conditions contained in the Annex to this Treaty, marked C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

### ARTICLE VII.

The Mixed Commissions shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Commissions; 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 Commissions shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, 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 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 hereinafter 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 cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification 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 commissioners 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*

Tons		
100 to	120 inclusive	£5 per diem
121	150 “	6 “
151	170 “	8 “
171	200 “	10 “
201	220 “	11 “
221	250 “	12 “
251	270 “	14 “
271	300 “	15 “

and so on in proportion.

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#### ARTICLE VIII.

Neither the commissioners, nor the arbitrators, nor the secretaries of the Commissions, shall demand or receive from any of the parties concerned in the cases which shall be brought before the Commissions, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such commissioners, arbitrators, or secretaries have to perform.

#### ARTICLE IX.

When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for the prevention of such injustice for the future.

#### ARTICLE X.

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 commissioners or arbitrators composing the above-mentioned Commissions respectively, the post of such commissioners or of such arbitrators shall be supplied, *ad interim*, in the following manner:

Firstly. On the part of Her Britannic Majesty, and in those Commissions which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British commissioner, 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 possessions; by the principal magistrate of the same; and by the secretary of the Government: and the said Commissions, 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.

Secondly. On the part of Great Britain, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the British commissioner, 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, 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 possessions: and if the vacancy be both of the British commissioner and of the British arbitrator, then the vacancy of the British commissioner 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 possessions; and if there shall be no British Consul or Vice-Consul to fill the place of British arbitrator, then the Portuguese arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and if the vacancy be both of the British commissioner

and the British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies,—then the Portuguese commissioner and Portuguese arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Thirdly. On the part of Portugal, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty,—if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possessions; by the principal magistrate of the same; and by the secretary of the Government: and the said Commission, 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 Portugal, and in those Commissions which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Portuguese commissioner, his place shall be filled by the Portuguese arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese arbitrator, his place shall be filled, successively, by the Portuguese Consul and Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Portuguese commissioner and of the Portuguese arbitrator, then the vacancy of the commissioner shall be filled by the Portuguese Consul, and that of the Portuguese arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and a Portuguese Vice-Consul appointed to, and resident in, such possessions; and in the case in which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese arbitrator, then the British arbitrator shall be called in, in those cases in which a Portuguese arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese commissioner and Portuguese arbitrator, and there be neither Portuguese Consul nor Portuguese Vice-Consul to fill, *ad interim*, the vacancies, then the British commissioner and 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 Commissions shall sit, in the event of a vacancy arising either of the commissioner or the arbitrator of the other High Contracting Party, shall 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 definitely, as soon as possible, the vacancies which

may arise in the above-mentioned Commissions from death, or from any other cause whatever.

#### ARTICLE XI.

The Mixed Commissions shall transmit annually to each Government, a report, relating,

1. To the cases which have been brought before them for adjudication.
2. To the state of the liberated negroes.
3. To every information which they may be able to obtain respecting the treatment and progress made in the religious and mechanical education of the liberated negroes; and such report shall, under the authority of the Government, be annually published in each country.

The Undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the third of July, one thousand eight hundred and forty-two, that the preceding Regulations, consisting of eleven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)  
DUKE OF PALMELLA. (L.S.)

*Annex C. to the Treaty between Great Britain and Portugal, upon Slave Trade, of the third day of July, one thousand eight hundred and forty-two.*

Regulations in respect to the treatment of liberated negroes.

#### ARTICLE I.

The object and purpose of the letter and spirit of these Regulations is to secure to negroes and others, liberated in virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C.), permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

#### ARTICLE II.

Immediately after sentence of condemnation, upon a vessel charged with being concerned in illegal slave trade, shall have been passed by the Mixed Commissions established under the Treaty to which these Regulations form an Annex, all negroes or others who were on board of such vessel, and who were brought on board for the purpose of being consigned to slavery, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

#### ARTICLE III.

The negroes, so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board consisting of two members or commissioners, with a power to call in a third member under the circumstances hereinafter stated.

