
TREATY *between Great Britain and Spain, for the Abolition of the Slave Trade. Signed at Madrid, 23rd September, 1817.*

In the Name of the Most Holy Trinity.

It having been stated in the second Additional Article of the Treaty, signed at Madrid, on the 5th day of July, of the year 1814, between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain and the Indies, that His Catholic Majesty concurs in the fullest manner, in the sentiments of His Britannic Majesty, with respect to the injustice and inhumanity of the traffic in slaves, and promises to take into consideration, with the deliberation which the state of His Possessions in America demands, the means of acting in conformity with those sentiments; and engages moreover to prohibit His subjects from carrying on the Slave Trade, for the purpose of supplying any Islands or Possessions, excepting those appertaining to Spain; and to prevent by effectual measures and regulations, the protection of the Spanish flag being given to

la proteccion de la bandera Española á los extrangeros que se empleen en este tráfico, bien sean súbditos de Su Magestad Británica, ó de otros Estados y Potencias :

Y consiguiente Su Magestad Católica al espíritu de este Artículo, y á los principios de humanidad que le animan, no habiendo perdido nunca de vista un asunto que tanto le interesa, y deseoso de adelantar el momento de su logro, se ha determinado á coopear con Su Magestad Británica á la causa de la humanidad, adoptando, de acuerdo con su dicha Magestad, medios eficaces para llevar á efecto la Abolicion del Tráfico de Esclavos: suprimir el ilícito comercio de esclavos por parte de sus respectivos súbditos; y precaver que sean molestados ó perjudicados, por los cruceros Británicos, los buques Españoles que trafiquen en negros, conforme á la ley y á los Tratados. Las dos altas Partes Contratantes han nombrado en consecuencia por sus Plenipotenciarios, á saber :

Su Magestad el Rey del Reyno Unido de la Gran Bretaña é Irlanda, al Muy Honorable Don Henrique Wellesley, Miembro del Muy Honorable Consejo Privado de Su Magestad, Caballero Gran Cruz de la Muy Honorable Orden del Baño, y Su Embajador Extraordinario y Plenipotenciario cerca de Su Magestad Católica; y Su Magestad el Rey de España y de las Indias, á Don Josef García de Leon y Pizarro, Caballero Gran Cruz de la Real y distinguida Orden Española de Cárlos III. &c. &c. &c., Consejero de Estado, y primer Secretario de Estado y del Despacho Universal; los cuales habiendo cangeado sus respectivos Plenos Poderes, hallados en buena y debida forma, se han convenido en los Articulos siguientes :

I. Su Magestad Católica se obliga á que el Tráfico de Esclavos quede abolido en todos los Dominios de España, el dia 30 de Mayo, de 1820, y que desde esta época en adelante no será lícito á ningun vasallo de la Corona de España el comprar esclavos ó continuar el Tráfico de Esclavos, en parte alguna de la costa de Africa, bajo ningun pretexto, ni de ninguna manera que sea; bien entendido, sin embargo, que se concederá un término de cinco meses desde dicha fecha de 30 de Mayo, de 1820, para que completen sus viages los buques que hubiesen sido legítimamente habilitados antes del citado dia 30 de Mayo.

foreigners who may engage in this traffic, whether subjects of His Britannic Majesty, or of any other State or Power :

And His Catholic Majesty, conformably to the spirit of this Article, and to the principles of humanity with which He is animated, having never lost sight of an object so interesting to Him, and being desirous of hastening the moment of its attainment, has resolved to co-operate with His Britannic Majesty in the cause of humanity, by adopting in concert with His said Majesty, efficacious means for bringing about the Abolition of the Slave Trade; for effectually suppressing illicit traffic in slaves, on the part of their respective subjects; and for preventing Spanish ships trading in slaves, conformably to Law and to Treaty, from being molested or subjected to losses from British cruisers. The two high Contracting Parties have accordingly named as their Plenipotentiaries, viz.

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Wellesley, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty; and His Majesty the King of Spain and the Indies, Don Josef Garcia de Leon y Pizarro, Knight Grand Cross of the Royal and distinguished Spanish Order of Charles the Third, &c. &c. &c., Counsellor of State, and First Secretary of State and of the general Dispatch; who, having exchanged their respective full Powers found to be in good and due form, have agreed upon the following Articles :

I. His Catholic Majesty engages that the Slave Trade shall be abolished throughout the entire Dominions of Spain, on the 30th day of May, 1820; and that, from and after that period, it shall not be lawful for any of the subjects of the Crown of Spain, to purchase slaves, or to carry on the Slave Trade, on any part of the coast of Africa, upon any pretext or in any manner whatever; provided however, that a term of five months from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of vessels which shall have cleared out lawfully, previously to the said 30th of May.

II. Queda estipulado, por el presente Artículo, que desde el día del cange de las ratificaciones del presente Tratado en adelante, no será lícito á ningún súbdito de la Corona de España el comprar esclavos, ó continuar el Tráfico de Esclavos en parte alguna de la costa de Africa al norte del Ecuador, bajo ningun pretexto, ó de cualquiera manera que fuere; entendiéndose, sin embargo, que se concederá un término de seis meses desde la fecha del cange de las ratificaciones de este Tratado, para que puedan completar sus viages los buques que hubiesen sido despachados de puertos Españoles para la referida costa, antes del cange de las dichas ratificaciones.

III. Su Magestad Británica se obliga á pagar en Lóndres, el 20 de Febrero, de 1818, la suma de 400,000 libras esterlinas, á la persona que Su Magestad Católica designe para recibirlas.

IV. La expresada suma de 400,000 libras esterlinas se ha de considerar como una compensacion completa de todas las pérdidas que hubiesen sufrido los súbditos de Su Magestad Católica, ocupados en este Tráfico, con motivo de las expediciones interceptadas antes del cange de las ratificaciones del presente Tratado; como tambien de las que son una consecuencia necesaria de la abolicion de este comercio.

V. Siendo uno de los objetos de este Tratado por parte de los dos Gobiernos él de impedir que sus respectivos súbditos comercien ilegítimamente en esclavos, las dos altas Partes Contratantes declaran, que considerarán como comercio ilícito de esclavos el que se haga en adelante del modo siguiente; á saber:

1º. En buques Ingleses ó que lleven pabellon ingles, ó en cualquier otro buque y bajo cualquier pabellon, siempre que sea por cuenta de súbditos Ingleses.

2º. En buques Españoles que hagan el tráfico en cualquiera parte de la costa de Africa al norte del Ecuador, despues del cange de las ratificaciones del presente Tratado; entendiéndose, sin embargo, que se concederán seis meses para completar el viage de los buques, según el tenor del Artículo II. del presente Tratado.

3º. En buques Españoles ó con pabellon Español, ó en cualquier otro buque y bajo cualquier pabellon que sea, por cuenta de súbditos Españoles, despues del 30 de Mayo, de 1820, en que

II. It is hereby agreed that, from and after the exchange of the ratifications of the present Treaty, it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves or to carry on the Slave Trade, on any part of the coast of Africa, to the north of the Equator; upon any pretext or in any manner whatever; provided, however, that a term of six months, from the date of the exchange of the ratifications of this Treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from Spanish ports for the said coast, previously to the exchange of the said ratifications.

III. His Britannic Majesty engages to pay in London on the 20th of February, 1818, the sum of 400,000*l.*, to such person as His Catholic Majesty shall appoint to receive the same.

IV. The said sum of 400,000*l.* is to be considered as a full compensation for all losses sustained by the subjects of His Catholic Majesty, engaged in this traffic, on account of vessels captured previously to the exchange of the ratifications of the present Treaty; as also for the losses which are a necessary consequence of the abolition of the said traffic.

V. One of the objects of this Treaty, on the part of the two Governments, being mutually to prevent Their respective subjects from carrying on an illicit slave trade, the two high Contracting Parties declare, that they consider as illicit, any traffic in slaves carried on under the following circumstances:

1st. Either by British ships and under the British flag, or for the account of British subjects by any vessel or under any flag whatsoever.

2d. By Spanish ships upon any part of the coast of Africa, north of the Equator, after the exchange of the ratifications of the present Treaty: provided, however, that six months shall be allowed for completing the voyages of vessels, conformably to the tenor of the Second Article of this Treaty.

3d. Either by Spanish ships and under the Spanish flag, or for the account of Spanish subjects, by any vessel or under any flag whatsoever, after the 30th of May, 1820, when the traffic in slaves

ha de cesar el tráfico de negros por parte de la España, y despues de los cinco meses concedidos para el retorno de los viages empezados en tiempo hábil, con arreglo al Artículo I. de este Tratado.

4°. En buques bajo pabellon Ingles ó Español, de cuenta de los súbditos de cualquier otra Potencia.

5°. En buques Españoles cuyo destino sea cualquier puerto fuera de los Dominios de Su Magestad Católica.

VI. Su Magestad Católica, consiguiendo al espíritu de este Tratado, tomará todas las providencias mas oportunas para que tengan un cumplido efecto los fines saludables que en él se proponen las altas Partes Contratantes.

