

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 equality 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