In those colonies or possessions of Her Britannic Majesty in which, under the Treaty to which these Regulations form an Annex, Mixed Commissions are to sit, the Boards of Superintendence of the liberated negroes shall consist of the Governors of the said colonies or possessions, and of the Portuguese commissioners in the said Mixed Commissions; and that when the Portuguese commissioners are absent, then the Portuguese arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated negroes.

In those colonies or possessions of Her Most Faithful Majesty in which, under the present Treaty, Mixed Commissions are to sit, the Boards of Superintendence of the liberated negroes shall consist of the Governors of those colonies or possessions, and of the British commissioners in the said Mixed Commissions; and when the British commissioners are absent, then the British arbitrators of the said Mixed Commissions shall sit, in the place of the commissioners, in the Boards of Superintendence of liberated negroes.

The several members of the Boards of Superintendence shall, before entering upon their offices, respectively take an oath, in presence of the principal magistrate of the place, that they will faithfully execute their office, without favour or partiality, according to the true intent and meaning of these Regulations.

#### ARTICLE IV.

In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such Curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

The Curator, so appointed, shall, previously to his entering on the duties of his office, take before the Board of Superintendence an oath in the following words :

"I, A. B., do solemnly swear that I will act, to the best of my skill and knowledge; faithfully and impartially in the execution of my office; and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated negroes to which I am attached.

"So help me God."

#### ARTICLE V.

The Curator of the liberated negroes shall be personally present at the delivery of the negroes to the person charged by the Government to receive them, after the sentence of emancipation is passed, as specified in Article II. of these Regulations.

Duplicate original receipts for the negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to

the person previously in charge of the negroes, the other shall be given to the Curator, who shall deposit the same in the registry of the Mixed Commission which adjudicated the case of the vessel in which the negroes were captured.

At the time of the delivery of such negroes to the Government, in the manner hereinbefore mentioned, they shall be minutely inspected by the Curator; who shall give to each negro a name, which name shall then be entered by the Curator, in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, with the bodily marks, and with any particulars which can be ascertained regarding the family and nation of such negro, together with the name of the vessel in which he was captured.

Each negro shall then be marked on the upper part of the right arm with a small silver instrument, bearing for its device a symbol of freedom.

#### ARTICLE VI.

The Board of Superintendence shall then make known by the public papers its intention to apprentice out the liberated negroes; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the negroes shall take place, either by public auction or by tender, as may be thought best; and the negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid Board. The contract or indenture shall be made out in duplicate; it shall be in print and not in writing; one copy of it shall remain with the hirer, and the other with the Board, under the care of the Curator.

When the sums offered by two or more different persons for the hiring of a negro are equal, preference shall be given to the person who will undertake to employ such negro as a mechanic or as a domestic servant.

#### ARTICLE VII.

The period of service for which apprentices shall be bound, shall be seven years for all negroes who, at the time of hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of negroes who, at the time of hiring, are under thirteen years of age, shall continue till the age of twenty, subject to a diminution of that term, at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

## ARTICLE VIII.

When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under fourteen years of age be separated from its mother; but such child shall always be apprenticed to the same master with its mother.

## ARTICLE IX.

The name and address of the master, together with the name and position of the estate or house where the liberated negro is to be resident, shall be inserted opposite to the name of the negro in his contract or indenture.

## ARTICLE X.

No negro shall be apprenticed to any master who resides more than twenty English miles from the town where the Mixed Commission, by which he was liberated, is established; and if any master, to whom such negro shall have been so apprenticed, shall afterwards change his residence, he shall be required to give immediate notice thereof to the Curator.

The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Commission.

## ARTICLE XI.

No person shall be entrusted with one or more liberated negroes, unless he shall prove to the Board that he possesses ample means for the employment, maintenance, and support of such negro or negroes, and unless he shall make himself answerable, under the penalty of eighty dollars for each negro, that the conditions under which such negro is received shall be duly observed.