VII. Todo buque Español que se emplee en el tráfico de esclavos, y cuyo destino sea á cualquier parte de la costa de Africa, en donde se pueda hacer legítimamente dicho comercio, llevará un Pasaporte Real, escrito en Español, con una traduccion auténtica en Ingles, anexa á él (conforme al modelo anexo, el cual constituye una parte integrante de este Tratado), firmado por Su Magestad Católica, refrendado por el Secretario de Marina, y contrafirmado por el gefe marino superior del distrito, apostadero ó puerto donde se habilite el buque, sea en España, sea en las posesiones coloniales de Su Magestad Católica.

VIII. La necesidad de este Pasaporte para legitimar la navegacion de los buques negreros, no debe entenderse sino para la continuacion del tráfico al sur de la línea, quedando en su fuerza los que se despachan ahora, firmados por el primer Secretario de Estado de Su Magestad Católica, y en la forma que se previno en orden de 16 de Diciembre de 1816, para todos los buques que salgan para la costa de Africa, al norte, como tambien al sud de la línea, antes del cange de las ratificaciones del presente Tratado.

IX. A fin de que se realice mejor el objeto de impedir el comercio ilegítimo de esclavos por parte de sus respectivos súbditos, las dos altas Partes Contratantes se convienen mutuamente en que los buques de guerra de Sus Reales marinas, á quienes se darán al intento especiales instrucciones, de las que se hará luego mencion, sean autorizados para registrar los buques mercantes de

on the part of Spain is to cease entirely; provided always that five months shall be allowed for the completion of voyages commenced in due time conformably to the First Article of this Treaty.

4th. Under the British or Spanish flag for the account of the subjects of any other Government.

5th. By Spanish vessels bound for any port not in the Dominions of His Catholic Majesty.

VI. His Catholic Majesty will adopt, in conformity to the spirit of this Treaty, the measures which are best calculated to give full and complete effect to the laudable objects which the high Contracting Parties have in view.

VII. Every Spanish vessel which shall be destined for the slave trade on any part of the coast of Africa where this traffic still continues to be lawful, must be provided with a Royal Passport, conformable to the model annexed to the present Treaty, and which model forms an integral part of the same. This Passport must be written in the Spanish language, with an authentic translation in English annexed thereto; and it must be signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal naval authority of the district, station or port, from whence the vessel clears out, whether in Spain or in the colonial possessions of His Majesty.

VIII. It is to be understood that this Passport, for rendering lawful the voyages of slave ships, is required only for the continuation of the traffic to the south of the line; those Passports which are now issued, signed by the first Secretary of State of His Catholic Majesty, and in the form prescribed by the order of the 16th of December, 1816, remaining in full force for all vessels which may have cleared out for the coast of Africa, as well to the north as to the south of the line, previously to the exchange of the ratifications of the present Treaty.

IX. The two high Contracting Parties, for the more complete attainment of the object of preventing all illicit traffic in slaves on the part of their respective subjects, mutually consent, that the ships of war of Their Royal navies, which shall be provided with special instructions for this purpose as hereinafter mentioned, may visit such merchant vessels of the two nations as may be

ambas naciones, de los cuales se sospeche, con fundamentos razonables, que llevan á su bordo esclavos de ilícito comercio, y tengan asimismo facultad (aunque solo en el caso de hallarse á bordo los negros) para detener y llevarse los referidos buques, á fin de que sean juzgados por los tribunales establecidos con este objeto, segun se indicará despues; bien entendido que se haya de encarregar á los comandantes de los buques de guerra que ejerzan esta comision, se atengan con el mayor rigor, á las instrucciones que se les han de dar para dicho objeto.

Siendo este Artículo recíproco en todos respectos, las altas Partes Contratantes se obligan á resarcir las pérdidas que puedan sufrir injustamente Sus respectivos súbditos por la detencion de cualquiera de sus buques sin suficiente causa legal. Debiendose entender que esta indemnizacion será siempre á expensas del Gobierno á que pertenezca el crucero que haya cometido el acto arbitrario; entendiéndose tambien que la facultad de visitar y detener los buques negreros, segun se expresa en este Artículo, solo podrá ejercerse por los buques Españoles ó Ingleses que pertenezcan á una ú otra Real marina, y estén provistos de las instrucciones especiales anexas á este Tratado.

X. Ningun crucero, sea Español ó Ingles, podrá detener á ningun buque negrero que no tenga, á la sazón, esclavos á bordo; y afin de legalizar la detencion de cualquier buque Español ó Ingles, será necesario probar que los esclavos hallados á bordo, han sido conducidos con el objeto expreso del tráfico; y que los hallados á bordo de los buques españoles, han sido tomados en la parte de la costa de Africa, donde esté ya prohibido el tráfico, segun el tenor del presente Tratado.

XI. Los buques de guerra pertenecientes á las dos naciones, que en lo sucesivo se destinen á impedir el tráfico ilegítimo de negros, recibirán de su Gobierno una copia de las instrucciones anexas al presente Tratado, las cuales serán consideradas como una parte integral del mismo.

Estas instrucciones se extenderán en Español y en Ingles, y serán firmadas, para todos los buques de cada nacion, por sus respectivos Ministros de marina.

Las dos altas Partes Contratantes se reservan la facultad de alterar, en todo ó en parte, las susodichas instrucciones, segun

suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and, in the event only of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the tribunals established for this purpose as shall hereinafter be specified ; provided always that the commanders of the ships of war of the two Royal navies, who shall be employed on this service, shall adhere strictly to the exact tenour of the instructions which they shall receive for this purpose.

As this Article is entirely reciprocal, the two high Contracting Parties engage mutually to make good any losses which Their respective subjects may incur unjustly by the arbitrary and illegal detention of their vessels. It being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention ; provided always that the visit and detention of slave ships specified in this Article, shall only be effected by those British or Spanish vessels which may form part of the two Royal navies, and by those only of such vessels which are provided with the special instructions annexed to the present Treaty.

X. No British or Spanish cruiser shall detain any slave ship not having slaves actually on board ; and in order to render lawful the detention of any ship, whether British or Spanish, the slaves found on board such vessel, must have been brought there for the express purpose of the traffic ; and those on board of Spanish ships must have been taken from that part of the coast of Africa where the slave trade is prohibited, conformably to the tenour of the present Treaty.

XI. All ships of war of the two nations, which shall hereafter be destined to prevent the illicit traffic in slaves, shall be furnished by their own Government, with a copy of the instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These instructions shall be written in Spanish and English, and signed, for the vessels of each of the two Powers, by the Minister of their respective marine.

The two high Contracting Parties reserve the faculty of altering the said instructions, in whole or in part, according to

requieran las circunstancias; entendiéndose, sin embargo, que dichas alteraciones han de hacerse únicamente de comun consentimiento y con la concurrencia de las dos altas Partes Contratantes.

XII. A fin de obviar el inconveniente que pudiera originarse de la dilacion en la adjudicacion de los buques detenidos por estar empleados en un comercio ilegal, se establecerán en el espacio de un año, á mas tardar, despues del cange de las ratificaciones del presente Tratado, dos Comisiones Mixtas, compuestas de un número igual de individuos de ambas naciones nombrados al intento por sus respectivos Soberanos.

Una de estas Comisiones residirá en Territorio de Sua Magestad Católica, y la otra en una de las posesiones de Sua Magestad Británica; y los dos Gobiernos se convendrán en cuanto á los parages de la residencia de dichas Comisiones, al tiempo, de cangearse las ratificaciones del presente Tratado, cada uno por lo respectivo á sus propios Dominios. Cada una de las dos altas Partes Contratantes se reserva el derecho de mudar á su voluntad, el lugar de residencia de la Comision que ha de estar en sus propios Dominios; entendiéndose, sin embargo, que una de las dos Comisiones habrá de residir siempre en la costa de Africa, y la otra en una de las posesiones coloniales de Su Magestad Católica.

Estas Comisiones decidirán las Causas que se les presenten sin apelacion, y conforme al reglamento é instrucciones anexas al presente Tratado, del cual han de considerarse como parte integrante.

XIII. Los actos ó instrumentos anexas á este Tratado, y del cual constituyen una parte integrante, son los siguientes:

Nº. 1. Modelo de Pasaporte para los busques mercantes Españoles, destinados al tráfico legítimo de esclavos.

Nº. 2. Instrucciones para los buques de guerra de las dos naciones, destinados á impedir el ilícito comercio de esclavos.

Nº. 3. Reglamento para las Comisiones Mixtas que han de establecerse en la costa de Africa, y en alguna de las posesiones coloniales de Su Magestad Católica.

XIV. El presente Tratado, compuesto de catorce Artículos, será ratificado, y cangeadas las ratificaciones, en Madrid en el término de dos meses, desde esta fecha, ó antes si fuere posible.

circumstances; it being, however, well understood that the said alterations cannot take place but by the common agreement, and by the consent of the two high Contracting Parties.

XII. In order to bring to adjudication with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit traffic of slaves, there shall be established, within the space of a year, at furthest, from the exchange of the ratifications of the present Treaty, two Mixed Commissions, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Commissions shall reside, one in a Possession belonging to His Britannic Majesty; the other, within the Territories of His Catholic Majesty; and the two Governments, at the period of the exchange of 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 reserving to itself the right of changing, at its pleasure, the place of residence of the Commission held within its own dominions; provided, however, that one of the two Commissions shall always be held upon the coast of Africa, and the other, in one of the colonial possessions of His Catholic Majesty.

These Commissions shall judge the Causes submitted to them, without appeal, and according to the regulation and instructions annexed to the present Treaty, of which they shall be considered as an integral part.

