

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No part of the crew or passengers, or of the cargo, or of the slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one of the Mixed Commissions, unless the transfer of the whole or part of the crew or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