## ARTICLE XII.

The master shall engage to pay a stipulated sum for the hire of each apprentice.

The Curator may, if the amount is to be paid down in one sum, demand it previously to the hire; and if the sum is to be periodically paid, the Curator may demand the same quarterly in advance.

## ARTICLE XIII.

The master shall undertake,—

1. That the apprentice shall be maintained with wholesome and abundant food; and shall be provided with such clothes as are usual, according to the custom of the country.

2. That he shall be instructed in the truths of the Christian religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

3. That he shall be vaccinated as soon as possible after having been delivered into the charge of the master; that in sickness he shall have proper medical advice, and shall be treated with due care and attention; and that in case of death he shall be decently buried at the master's expence.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6. That baptism of an infant, so born, shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be maintained and treated by the master of the mother, in the same manner as an apprentice, until the apprenticeship of the mother ceases.

## ARTICLE XIV.

No master shall, in any case, be authorized to transfer to another master his apprenticed negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits hereinbefore fixed for persons having apprentices; or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices, and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than to the said Board, or to the Curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts, the said Board shall have power to cancel the indentures.

## ARTICLE XV.

If an apprentice should run away, his master shall give immediate information thereof to the Curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay as a fine the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the Curator, to be placed at the disposal of the Board for the purposes hereinafter mentioned.

## ARTICLE XVI.

If an apprentice should fall sick, the master shall give immediate notice thereof to the Curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his disorder, and the manner in which such sick negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the Curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased negro was really and truly the apprentice described as such in the register.

For this purpose the Curator or his assistant shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the negro, which is to be at the expence of the master, may take place without further delay.

A summary report of the result of this inquiry shall then be drawn up officially by the Curator, and shall be delivered without delay to the Board.

The Curator, after having identified the body of an apprentice who may have died, shall investigate the cause of the death; and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other negroes, and other inhabitants of the house, and shall take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

## ARTICLE XVII.

If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceeding one hundred, dollars; one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purposes hereinafter mentioned. And in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice; and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

## ARTICLE XVIII.

If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The Board shall thereupon issue their order to

the Curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master, under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed negro belonging to such deceased master; until he shall have delivered them all up to the said Board; and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

## ARTICLE XIX.

If any liberated negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations in regard to the negro, as are hereinbefore prescribed for cases in which the negro is apprenticed to a private individual.

## ARTICLE XX.

Liberated negroes shall, at the discretion of the Board of Superintendence, and when it shall be ascertained that their own free will has been previously obtained, be permitted to become soldiers or sailors in the regular land or sea forces of the State in whose territories they shall have been emancipated.

The Board shall take care in such case to ascertain that the negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting,

The Government into whose service the negroes enlist shall sign a receipt for them; which receipt shall be delivered to the Curator at the time of the enlistment: and the Board shall take means to ensure that the full and permanent emancipation of such negroes shall be secured to them, according to the true spirit of these Regulations.

## ARTICLE XXI.

Those liberated negroes who may not be apprenticed, or who may not have enlisted into the sea or land forces of the State to which the colony or possession in which they may be belongs, or whose indentures shall have become void, or shall have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Commissions are sitting.

The expence of maintaining and supporting such negroes shall be borne by the Government of the colony: but they shall be under the care and superintendence of the Board and Curator; and the present Regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

## ARTICLE XXII.

The Curator shall endeavour, by means of an interpreter, to explain to each negro the nature of any contract by which he may become bound; and shall inform him that if he should at any time be ill-treated by his master, he must make his complaint to the Curator, or to the Board of Superintendence of liberated negroes.