XIII. The acts or instruments annexed to this Treaty, and which form an integral part thereof, are as follows:

No. 1. Form of Passport for the Spanish merchant ships destined for the lawful traffic in slaves.

No. 2. Instructions for the ships of war of both nations, destined to prevent the illicit traffic in slaves.

No. 3. Regulation for the Mixed Commissions which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Catholic Majesty.

XIV. The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications exchanged at Madrid within the space of two months from this date, or sooner if possible.

En fé de lo cual, nos los infrascritos Plenipotenciarios, en virtud de nuestros respectivos Plenos Poderes, hemos firmado el presente Tratado, y hecho poner en él los sellos de nuestras armas.

Hecho en Madrid, à 23 de Setiembre, 1817.

Firmado

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

Modelo de Pasaporte para los Buques Españoles qui se destinaren al Trafico Legitimo de Esclavos.

Don Fernando, por la Gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las Dos Sicilias, de Jerusalem, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Menorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaen, de los Algarbes, de Algeciras, de Gibraltar, de las Islas de Canaria, de las Indias Orientales y Occidentales, Islas y Tierra firme del mar Océano; Archiduque de Austria; Duque de Borgoña, de Brabante y de Milan; Conde de Abspurg, Flándes, Tirol y Barcelona; Señor de Vizcaya y de Molina, &c.

Por cuanto he concedido permiso para el buque titulado de porte de toneladas, que lleva hombres de tripulacion, y pasajeros, su Capitan y su propietario ambos Españoles y súbditos de mi Corona, pueda salir con destino á los puertos de y y costa de Africa; de donde ha de volver á habiendo prestado antes los expresados Capitan y Propietario el debido juramento y fianza ante el juzgado de marina del correspondiente tercio naval de donde salga dicho buque, y probado legalmente que ningun extrangero tiene parte alguna en el arriba mencionado buque y cargamento, como resulta de la certificacion anexa á este Pasaporte, dada por el mismo tribunal, en consecuencia de las dili-

gencias practicadas en virtud de lo que prescribe la Ordenanza de Matriculas de 1802.

Los referidos Capitan y propietario de dicho buque quedan obligados á entrar solamente en los puertos de la costa de Africa situados al sur de la línea, y volver á cualquiera de los puertos de mis Dominios, donde solo se les permitirá desembarcar los esclavos que conduzcan, despues de haber manifestado en debida forma, que han cumplido en todo con las disposiciones de mi Real Decreto de 22 de Setiembre de 1817, por el cual se ha arreglado el modo de conducir los esclavos desde la costa de Africa á mis Dominios de ultramar; y si faltasen á alguna de estas condiciones esterán sujetos á las penas establecidas por dicho decreto contra aquellos que hiciéren el tráfico de esclavos de un modo ilícito.

Por tanto mando á los oficiales Generales ó particulares, comandantes de mis escuadras y bajeles: á los Capitanes Generales de los Departamentos de Marina, Comandantes Militares de sus provincias, sus subalternos, Capitanes de puerto, y otros cualesquiera oficiales y dependientes de la Armada: á los Vireyes, Capitanes ó Comandantes Generales de Reinos y Provincias: á los Gobernadores, Corregidores y Justicias de los pueblos de la costa de mar de mis Dominios de Indias: á los oficiales Reales ó Jueces de arribadas en ellos establecidos; y á todos los demas vasallos mios á quienes pertenece ó pertenecer pudiere, no le pongan embarazo, causen molestia ó detencion; antes le auxilien y faciliten lo que hubiere menester para su regular navegacion; y á los vasallos y súbditos de Reyes, Princes y Repúblicas amigas y aliadas mias: á los comandantes, gobernadores ó cabos de sus provincias, plazas, escuadras y bajeles, requiero que asimismo no le impidan en su libre navegacion, entrada, salida ó detencion en los puertos, á los cuales por algun accidente se condujere, permitiéndole que en ellos se bastimente y provea de todo lo que necesitare; á cuyo fin he mandado despachar este pasaporte; el cual firmado para su validacion de mi Secretario de Estado y del Despacho de Marina, servirá por el tiempo que durare el viage de ida y vuelta; y concluido que sea, lo devolverá al comandante de marina, gobernador ú otra persona por quien

taken in pursuance of the directions contained in the Ordinance of Matriculation of 1802.

The said Captain and owner of the said vessel being under an obligation to enter solely such ports on the coast of Africa as are to the south of the line; and to return from thence to any of the ports of my Dominions, where alone they shall be permitted to land the slaves whom they carry, after going through the proper forms, to show that they have, in every respect, complied with the provisions of my Royal Decree of the 22d of September, 1817, by which the mode of conveying slaves from the coast of Africa to my colonial Dominions, is regulated; and should they fail in any of these conditions they shall be liable to the penalties denounced by the same Decree against those who shall carry on the slave trade in an illicit manner.

I therefore command all General and other officers, commanding my squadrons and ships; the Captains General of the Departments of Marine, the Military Commandants of the provinces of the same, their subalterns, Captains of the ports, and all other officers and persons belonging to the Navy: the Viceroy, Captain-Generals or Commandants of Kingdoms and Provinces: the Governors, Mayors, and Justices of the towns upon the sea coast of my Dominions of Indies: the Royal officers or Judges of entries therein established; and all others of my subjects to whom it belongs, or may belong, not to give her any obstruction, nor to occasion her any inconvenience or detention; but rather to aid her and to furnish her with whatever she may want for her regular navigation; and of the vassals and subjects of Kings, Princes, and Republics in friendship and alliance with me; of the commanders, governors, or chiefs of their provinces, fortresses, squadrons, and vessels, I require that they likewise shall not impede her in her free navigation, entry, departure, or detention in the ports to which, by any accident, she may be carried, but permit her to provide and supply herself therein with whatever she may be in need of; for which purpose I have commanded this Passport to be made out, which being signed for its validity by my Secretary of State for the Dispatch of Marine, shall serve for the time that a voyage going and returning may last; after the conclusion of which, it shall be returned to the commandant of marine, governor

so hubiese expedido, poniendo para su uso la nota que corresponde.

Dado en Madrid á

Yo, EL REY.

[Aqui la firma del Secretario de Estado
y del Despacho de Marina.]

Nota.—Este Pasaporte N^o autoriza cualquier número de esclavos que no exceda siendo á proporcion de cinco esclavos por cada dos toneladas (segun está permitido por el Real Decreto de 22 de Setiembre de 1817), exceptuándose siempre los esclavos empleados como marineros ó criados, é hijos nacidos á bordo durante el viage; y el mismo se expide por mí el infrascrito en el dia de la fecha, extendido á favor del habiendo precedido todos los requisitos prevenidos por el Real Decreto de 22 Setiembre de 1817, y con la obligacion de devolverlo puntualmente al regreso del viage.

Dado en á de del año de

[Aqui la firma del gefe de Marina del tercio naval, del apostadero, de la provincia, ó del puerto donde se habilite el buque.]

Firmado

JOSE PIZARRO, (L.S.)

HENRY WELLESLEY, (L.S.)

*Instrucciones para los Buques de Guerra Españoles é Ingleses,
Empleados en Impedir el Ilicito Comercio de Esclavos.*

I. Todo buque de guerra Español ó Ingles tendrá derecho, con arreglo al Artículo IX del Tratado de esta fecha, de visitar los buques mercantes de cualquiera de las dos Potencias, efectivamente empleados ó que se sospeche emplearse en el tráfico de negros, y si se hallaren esclavos á su bordo, con arreglo al tenor del Artículo X del susodicho Tratado; y en cuanto respecta á los buques Españoles, si hay motivos para sospechar que dichos esclavos hayan sido embarcados en cualquier punto de la costa de Africa donde no sea ya permitido el tráfico, con arreglo á los

or other person by whom it may have been issued, adding for its proper use the corresponding note.

Given at Madrid on

I, THE KING.

[Here the signature of the Secretary of State and of the Dispatch of Marine.]

Note.—This Passport N^o. authorizes any number of slaves, not exceeding being in the proportion of five slaves for every two tons (as permitted by the Royal Decree of the 22nd of September, 1817) excepting always, such slaves employed as sailors or domestics, and children born on board during the voyage, and the same is issued by me the undersigned on the day of this date, made out in favour of who has previously conformed with all the formalities required by the Royal Decree of the 22nd of September, 1817, and is bound to return it immediately upon his return from the voyage.

Given at on the of of the year

[Here the signature of the principal marine authority of the naval division, station, province or port, from whence the vessel clears out.]

Signed

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

Instructions for the British and Spanish ships of war employed to prevent the illicit traffic in Slaves.

I. Every British or Spanish ship of war shall, in conformity with Article IX. of the Treaty of this date, have a right to visit the merchant ships of either of the two Powers actually engaged, or suspected to be engaged, in the Slave Trade, and should any slaves be found on board, according to the tenor of the Xth Article of the aforesaid Treaty; and as to what regards the Spanish vessels, should there be ground to suspect that the said slaves have been embarked on a part of the coast of Africa

Artículos I y II del Tratado de esta fecha; en tales casos únicamente, el Comandante de dicho buque de guerra podrá detenerlos, y ya detenidos, los llevará, con la brevedad posible, para que sean juzgados por una de las dos Comisiones Mixtas, establecidas, por el Artículo XII del Tratado de esta fecha, á la cual se hallen mas cercanos, ó á la que el Comandante del buque apresador, bajo su propia responsabilidad, crea poder llegar mas pronto, desde el parage en que haya sido detenido el buque negrero.

Los buques, á cuyo bordo no se hallaren esclavos destinados para el tráfico, no serán detenidos bajo ningun pretexto ó motivo.

Los criados ó marineros negros que se hallaren á bordo de estos buques no podrán en ningun caso considerarse causa suficiente para su detencion.

II. No podrá ser detenido con pretexto alguno ningun buque Español, mercante ó negrero, que se hallare en cualquier parte, ya sea cerca de tierra, ó bien en alta mar, al sur del Ecuador, durante el tiempo en que el tráfico ha de quedar lícito, segun las estipulaciones subsistentes entre las altas Partes Contratantes, á menos que se le hubiese empezado á perseguir al norte del Ecuador.

III. Los buques Españoles, provistos de Pasaportes en regla, que tuvieren esclavos á su bordo, embarcados en aquellas partes de la costa de Africa donde es permitido el tráfico á los súbditos Españoles, y que despues fueren hallados al norte del Ecuador, no serán detenidos por los buques de guerra de las dos naciones, aunque lleven las instrucciones presentes, con tal que aquellos puedan justificar su derrotero, bien por ser en conformidad con el uso de la navegacion Española dirigir su rumbo algunos grados hácia al norte en busca de vientos favorables, ó bien por otras causas legítimas, como los riesgos del mar, debidamente probados. Entendiéndose siempre que en cuanto á los buques negreros, que fueren detenidos al norte del Ecuador despues de fenecido el tiempo hábil, la prueba de la legalidad del viage se ha de hacer por el buque detenido. Por lo contrario, con respecto á los buques negreros detenidos al sur del Ecuador, segun las estipu-

where the traffic is no longer permitted, conformably to the Articles I. and II. of the Treaty of this date ; in these cases alone the commander of the said ship of war may detain them, and having detained them, he is to bring them, as soon as possible for judgment before that of the two Mixed Commissions appointed by the XIIth Article of the Treaty of this date, which shall be the nearest, or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach, from the spot where the slave ship shall have been detained.

Ships, on board of which no slaves shall be found intended for the purposes of traffic, shall not be detained on any account or pretence whatever.

Negro servants or sailors, that may be found on board the said vessels, cannot, in any case, be deemed a sufficient cause for detention.

II. No Spanish merchantman or slave ship shall, on any pretence whatever, be detained, which shall be found anywhere near the land or on the high seas, south of the Equator, during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the High Contracting Parties, unless after a chase that shall have commenced north of the Equator.

III. Spanish vessels furnished with a regular Passport, having slaves on board, shipped at those parts of the coast of Africa where the trade is permitted to Spanish subjects, and which shall afterwards be found north of the Equator, shall not be detained by the ships of war of the two nations, though furnished with the present instructions, provided the same can account for their course, either in conformity with the practice of the Spanish navigation by steering some degrees to the northward, in search of fair winds, or for other legitimate causes, such as the dangers of the sea duly proved. Provided always, that with regard to all slave ships detained to the north of the Equator, after the expiration of the term allowed, the proof of the legality of the voyage is to be furnished by the vessel so detained. On the other hand, with respect to slave ships detained to the south of the Equator, in conformity with the stipulations of the preceding Article, the

laciones del Artículo precedente, la prueba de la ilegalidad del viage deberá hacerse por el apresador.

Se estipula igualmente que el número de esclavos que los cruceros hallaren á bordo de un buque negrero, aun cuando no correspondiese con el del Pasaporte, no será motivo suficiente para justificar la detencion del buque ; pero el Capitan y el propietario serán denunciados en los tribunales Españoles, á fin de que sean castigados con arreglo á las leyes del pais.

IV. Todo buque Español destinado á emplearse en el lícito tráfico de esclavos, segun los principios enunciados en el Tratado de esta fecha, será mandado por un Español de nacimiento, y las dos terceras partes de su tripulacion, por lo menos, serán Españoles. Entendiéndose siempre que la construccion del buque, sea Española ò extranjerá, no influirá de ninguna manera sobre su nacionalidad ; y que los marineros negros serán siempre considerados como Españoles, con tal que pertenezcan como esclavos á súbditos de la Corona de España, ó que hayan sido puestos en libertad en los Dominios de Su Magestad Católica.

V. Siempre que un buque de guerra encuentre uno mercante que se halle en el caso de ser visitado, se hará el examen del modo mas moderado, y con toda la consideracion que es debida entre naciones amigas y aliadas ; y en ningun caso se hará la visita por un oficial de grado inferior al de teniente de la marina de la Gran Bretaña, ó al de alferéz de navio en la Española.

VI. Los buques de guerra que detengan barcos negreros, con arreglo á los principios establecidos en estas instrucciones, dejarán á bordo todo el cargamento de negros intacto, como tambien al Capitan, y una parte, por lo menos, de la tripulacion de dicho buque negrero ; el Capitan hará una Declaracion autentica por escrito, en la cual expresará el estado en que halló el buque detenido, y las mudanzas que se hubiéren hecho en él. Dará al Capitan del buque negrero una certificacion firmada de los papeles cogidos en dicho buque, como tambien del número de esclavos que se hubiesen encontrado á bordo al tiempo de su detencion.

No se desembarcarán los negros hasta que los buques donde

proof of the illegality of the voyage is to be exhibited by the captor.

It is in like manner stipulated that the number of slaves found on board a slave ship by the cruizers, even should the number not agree with that contained in their Passport, shall not be sufficient reason to justify the detention of the ship; but the captain and the proprietor shall be denounced in the Spanish tribunals, in order to their being punished according to the laws of the country.

IV. Every Spanish vessel intended to be employed in the legal traffic in slaves, in conformity with the principles laid down in the Treaty of this date, shall be commanded by a native Spaniard, and two-thirds, at least, of the crew shall likewise be Spaniards. Provided always, that its Spanish or foreign construction shall, in no wise, affect its nationality, and that the negro sailors shall always be reckoned as Spaniards, provided they belong, as slaves, to subjects of the Crown of Spain, or that they have been enfranchised in the Dominions of His Catholic Majesty.

V. Whenever a ship of war shall meet a merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations; and, in no case, shall the search be made by an officer holding a rank inferior to that of Lieutenant in the navy of Great Britain, or of ensign of a ship of the line in the Spanish navy.

VI. The ships of war which may detain any slave ship, in pursuance of the principles laid down in the present instructions, shall leave on board all the cargo of negroes untouched, as well as the captain, and a part, at least, of the crew of the above-mentioned slave ship; the Captain shall draw up in writing an authentic Declaration which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in it: he shall deliver to the Captain of the slave ship a signed certificate of the papers seized on board the said vessel, as well as of the number of slaves found on board at the moment of detention.

The negroes shall not be disembarked till after the vessels,

se hallen hayan llegado al parage donde se ha de decidir sobre la validez de la presa por una de las dos Comisiones Mixtas, á fin de que, en el caso de no ser adjudicados de buena presa, pueda repararse mas facilmente la pérdida de los propietarios. Si no obstante hubiere algun motivo urgente, dimanado de la extension del viage, del estado de salud de los negros, ó de otras causas que exigiese el desembarque de todos ó parte de estos, antes que el buque pudiese llegar al parage de la residencia de una de las dichas Comisiones, el Comandante del buque apresador podrá tomar sobre sí la responsabilidad de tal desembarque, siempre que acredite la necesidad con una certificacion en debida forma.

VII. No se trasladarán esclavos de un puerto de las posesiones Españolas á otro, excepto en buques provistos de Pasaportes del Gobierno de aquel territorio, expedidos *ad hoc*.

Hecho en Madrid á 23 de Setiembre, 1817.

Firmado

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

Reglamento para las Comisiones Mixtas que han de residir en alguna de las Posesiones Coloniales de Su Magestad Catolica y en la costa de Africa.

I. Las Comisiones Mixtas que se han de establecer por el Tratado de esta fecha en una de las posesiones coloniales de Su Magestad Católica y en la costa de Africa, decidirán sobre la legalidad de la detencion de los buques negreros que detengan los cruceros de las dos naciones, en virtud del mismo Tratado, por hacer el comercio ilicito de esclavos.

Las referidas comisiones sentenciarán, sin apelacion, con arreglo al tenor y espíritu del Tratado de esta fecha.

Las Comisiones sentenciarán con la brevedad posible, y se les encarga (en cuanto hallen practicable) que decidan dentro del término de veinte dias, á contar desde él en que cada buque

which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the two Mixed Commissions, in order that, in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, required that they should be disembarked entirely or in part, before the vessel could arrive at the place of residence of one of the said Commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a certificate in proper form.

VII. No conveyance of slaves from one port in the Spanish possessions to another shall take place, except in ships provided with passports from the Government on the spot, *ad hoc*.

Done at Madrid, the 23d day of September, 1817.

Signed

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

Regulation for the Mixed Commissions, which are to reside on the coast of Africa, and in a Colonial Possession of His Catholic Majesty.

I. The Mixed Commissions to be established by the Treaty of this date upon the coast of Africa, and in a Colonial Possession of His Catholic Majesty, are appointed to decide upon the legality of the detention of such slave vessels as the cruisers of both nations shall detain, in pursuance of this same Treaty, for carrying on an illicit commerce in slaves.