## ARTICLE XXIII.

It shall be the duty of the Curator, or of his assistant, to visit once, at least, in every three months, all places where there are any liberated negroes under the superintendence of the Board; he shall examine and inspect all such negroes, receive their complaints, inquire into those complaints and search out the truth, and investigate any abuses that may affect the said negroes; and he shall also inquire into the general conduct of the negroes themselves.

The Curator shall then bring to the notice of the Board every complaint on the part of the said negroes, and every breach of the conditions and stipulations of the contract under which the negroes serve; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The Curator shall also report to the Board every three months, the state in which he finds the liberated negroes; and his report shall be entered in a book to be kept for that purpose, to be called "Curator's Reports," and to be deposited in the office of the Board, so that, on reference thereto, the condition and behaviour of every liberated negro may be easily known.

## ARTICLE XXIV.

All proceedings of the Curator, together with a statement of all facts which may from time to time come to his knowledge, respecting the liberated negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any steps in respect to such negroes, without the knowledge and sanction of the Board.

## ARTICLE XXV.

The Curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters; and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

## ARTICLE XXVI.

When the prescribed term of service of any apprentice shall have expired, the Curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board. The master shall then give up to the Board the indenture of the negro; and the negro shall receive from the Board a certificate, specifying that such negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The Curator shall see that this certificate be authenticated and registered according to the custom of the country.

## ARTICLE XXVII.

The Board of Superintendence shall have the power to admonish the Curator, and any other officer serving under the Board, if such Curator or other officer should fail to execute his duty faithfully; and, if the Board shall see necessary, they may dismiss such Curator or other officer, and appoint successors.

## ARTICLE XXVIII.

The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside; and shall be carried on at the instance of the Board.

The expences of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these Regulations are annexed, they will grant the requisite authority and powers to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these Regulations, may be brought in such Courts of Law at the instance of the Boards, so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced; and the payment of the amount thereof may be made to the person appointed by these Regulations to receive such penalties and monies.

## ARTICLE XXIX.

The money arising from the hire of liberated negroes, and also from the penalties incurred by the masters, shall be deposited by the Curator in a chest with three keys, one of which shall be kept by each Commissioner of the Board of Superintendence, and one by the Curator.

The Curator shall so deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the following manner; that is to say: a portion thereof, at the discretion of the Board of Superintendence, shall be paid to the Curator, and to the other officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful, shall be applied towards defraying the expence of prosecuting masters for breach of the conditions and stipulations of their contracts, and also towards defraying the other expences incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated negroes, either during their term of service or at its expiration, and especially in rewards to liberated negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at

the expiration of every year, be made up in duplicate by the Curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each Commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moities by the two Governments.

#### ARTICLE XXX.

In the event of a difference arising between the two aforesaid Commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these Regulations,—if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Portuguese arbitrator to the Mixed Commission under the Treaty; and if the case shall occur in a Portuguese colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession as British arbitrator to the Mixed Commission under the Treaty; and the Board of Superintendence of liberated negroes, thus formed, and being composed of the two commissioners and of one arbitrator, shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

#### ARTICLE XXXI.

Nothing that is contained in these Regulations shall be construed to exempt any liberated negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where any offence against such laws is imputed to a negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man; and the Curator shall, either personally, or by a responsible individual deputed by him for the purpose, attend the Courts of Justice of the country to see that justice is done to the negro.

#### ARTICLE XXXII.

It is further stipulated, with a view to avoid the unnecessary multiplication of words, that every thing contained in the foregoing Regulations, which applies to masters, shall be construed as applying equally to mistresses; and that every thing in the said Regulations with respect to negroes and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

#### ARTICLE XXXIII.

These Regulations shall be inserted in the Official Gazette or Journal of the countries whose Sovereigns are Contracting Parties to the Treaty; and also in the Official Journal or Gazette of the place where the Mixed Commissions are respectively held: and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, Curators, and officers acting under them, respectively, to perform the duties, and to exercise the powers entrusted to them by these Regulations.