The above-mentioned Commissions shall judge without appeal, according to the letter and spirit of the Treaty of this date.

The Commissions shall give sentence as summarily as possible, and they are required to decide, (as far as they shall find it practicable,) within the space of twenty days, to be dated from that

detenido fuere conducido al puerto de su residencia; primero, sobre la legalidad del apresamiento; segundo, en el caso de que el buque apresado sea puesto en libertad, sobre la indemnización que haya de recibir.

Y se estipula, por el presente, que en todos los casos la sentencia final no se dilatará más del término de dos meses, por motivo de la ausencia de testigos, ó por falta de otras pruebas, excepto cuando alguna de las partes interesadas lo pida, dando fianza suficiente de encargarse de los gastos y riesgos de la dilación, en cuyo caso los Comisionados podrán conceder á su discreción, una prórroga de término que no pase de cuatro meses.

II. Cada una de las susodichas Comisiones mixtas que han de residir, la una en alguna de las posesiones de ultramar de Su Magestad Católica, y la otra en la costa de Africa, se compondrá del modo siguiente:

Las dos altas Partes Contratantes nombrarán, cada una, un Juez Comisionado, y un Comisionado de Arbitración, los cuales serán autorizados para oír y determinar, sin apelación, todos los Casos de apresamiento de buques negreros que se presenten ante ellos, conforme á las estipulaciones del Tratado de esta fecha. Todas las partes esenciales del proceso que se siga ante estas Comisiones Mixtas se pondrán por escrito en el idioma legal del país donde resida la Comisión.

Los Jueces Comisionados, y los Comisionados de Arbitración, prestarán juramento en manos del principal Magistrado del parage donde resida la Comisión, de juzgar bien y fielmente en su oficio, de no mostrar preferencia alguna á los apresadores ó apresados, y de proceder en todas sus decisiones conforme á las estipulaciones del Tratado de esta fecha.

Se agregará á cada Comisión un Secretario ó Registrador, nombrado por el Soberano del país donde resida la Comisión, el cual registrará todos los actos de esta; y antes de tomar posesión de su empleo prestará juramento en manos de uno de los Jueces Comisionados, por lo menos, de que se conducirá con el debido respeto á la autoridad de estos, y que procederá con fidelidad en todos los asuntos relativos á su encargo.

III. La forma del proceso será del modo siguiente:

on which every detained vessel shall have been brought into the port where they shall reside; first, upon the legality of the capture; second, in the case in which the captured vessel shall have been liberated, as to the indemnification which she is to receive.

And it is hereby provided, that, in all cases, the final sentence shall not be delayed, on account of the absence of witnesses, or for want of other proofs, beyond the period of two months; except upon the application of any of the parties interested, when upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding four months.

II. Each of the above-mentioned Mixed Commissions, which are to reside on the coast of Africa and in a colonial possession of His Catholic Majesty, shall be composed in the following manner:

The two high Contracting Parties shall each of them name a Commissary Judge, and a Commissioner of Arbitration, who shall be authorized to hear and decide, without appeal, all Cases of capture of slave vessels, which, in pursuance of the stipulations of the Treaty of this date, may be laid before them. All the essential parts of the proceedings carried on before these Mixed Commissions, shall be written down in the legal language of the country in which the Commission may reside.

The Commissary Judges and the Commissioners of Arbitration shall make oath, in presence of the principal Magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act, in all their decisions, in pursuance of the stipulations of the Treaty of this date.

There shall be attached to each Commission a Secretary or Registrar, appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts; and who, previous to his taking charge of his post, shall make oath, in the presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

III. The form of the process shall be as follows:

Los Jueces Comisionados de las dos naciones procederán en primer lugar á examinar los papeles del buque, y recibir declaraciones juradas al Capitan y á dos ó tres, por lo menos, de los principales individuos que se hallaren á bordo del buque detenido, y asimismo tomarán declaracion jurada al apresador, en caso que parezca necesario, á fin de ponerse en estado de poder juzgar y sentenciar si el buque ha sido legalmente detenido ó no, con arreglo á las estipulaciones del Tratado de esta fecha, y para que en consecuencia del juicio sea condenado el buque ó puesto en libertad. Y en el caso de que los dos Jueces Comisionados no estuviesen de acuerdo en la sentencia que deban pronunciar, ya sobre la legalidad de la detencion, ya sobre la indemnizacion que ha de concederse, ó sobre alguna otra cuestion que resultase de las estipulaciones del Tratado de esta fecha, sacarán por suerte el nombre de uno de los dos Comisionados de Arbitracion, quien despues de enterarse de los documentos relativos al proceso, conferenciará con dichos Jueces sobre el caso de que se tratare, y se pronunciará la sentencia final conforme al dictamen de la pluralidad de votos de los expresados Jueces Comisionados, y del Comisionado de Arbitracion.

IV. Siempre que el cargamento de esclavos hallados á bordo de un buque negrero Español haya sido embarcado en cualquier punto de la costa de Africa, donde continúe siendo lícito el Tráfico de Negros, no será detenido tal buque bajo el pretexto de que los mencionados esclavos hayan sido conducidos originalmente por tierra de cualquier otra parte de aquel continente.

V. En la declaracion autentica que ha de hacer el apresador ante la Comision, como tambien en la certificacion de los papeles cogidos, que se ha de entregar al Capitan del buque apresado al tiempo de su detencion, el expresado apresador estará obligado á declarar su nombre, el de su buque, igualmente que la latitud y la longitud del parage en donde se hubiese efectuado la detencion, y el número de esclavos que se hubiesen hallado vivos á bordo del buque al tiempo de su detencion.

VI. Luego que se haya pronunciado la sentencia, el buque detenido, si fuere absuelto, y lo que existiere del cargamento, se restituirán á los propietarios, quienes podrán reclamar de la misma Comision una valuacion de los daños que tengan derecho de

The Commissary Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessel, and to receive the depositions on oath of the Captain, and of two or three, at least, of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary, in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Treaty of this date; and in order that, according to this judgment, it may be condemned or liberated. And in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the stipulations of the Treaty of this date, they shall draw by lot the name of one of the two Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the above-mentioned Commissary Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges and of the above-mentioned Commissioner of Arbitration.

IV. As often as the cargo of slaves found on board of a Spanish slave ship shall have been embarked on any point whatever of the coast of Africa, where the Slave Trade continues to be lawful, such slave ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent.

V. In the authenticated declaration which the captor shall make before the Commission, as well as in the certificate of the papers seized, which shall be delivered to the Captain of the captured vessel at the time of the detention, the above-mentioned captor shall be bound to declare his name, the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found living on board of the slave ship at the time of the detention.

VI. As soon as sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who may, before the same Commission, claim a valuation of the damages which they may have a right to

pedir; el mismo apresador, y en su defecto su Gobierno, quedará responsable de los expresados daños. Las dos altas Partes Contratantes se obligan mutuamente á abonar en el término de un año, desde la fecha de la sentencia, las indemnizaciones que fueren concedidas por la referida Comision; entendiéndose que estas indemnizaciones han de ser á cargo de aquella Potencia de que fuere subdito el apresador.

VII. En caso de condena de algun buque por un viage ilícito. dicho buque será declarado de buena presa, igualmente que su cargamento, de cualquiera clase que fuere, á excepcion de los esclavos que se hallaren á bordo como objetos de comercio; y el referido buque, así como su cargamento, serán vendidos en publica subasta á beneficio de los dos Gobiernos: y en quanto á los esclavos, recibirán estos de la Comision Mixta un certificado de emancipacion, y serán entregados al Gobierno en cuyo territorio se hallare establecida la Comision que hubiese pronunciado la sentencia, para ser empleados en calidad de criados ó de labradores libres. Cada uno de los dos Gobiernos se obliga á garantizar la libertad de aquel numero de estos individuos que respectivamente le fuere consignado.

VIII. Toda reclamacion de compensacion de pérdidas ocasionadas á buques sospechados de hacer el tráfico ilícito de esclavos, y que no fueren sentenciados como legítimas presas por las Comisiones Mixtas, será tambien recibida y decidida por las mencionadas Comisiones en la forma prescrita en el Artículo tercero del presente reglamento. Y en todos los casos en que recaiga sentencia de restitution, la Comision adjudicará al reclamante ó reclamantes, ó á sus legítimos apoderados, una justa y completa indemnizacion en beneficio de aquellos, por todas las costas de proceso, y por todas las pérdidas y daños que efectivamente hubiere sufrido el reclamante ó reclamantes por tal apresamiento y detencion, es decir, que en el caso de pérdida total, el reclamante ó reclamantes serán indemnizados; primero, por el buque, su aparejo, cordage y provisiones; segundo, por todo flete debido ó pagadero; tercero, por el valor del cargamento de mercaderías, si las hubiere; cuarto, por los esclavos que hubiere á bordo al tiempo de la detencion, con arreglo al valor de tales esclavos, calculado segun el que tendrian en el parage de su destino; reba-

demand ; the captor himself, and in his default, his Government, shall remain responsible for the above mentioned damages. The two high Contracting Parties bind themselves to defray, within the term of a year, from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expense of the Power of which the captor shall be a subject.