#### ARTICLE XXXIV.

The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those which are 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 objects they have in view.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the 3d of July 1842, that the preceding Regulations, consisting of thirty-four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The third day of July, one thousand eight hundred and forty-two.

HOWARD DE WALDEN. (L.S.)  
DUKE OF PALMELLA. (L.S.)

And whereas the said Treaty was ratified by Her Majesty and by the Queen of Portugal, respectively, and such ratifications were exchanged at Lisbon on the 30th day of July, in the present year of our Lord 1842:

And whereas it is expedient and necessary, that effectual provision should be made for carrying into execution the provisions of the Treaty aforesaid:

Now, therefore, Her Majesty, by virtue of the powers vested in Her by the Acts above recited, and by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered, that the said Treaty, and all stipulations contained therein, shall be carried into immediate execution, and that all searches, examinations, detentions, seizures, condemnations, and sales of ships or vessels detained, seized, or captured, for any violation of the provisions of the said Treaty shall be legal; and it is hereby further ordered, that it shall and may be lawful for any officer commanding any ship of war of Her Majesty, or of the Queen of Portugal, who shall be duly instructed and authorized according to the several 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 transporting negroes for the purpose of consigning them to slavery, or of having been fitted out for that purpose, or of having been so employed during the voyage in which they are met by the said cruisers; and to detain and send or carry away such vessel, together with the master, officers, crew, passengers, slaves, and cargo, for the purpose of such vessel being brought to trial or adjudication before one of the Mixed Commissions to be established in virtue of the said Treaty, or of the Mixed Commission Court at present established under the Convention between Great Britain and Portugal of the 28th of July 1817; pursuant to the stipulations of the above recited Treaty, signed at Lisbon on the 3d of July in the present year; and all such commanders and other officers of Her said Majesty's ships are hereby authorized and required, in the exercise of such rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute, perform, and comply with the said several provisions and instructions of the said Treaty as apply thereto respectively.

And it is further ordered, that it shall be lawful for Her Majesty, by any warrant under Her Royal Sign Manual, countersigned by one of Her Principal Secretaries of State for the time being, to appoint such commissioners 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 commissioners and arbitrators as aforesaid, not exceeding such annual sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall from time to time direct; and such commissioners 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 Order 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 Order.

And it is further ordered, 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 nominate and appoint any secretary or registrar to the Mixed Commission or Commissions which shall be established in virtue of the said Treaty, and from time to time to supply by other appointments any vacancy which may hereafter occur in such Commissions, and to grant a

salary or salaries to any 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 any 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 article, 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.

And it is further ordered, that in case of the death, sickness, absence on leave, or any other legal impediment of any such British Commissioner, of either of the said Commissions established by virtue of the said Treaty, the British arbitrator of such Commission shall fill the office of such commissioner *ad interim*, until the office shall be thereafter filled by some person appointed by Her Majesty, or until such commissioner shall resume the duties of his said office; and that in case of such vacancy of the office of British arbitrator of the Commission, established by virtue of the said Treaty, or in case of the death, sickness, absence on leave, or other impediment of the said arbitrator of the said Commission, the office of such arbitrator shall be filled, *ad interim*, successively by the Governor, Lieutenant-Governor, resident in such possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said office shall be filled by some person appointed by Her Majesty, or until such arbitrator shall resume the duties of his said office; and that in case of the death, sickness, absence on leave, or other legal impediment of the British arbitrator in the Commission, established by virtue of the said Treaty within the possessions of the Crown of Portugal, or of his assuming *ad interim* the duties of a commissioner of the said Commission 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 in the offices, both of British commissioner and British arbitrator, then that such office of commissioner 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 arbitrator on behalf of the Portuguese Government 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 commissioner 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 commissioner and arbitrator appointed by the Portuguese Government of such Commission to sit alone in such Commission; 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

commissioner and British arbitrator shall resume the duties of their said offices respectively.