VII. In case of the condemnation of a vessel for an unlawful voyage, she shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board as objects of commerce ; and the said vessel, as well as her cargo, shall be sold by public sale for the profit of the two Governments ; and as to the slaves, they shall receive from the Mixed Commission, a certificate of emancipation, and shall be delivered over to the Government on whose Territory the Commission which shall have so judged them, shall be established, to be employed as servants or free labourers. Each of the two Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it.

VIII. Every claim for compensation of losses occasioned to ships suspected of carrying on an illicit trade in slaves, not condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the above-mentioned Commissions, in the form provided by the third Article of the present regulation. And in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or 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 claimant or claimants may have actually sustained by such capture and detention ; that is to say, in case of total loss, the claimant or claimants shall be indemnified—first for the ship, her tackle, apparel and stores ; secondly, for all freight due and payable ; thirdly, for the value of the cargo of merchandize, if any ; fourthly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination ; deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage ;

jando las averías que suele haber por mortandad á proporcion del tiempo no fenecido de un viage regular ; haciendo tambien una rebaja por todos los gastos y expensas dimanadas de la venta de tales cargamentos, inclusa la comision de venta ; y quinto, por todos los demas gastos regulares en tales casos de pérdida total : y en cualquier otro caso que no sea de pérdida total, el reclamante ó reclamantes serán indemnizados ; primero, por todos los daños y gastos particulares ocasionados al buque por su detencion, y por la pérdida del flete, tanto debido, como pagadero ; segundo, por los gastos de demora la cantidad diaria estipulada en la nota anexa al presente Artículo ; tercero, una racion diaria para la manutencion de los esclavos, á razon de un *shilling* ó cuatro reales y medio de V^a. por cabeza, sin distincion de sexo ni de edad, por tantos dias cuantos estimare la Comision que se hubiese retardado el viage, á causa de tal detencion : y cuarto, por cualquiera deterioracion del cargamento ó de los esclavos ; quinto, por cualquiera disminucion en el valor del cargamento de esclavos, dimanada de una mortandad mas considerable que la que regularmente se computa, segun el viage, ó en razon de enfermedades causadas por la detencion ; este valor se arreglará por un cálculo de su precio en el parage de su destino, como en el caso anterior, de pérdida total ; sexto, una concesion de cinco por ciento sobre el valor del capital empleado en la compra y manutencion del cargamento, por el tiempo de la demora causada por la detencion ; y séptimo, por todo premio de seguros sobre el aumento de riesgos.

El reclamante ó reclamantes tambien tendrán derecho á un interes, calculado en cinco por ciento al año, sobre la cantidad adjudicada, hasta que sea pagada por el gobierno á que pertenciere el buque apresador : todo el importe de tales indemnizaciones se calculará en moneda del pais á que pertenciere el buque detenido, y se liquidará al cambio que corra al tiempo de la adjudicacion, á excepcion de la cantidad destinada para la manutencion de los esclavos, la cual se pagará al *par*, como arriba se estipula.

Las dos altas Partes Contratantes, deseosas de evitar cuanto sea posible toda especie de fraude en la execucion del Tratado de esta fecha, se han convenido en que si se probase de un modo evidente, y con pleno convencimiento de los Jueces Comisionados

deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale; and fifthly, for all other regular charges in such cases of total loss; and in all other cases not of total loss, the claimant or claimants shall be indemnified; first, for all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable; secondly, a demurrage when due, according to the Schedule annexed to the present Article; thirdly, a daily allowance for the subsistence of slaves, of one shilling, or four rials and a-half Vⁿ. for each person, without distinction of sex or age, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise, fourthly, for any deterioration of cargo or slaves; fifthly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention; this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; sixthly, an allowance of five per cent. on the amount of the capital employed in the purchase and maintenance of cargo for the period of delay occasioned by the detention; and seventhly, for all premium of insurance on additional risks.

The claimant or claimants shall likewise be entitled to interest at the rate of five per cent. per annum, on the sum awarded, until paid by the Government to which the capturing ship belongs: the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of award; excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated.

The two high Contracting Parties wishing to avoid as much as possible every species of fraud in the execution of the Treaty of this date, have agreed that if it should be proved, in a manner evident to the conviction of the Commissary Judges of the two

de las dos naciones, y sin necesidad de recurrir á la decision de un Comisionado de arbitracion, que el apresador ha sido inducido en error por culpa voluntaria y reprehensible del Capitan del buque detenido, solo en tal caso no tendrá derecho este último de recibir, durante los dias de su detencion, los gastos de demora estipulados por el presente Artículo.

Nota del estipendio diario para gastos de demora por un buque de

100 toneladas á 120 inclusive,	£5	} est. por dia.
121 id. ————— 150 id.	6	
151 id. ————— 170 id.	8	
171 id. ————— 200 id.	10	
201 id. ————— 220 id.	11	
221 id. ————— 250 id.	12	
251 id. ————— 270 id.	14	
271 id. ————— 300 id.	15	

y así en proporcion.

IX. Cuando el propietario de un buque se hiciere sospechoso de traficar ilícitamente en esclavos, y fuere puesto en libertad en consecuencia de una sentencia de una de las dos Comisiones Mixtas (ó en el caso ya referido de pérdida total) reclamase indemnizacion por la pérdida de esclavos que hubiese sufrido, en ningun caso tendrá derecho de pedir mayor número de esclavos que él que su buque era autorizado para llevar segun las leyes Españolas, el cual número deberá siempre expresarse en su Pasaporte.

X. No será permitido á los jueces ni á los árbitros, ni al secretario de las Comisiones Mixtas, pedir ó recibir emolumentos de ninguna de las partes interesadas en las sentencias que pronuncien, bajo ningun pretexto, por el desempeño de las obligaciones que se les imponen por el presente reglamento.

XI. Cuando las partes interesadas juzguen que tienen razon para quejarse de alguna injusticia manifiesta de parte de las Comisiones Mixtas, lo representarán así á sus respectivos gobiernos, quienes se reservan el derecho de comunicarse mutuamente, con el objeto de mudar los individuos que componen estas Comisiones cuando lo estimen conveniente.

nations, and without having recourse to the decision of a Commissioner of Arbitration, that the captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained ship; in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

Schedule of Demurrage or daily allowance for a Vessel of

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

and so on in proportion.

IX. When the proprietor of a ship, suspected of carrying on an illicit trade in slaves, released in consequence of a sentence of one of the Mixed Commissions (or in the case, as above-mentioned, of total loss) shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel, by the Spanish laws, was authorized to carry, which number shall always be stated in his Passport.

X. Neither the judges, nor the arbitrators, nor the secretary of the Mixed Commissions shall be permitted to demand or receive, from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulation.

XI. 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 purpose of removing, when they think fit, the individuals who may compose these Commissions.

XII. En caso de ser detenido impropriamente un buque bajo el pretexto de las estipulaciones del Tratado de esta fecha, y no pudiéndose justificar el apresador ó con el tenor de dicho Tratado, ó él de las instrucciones anexas á él, el gobierno á que pertenezca el buque detenido tendrá derecho para pedir reparacion, y en tal caso el gobierno á que pertenezca el apresador se obliga á que se haga averiguacion sobre el motivo de la queja, y á que se imponga al apresador, en el caso de que se pruebe haberlo merecido, un castigo proporcionado á la infraccion cometida.

XIII. Las dos altas Partes Contratantes estipulan que en el caso de morir uno ó mas de los jueces Comisionados, ó los Comisionados de arbitracion, que componen las susodichas Comisiones Mixtas, serán suplidas sus plazas interinamente del siguiente modo.

Por parte del Gobierno Británico se llenarán sucesivamente las vacantes de la Comision que se establezca en las Posesiones de Su Magestad Británica, por el Gobernador ó Teniente Gobernador residente de aquella colonia, por el principal magistrado de la misma, y por el secretario; y en la que se establezca en las Posesiones de Su Magestad Católica se estipula, que si muere allí el juez ó árbitro Británico, los restantes individuos de dicha Comision procederán igualmente á sentenciar los barcos negreros cuyas causas se presenten ante ellos, y á executar la sentencia. Sin embargo, solo en este caso tendrán las partes interesadas derecho para apelar de la sentencia, si lo tuvieren por conveniente, á la Comision residente en la costa de Africa; y el gobierno á que pertenezca el apresador estará obligado á abonar del modo mas completo la compensacion que les fuere debida en caso de que se decida la apelacion en favor de los reclamantes; pero el barco y el cargamento permanecerán durante la apelacion en el lugar de la residencia de la primera Comision ante la cual hayan sido llevados.

Por parte de la España, las vacantes que hubiere en la Posesion de Su Magestad Católica se llenarán por las personas de confianza que eligiere la autoridad superior del pais; y en la costa de Africa, ocurriendo la muerte de algun juez ó árbitro Español, la Comision procederá á sentenciar del mismo modo que se especifica

XII. In case of a vessel being improperly detained, under pretence of the stipulations of the Treaty of this date, and the captor not being enabled to justify himself, either by the tenor of the said Treaty, or of the instructions annexed to it, the government to which the detained vessel may belong, shall be entitled to demand reparation; and in such case the government to which the captor may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

XIII. The two high Contracting Parties have agreed, that in the event of the death of one or more of the Commissary judges, or the Commissioners of arbitration, composing the above-mentioned Mixed Commissions, their posts shall be supplied, *ad interim*, in the following manner.