And it is further ordered, that every such commissioner and arbitrator, so appointed by Her 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 Her Britannic Majesty or to the Crown of Portugal, in which the Commission shall be established; which oath any such magistrate is hereby authorized to administer in the form following (that is to say):

"I, A. B., 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 Queen of Portugal, signed at Lisbon the third day of July one thousand eight hundred and forty-two."

And every secretary or registrar appointed by Her Majesty under the provisions of the said Treaty, and of this Order, shall, before he enters on the duties of his said office, take an oath before one of the Judges of the said Commission, 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 commissioners and arbitrators of the Commission 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."

And it is further ordered, that it shall be lawful for the said commissioners 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 commissioners or arbitrators, under the said Treaty and Articles, and this Order; and it shall also be lawful for the said commissioners 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 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.

And it is hereby further ordered, that immediately after sentence of condemnation upon a vessel charged with being concerned in illegal

slave trade, shall have been passed by the Mixed Commissions established under the said Treaty, all negroes or others who were on board of such vessel, and who were brought on board for the purpose of being consigned to slavery, shall be delivered over to the Government to whom belongs the cruizer which made the capture; and that the negroes so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board, consisting of two members or commissioners, with a power to call in a third member, under the circumstances stated in the said Treaty.

And it is further ordered, that in those colonies or possessions of Her Majesty, in which, under the Treaty, Mixed Commissions are to sit, the Boards of Superintendence of the liberated negroes shall consist of the Governors of the said colonies or possessions, and of the Portuguese commissioners in the said Mixed Commissions; and that when the Portuguese commissioners are absent, then the Portuguese arbitrators of the said Mixed Commissions shall sit in the place of the commissioners, in the Boards of Superintendence of liberated negroes; and that in those colonies of the Queen of Portugal in which, under the present Treaty, Mixed Commissions are to sit, the Boards of Superintendence of the liberated negroes shall consist of the Governors of those colonies or possessions, and of the British commissioners in the said Mixed Commissions; and when the British commissioners are absent, then the British arbitrators of the said Mixed Commission shall sit in the place of the commissioners in the Boards of Superintendence of liberated negroes.

And it is further ordered, that the several members of the Boards of Superintendence shall, before entering upon their offices, respectively take an oath, in presence of the principal magistrate of the place, which oath the said magistrate is hereby empowered and required to administer, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

And it is hereby further ordered, that a fit and proper person shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated negroes; and that such Curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

And it is further ordered, that the Curator so appointed shall, previously to his entering on the duties of his office, take before the Board of Superintendence an oath in the following words:

"I, A. B., do solemnly swear, that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office; and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated negroes to which I am attached.

"So help me God."

And it is hereby further ordered, that it shall and may be lawful for the said Boards of Super-

intendence, and also for the said Curators, and the persons employed by them as aforesaid, and they are hereby required to carry into effect the provisions of the said Treaty, and the Regulations annexed thereto in respect to the treatment of liberated negroes, and to do all acts, matters, and things appertaining to their several offices, agreeably to the said Treaty and Regulations, as fully and effectually, to all intents and purposes, as if special powers and authorities for that purpose were specifically and particularly herein inserted and given in relation thereto.

And it is hereby further ordered, that all the provisions in the said Regulations contained respecting the apprenticeship of liberated negroes, and the monies to be paid for the hire of such negroes, and also respecting the forfeitures, fines, and penalties thereby imposed upon the masters or hirers of the said negroes, or upon others, shall be legal and binding upon the said masters or hirers, or upon all other persons whom it shall or may concern, as fully and effectually, to all intents and purposes, as if the said provisions and Regulations were specifically and particularly inserted in this Order.

And it is hereby further ordered, that the necessary proceedings for recovering such sums as may, under the said Regulations, be due from masters or hirers on account of the apprenticeship or hire of such liberated negroes, and for enforcing the forfeitures, fines, and penalties imposed by the said Regulations, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board, and the expences of the said proceedings defrayed, as in the said Regulations mentioned and directed.