On the part of the British Government, the vacancies shall be filled successively, in the Commission which shall sit within the Possessions of His Britannic Majesty, by the Governor or Lieutenant Governor resident in that colony, by the principal magistrate of the same, and by the secretary; and in that which shall sit within the Possessions of His Catholic Majesty, it is agreed, that in case of the death of the British judge or arbitrator there, the remaining individuals of the said Commission shall proceed equally to the judgment of such slave-ships as may be brought before them, and to the execution of their sentence. In this case alone, however, the parties interested shall have the right of appealing from the sentence, if they think fit, to the Commission resident upon the coast of Africa; and the government to which the captor shall belong, shall be bound fully to make good the compensation which shall be due to them, in case the appeal be decided in favour of the claimants; but the vessel and cargo shall remain, during such appeal, in the place of residence of the first Commission before which they shall have been carried.

On the part of Spain, the vacancies shall be supplied, in the Possession of His Catholic Majesty, by such persons of trust as the principal authority or the country shall appoint; and upon the coast of Africa, in case of the death of any Spanish judge or arbitrator, the Commission shall proceed to judgment, in the same

arriba en cuanto á la Comision residente en la Posesion de Sua Magestad Católica en el caso de muerte del juez ó árbitro Británico ; concediéndose igualmente en este caso apelacion á la Comision residente en la Posesion de Sua Magestad Católica ; y en general todas las disposiciones del primer caso son aplicables al presente.

Las altas Partes Contratantes se convienen en llenar cuanto antes sea posible las vacantes que ocurran en dichas Comisiones, por muerte ó por otra causa. Y en el caso de que la vacante de cualquiera de los Comisionados Españoles en las Posesiones Británicas, o de los Comisionados Británicos en la Posesion Española, no estén llenas despues del término de siete meses para América y doce para Africa, los buques que sean llevados á dichas Posesiones respectivamente dejarán de tener el derecho susodicho de apelacion.

Hecho en Madrid á 23 de Setiembre del año de nuestro Señor, 1817.

Firmado

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

manner as above-specified for the Commission resident in the Possession of His Catholic Majesty, in the event of the death of the British judge or arbitrator ; an appeal being in this case likewise allowed to the Commission resident in the Possession of His Catholic Majesty ; and in general, all the provisions of the former case being to be applied to the present.

The high Contracting Parties have agreed to supply, as soon as possible, the vacancies that may arise in the above-mentioned Commissions, from death or any other cause ; and in case that the vacancy of any of the Spanish Commissioners in the British Possessions, or of the British Commissioners in the Spanish Possession be not supplied at the end of the term of seven months for America, and of twelve for Africa, the vessels which shall be brought to the said Possessions respectively, shall cease to have the right of appeal above-stipulated.

Done at Madrid, the 23rd of September, in the year of our Lord, 1817.

Signed

HENRY WELLESLEY, (L.S.)

JOSE PIZARRO, (L.S.)

SPAIN.

*CEDULA of The King of Spain, relating to the Slave Trade.
19th December, 1817.*

EL REY.

La introduccion de Negros Esclavos en América fue una de las primeras providencias que dictaron Mis Augustos Predecesores para el fomento y prosperidad de aquellos vastos dominios, muy poco tiempo despues de haber sido descubiertos. La imposibilidad en que estaban los Indios de ocuparse en diferentes trabajos útiles, aunque penosos, nacida del ningun conocimiento que tenian de las comodidades de la vida, y de los cortisimos progresos que entre ellos habia hecho la sociedad civil, exigió por entonces que el beneficio de las minas y el rompimiento y cultivo de las tierras se entregaran á brazos mas robustos y activos. Esta providencia, que no creaba la esclavitud, sino que aprovechaba la que ya existia por la barbarie de los Africanos para salvar de la muerte á sus prisioneros, y aliviar su triste condicion, lejos de ser perjudicial para los Negros de Africa, trasportados á América, les proporcionaba no solo el incomparable beneficio de ser instruidos en el conocimiento del Dios verdadero, y de la única religion con que este Supremo Ser quiere ser adorado de Sus criaturas, sino tambien todas las ventajas que trae consigo la civilizacion, sin que por esto se les sujetara en su esclavitud á una vida mas dura que la que traian siendo libres en su propio pais. Sin embargo, la novedad de este sistema requeria mucho detenimiento en su egecucion, y asi fue que la introduccion de Negros Esclavos en América dependió siempre de permisos particulares que Mis Augustos Predecesores concedian segun las circunstancias de los lugares y de los tiempos, hasta que la de Negros bozales fue generalmente permitida, asi en buques nacionales como extrangeros, por Reales Cédulas de 28 de Setiembre de 1789;

12 de Abril de 1798; y 22 de Abril de 1804; en cada una de las cuales se señalaron diferentes plazos para dicha introduccion: todo esto manifestaba bien claramente que la Cristiana sabiduría de los Reyes consideraba siempre estas providencias como escepciones de la ley sujeta á condiciones variables. Aun no habia espirado el concedido en la de 22 de Abril de 1804, cuando la Divina Providencia me restituyó al Trono á que Me habia destinado, y de que intentó pérfidamente despojarme un injusto usurpador. Las turbulencias y disensiones suscitadas en mis dominios de América durante mi ausencia, fijaron desde luego mi soberana atencion; y meditando con incesante desvelo las providencias mas adecuadas para restablecer el buen orden en aquellos remotos paises, y darles todo el fomento de que son capaces, no tardé en advertir que habian variado enteramente las circunstancias que movieron á Mis Augustos Predecesores para permitir el tráfico de Negros bozales en las costas de Africa, y su introduccion en ambas Américas. En ellas ha crecido prodigiosamente el número de Negros indigenas, y aun el de los libres, á beneficio de la regulacion suave del Gobierno, y de la cristiandad y temple humano de los propietarios Españoles: el de Blancos se ha aumentado mucho, y el clima no es tan perjudicial para estos como lo era antes de que las tierras se desmontasen y pusiesen en cultivo. Aun el bien que resultaba á los habitantes de Africa de ser trasportados á paises cultos no es ya tan urgente y esclusivo, desde que una nacion ilustrada ha tomado sobre si la gloriosa empresa de civilizarlos en su propio suelo: al mismo tiempo la general cultura de Europa, y el espíritu de humanidad que ha dirigido sus ultimas transacciones, al restaurar el edificio que la depravacion del régimen del Usurpador habia destruido hasta sus bases, han escitado un conato general entre los Soberanos de Europa de ver abolido este tráfico; y en el Congreso de Viena, conviniendo en la necesidad de la abolicion, se ocuparon en facilitarlo por medio de las negociaciones mas amistosas con las Potencias que tenian colonias, encontrando en mi aquella disposicion que era consiguiente á tan laudable empeño. Estas consideraciones movieron mi Real ánimo á informarme de personas instruidas y zelosas de la prosperidad de Mis Estados sobre los efectos que en ellos produciria la

abolición del tráfico de Negros. Vistos sus informes, deseoso de asegurar el acierto en materia de tanta trascendencia y gravedad, los remití á Mi Consejo de las Indias con Real Orden de 14 de Junio de 1815, para que me consultara lo que se le ofreciese y pareciese. Agregados todos estos copiosos materiales y los antecedentes del asunto, y visto lo que el propio Supremo Tribunal me ha expuesto en su consulta de 15 de Febrero de 1816, correspondiendo á la confianza que en él tengo depositada, y conformándome con su parecer sobre la abolición del tráfico de Negros, y convenido con el Rey del Reino Unido de la Gran Bretaña é Irlanda, por un Tratado solemne sobre todos los puntos de interes recíproco que versan en esta notable transacion, y hecho cargo de ser llegado el tiempo de la abolición, conciliados debidamente los intereses de mis Estados de América con los sentimientos de mi Real ánimo, y los deseos de todos los Soberanos mis amigos y Aliados, he venido en resolver lo siguiente :

I. Desde hoy en adelante prohibo para siempre á todos mis vasallos, asi á los de la Peninsula como á los de América, que vayan á comprar negros en las costas de Africa que están al norte del ecuador. Los negros que fueren comprados en dichas costas serán declarados libres en el primer puerto de mis dominios á que llegare la embarcacion en que sean trasportados: esta con lo restante de su cargo será confiscada para mi Real Hacienda, y el comprador, el capitán, el maestro y piloto irremisiblemente condenados á 10 años de presidio en las Islas Filipinas.

II. La pena señalada en el Artículo precedente no comprende al comprador, capitán, maestro y piloto de las embarcaciones que salgan de cualquiera puerto de mis dominios para las costas de Africa que están al norte del ecuador, antes del dia 22 de Noviembre del presente año, á los cuales les concedo ademas el plazo de 6 meses contados desde dicha fecha para que concluyan sus expediciones.

III. Desde el dia 30 de Mayo de 1820, prohibo igualmente á todos mis vasallos, asi á los de la Peninsula como á los de América, que vayan á comprar negros en las costas de Africa que están al sur del ecuador, bajo las mismas penas impuestas en el Artículo primero de esta mi Real Cédula; concediendo

asimismo el plazo de 5 meses desde dicha fecha para que puedan completar sus viages los buques que hubiesen sido habilitados antes de la citada fecha de 30 de Mayo de 1820, en que ha de cesar totalmente el tráfico de negros en todos mis dominios, tanto en España como en América.