And it is hereby ordered, that the Supreme Courts in the places or colonies belonging to Her Majesty, in which the said Boards of Superintendence shall respectively reside, shall have the requisite power, authority, and jurisdiction to take cognizance of all actions which, for the due execution of the said Regulations, may be brought in such Courts respectively, at the instance of such Board, in respect to the forfeitures, fines, and penalties, and to the monies payable for the apprenticeship or hire of liberated negroes by masters or officers, under the said Regulations, so that the said forfeitures may be enforced, and the said fines and penalties recovered, and the said monies may be levied, and the payment of the amount thereof may be made to the person appointed by the said Regulations to receive the same.

And it is further ordered, 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 commissioners or arbitrators aforesaid, or before any other person, under the said Treaty or this Order, shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be

tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereunto, 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.

And it is further ordered, that the pendency of any suit or proceeding instituted before the said commissioners 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.

And it is further ordered, 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 under the provisions of the said Treaty to make such seizure, and shall be afterwards condemned by any of the commissioners appointed in virtue of the Treaty aforesaid, there shall be paid to the captors the portion to which Her Majesty is entitled, such portion to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

And it is further ordered, that there shall be paid, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the commanders, officers, and crews of Her Majesty's ships authorized to make seizures under the aforesaid Treaty, 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 Portuguese ship or vessel taken and delivered over and condemned, in pursuance of the provisions of the said Treaty and of this Order; such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid, in such manner and proportions as Her Majesty, Her heirs and successors shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that purpose.

And it is further ordered, 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.

And it is hereby further ordered, 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.

And it is further ordered, 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 Portuguese ship or vessel, in pursuance of the provisions of the said Treaty, and of this Order, 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 Her Majesty's Treasury, if to them, in their discretion, it shall seem meet, by warrant signed by any three or more of them, to direct the payment, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of a sum not exceeding one moiety of the bounty which would have been due in each case, respectively, if the said slaves had been delivered over and condemned.

And it is further ordered, that any party or parties claiming any benefit by way of bounty under the provisions of this Order, or of any share of the proceeds of any Portuguese vessel confiscated in pursuance of the provisions of the aforesaid Treaty, shall and 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 and may 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 Order, and enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

And it is hereby further ordered, that all the provisions, rules, regulations, forfeitures, and penalties now in force, 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 Order, to the officers and crews of any of Her Majesty's ships or vessels of war.

And it is hereby further ordered, that when any seizure shall be made, or prosecution instituted as or for the violation of any of the provisions of this Order, and judgment shall be given against the seizer or prosecutor, or such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct payment to be made, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of such costs, damages, and expences as the said seizer or prosecutor may be liable to pay in respect of such seizure, or any proportionate part thereof; and also such costs and expences as the said seizer may have incurred in respect of such seizure.

And it is hereby further ordered, that it shall and may be lawful for the Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by 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 sum of money awarded by the Mixed Commission Courts to be due on account of any unlawful seizure or detention by any of Her Majesty's authorized cruizers; provided always, that nothing herein contained shall exempt the seizer from his liability to make good the payments so made, when lawfully called upon by order of the said Commissioners.

And it is hereby further ordered, that if any of the things specified in the article of the said Treaty shall be found on board any vessel which shall be detained and brought before either of the said Mixed Commissions, 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 Commissions should not pronounce any sentence of condemnation.

And the Right Honourable the Earl of Aberdeen, the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State, the Right Honourable the Lords Commissioners of Her Majesty's Treasury, and the Commissioners for executing the office of Lord High Admiral of Great Britain, are to give the necessary directions herein as to them may respectively appertain.

*C. C. Greville.*

Printed and Published at the Office, in Cannon-row, Parliament-street, by FRANCIS WATTS, of No. 40, Vincent-square, Westminster.

Monday, September 19, 1842.

Price One Shilling and Eight Pence.