IV. Los que usando del permiso que concedo hasta 30 de Mayo de 1820, fueren á comprar negros en las costas de Africa, que están al sur del ecuador, no podrán trasportar mas esclavos que 5 por cada 2 toneladas del porte de su buque; y si alguno contraviniere á esta disposicion, será castigado con la pena de perder todos los que trasportare, los cuales serán declarados libres en el primer puerto de mis dominios á que arribe la embarcacion.

V. Por el cómputo de 5 negros por cada 2 toneladas, no se hará cuenta con los que nacieren durante la navegacion, ni con los que fueren sirviendo en el buque en clase de marineros ó de criados.

VI. Los buques extrangeros que introduzcan negros en cualquiera puerto de mis dominios deberán hacerlo con sujecion á las reglas que se prescriben en esta mi Real Cédula; y en caso de contravencion serán castigados con las mismas penas que se señalan en ella.

Y siendo mi Real voluntad que todo lo referido se circule á mis dominios de América y Asia para su mas puntual observancia, lo comunicué á mi Supremo Consejo de las Indias por decreto señalado de mi Real Mano, con fecha de 22 de Setiembre próximo pasado; y publicado en el propio tribunal en primero del corriente, se acordó su cumplimiento, y que al mismo efecto se expidiese esta mi Real Cédula: por la cual mando á mis Vireyes, Presidentes, Audiencias, Comandantes-Generales, Gobernadores é Intendentes de las Indias, sus Islas adyacentes y de Filipinas, guarden, cumplan y egecuten, y hagan guardar, cumplir y egecutar cuanto queda ordenado en esta mi soberana determinacion, sin ir ni contravenir, ni permitir se vaya ni contravenga á su tenor en manera alguna, haciéndolo publicar por bando para el mismo fin, no solo en las capitales, sino tambien en los demas pueblos cabezas de partido de sus respectivos distritos, y comunicándolo igualmente cada uno en su territorio á los tribunales,

justicias, autoridades y personas á quienes de cualquier modo incumba su cumplimiento. Y de esta mi Real Cédula se tomará razon en las Contadurias Generales del expresado mi consejo.

Fecha en Madrid, á 19 de Diciembre de 1817.

V. M. prohíbe para siempre á todos sus vasallos, así de la península como de América, la compra de negros en las costas de Africa, y señala término para las expediciones hechas á las del norte del ecuador antes del 22 de Noviembre de este año, y para las que se hagan á las del sur del ecuador antes del 30 de Mayo de 1820, bajo las penas que se expresan.

(Translation.)

THE KING.

The importation of black slaves into America was among the earliest measures directed by my august predecessors for the cultivation and prosperity of those vast dominions, within a short period after their discovery. The Indians being disqualified from engaging in various useful, though laborious, occupations, by their ignorance of the accommodations of life, as well as by the small progress of civilization among them, it became necessary to intrust to arms more vigorous and more active the working of the mines, and the breaking up and tillage of the soil. This plan, which did not occasion, but only availed itself of, the slavery already practised by the barbarous nations of Africa, with a view to save their prisoners from death, and to alleviate their melancholy condition, so far from being prejudicial to the Negroes of Africa, when transferred to America, afforded them not only the incomparable benefit of being instructed in the knowledge of the true God, and of the only religion through which that Supreme Being is desirous that his creatures should adore him, but also all the advantages attending a state of civilization, without, however, subjecting them in their slavery to hardships more intolerable than those they had endured when free in their own country. But as the novelty of this system required great circumspection in its

execution, the introduction of black slaves into America depended always on particular permissions granted by my august predecessors, according to the circumstances of places and times, until it was generally permitted to import Negroes, in national vessels as well as foreign, by the Royal Cédulas of the 28th of September, 1789; of the 12th of April, 1798; and of the 22d of April, 1804; in each of which, different periods for that importation were appointed; all which clearly indicated that the Christian wisdom of the Kings uniformly considered these measures as exceptions to a law which was liable to undergo modifications according to circumstances. The term granted on the 22d of April, 1804, was not yet elapsed, when Divine Providence reinstated me in the throne to which it had destined me, and of which an unjust usurper perfidiously attempted to despoil me. The commotions and differences which had broken out in my American dominions during my absence, engaged immediately my attention; and meditating incessantly on the measures which might be most proper for restoring good order to those remote countries, and affording them all the protection of which they are capable, I quickly discovered that an entire change had taken place in the circumstances which induced my august predecessors to permit the traffic in slaves on the African coasts, and their importation into both the Americas. In those regions a prodigious increase is perceivable in the number of indigenous Negroes, and even in that of the blacks of free condition, owing to the mildness of the Government, no less than to the Christian and humane conduct pursued by the Spanish proprietors; the whites, also, are greatly augmented, from the climate being no longer so dangerous to them as it was prior to the lands being cleared of wood, and put under cultivation. Nor is the benefit which the inhabitants of Africa derived from being carried to cultivated countries any more so urgent and exclusive, since an enlightened nation has undertaken the glorious task of civilizing them in their own native land, while the general intelligence of Europe, and the spirit of humanity which has influenced its late transactions in restoring the edifice which the corrupt policy of the usurper had destroyed to its very foundation, have roused the Sovereigns of Europe to a general

effort for having this traffic abolished; and at the Congress of Vienna, concurring in the necessity of the abolition, they sought to bring it about by the most amicable negotiations with such Powers as possessed colonies, and they met in me a disposition suited to a design so laudable. These considerations impelled my Royal mind to procure information from persons at once acquainted with the subject, and anxious for the prosperity of my dominions, as to what effects were likely to be produced in the latter by the abolition of the Slave Trade. Being desirous to ensure success in a matter so momentous and so grave, I transmitted their information to my Council of the Indies, with the Royal Order of the 14th of June, 1815, to give me such an opinion as the merits of the case should justify. After collecting all these copious materials, after taking a survey of the former steps adopted on this subject, and after considering what the Supreme Tribunal just mentioned has stated to me in its exposition of the 15th of February, 1816; acting, moreover, on the confidence which I have reposed in that body, and conforming myself with its advice relative to the abolition of the traffic in Slaves; having also agreed with the King of the United Kingdom of Great Britain and Ireland, by means of a solemn Treaty *, on all the points of reciprocal interest involved in this memorable adjustment; and being aware that the moment for the abolition is arrived, in consequence of the interests of my American States being in accordance with the sentiments of my Royal mind, as well as with the desires of all the Sovereigns, my friends and allies, I have resolved as follows :

I. From this day forward, I prohibit, for ever, to all my subjects, both in the Peninsula and in America, to resort to the coasts of Africa, north of the equator, for the purchase of Negroes. All the blacks bought on those coasts shall be declared free, in the first sea-port of my dominions at which the vessel containing them shall arrive; that vessel, together with her remaining cargo, shall be confiscated for my royal treasury, and the purchaser, the captain, the master, and the pilot, shall, without fail, be sentenced to ten years' confinement in some fortress of the Philippine Islands.

* See Vol. II. Page 273.

II. The penalty assigned in the preceding Article does not apply to the purchaser, captain, master and pilot, of such vessels as shall sail from any port of my dominions for the coasts of Africa north of the equator, previous to the 22nd of November of the present year, to which persons I grant the further term of 6 months, to be computed from the above date, for the conclusion of their expeditions.

III. From the 30th of May, 1820, I forbid likewise all my subjects in the Peninsula, as well as in America, to proceed to the coasts of Africa, south of the equator, for the purchase of Negroes, under the same penalties as are denounced in the first Article of this my Royal Cedula, granting also the term of 5 months from the date beforementioned, for the completion of their voyages, to those vessels that shall have duly obtained permission, prior to the said date of the 30th of May, 1820, at which time the Slave Trade shall cease entirely in all my dominions in Spain, as well as in America.

IV. Those who, under the licence issued by me, till the 30th of May, 1820, shall buy Negroes on the coasts of Africa, south of the equator, shall not be allowed to take on board more Slaves than 5 for every 2 tons of the burden of their vessel; and if any one transgress this order, he shall forfeit all the Negroes he may have on board, who shall be declared free in the first port of my dominions at which the vessel arrives.

V. In the proportion of 5 Negroes to every 2 tons, shall not be comprehended those born during the voyage, nor such as shall serve on board in the capacity of sailors or servants.

VI. Foreign vessels importing Slaves into any port of my dominions, shall conform to the rules laid down in this my Royal Cedula, and, in case of contravention, they shall incur the penalties specified in the same.

And it being my Royal determination that all the above should be circulated in my dominions of America and Asia, for the purpose of its punctual observance, I communicated it to my Supreme Council of the Indies, by means of a Decree, signed with my Royal hand, under date of 22d of last September; and it having been published in that tribunal on the 1st instant, the fulfilment of it was decreed, as likewise, that with a view to the same end, this my Royal Cedula should issue, by

which I enjoin my Viceroy, Presidents, Tribunals, Commandants-General, Governors and Intendants of the Indies, of the Islands contiguous to them, and of the Philippines, to watch over, comply with, and execute, and to cause to be watched over, complied with, and executed, all that has been ordered in this my sovereign determination, without contravening, or permitting to be contravened, its tenor, in any wise, and to have it published as an Ordinance to the same effect, not only in the Capitals, but also in other chief Towns of their respective districts; and, furthermore, to communicate it, each in his territory, to the Tribunals, Justices, Authorities, and persons on whom its fulfilment shall in any way be incumbent. And this my Royal Cedula shall be attended to in the Accomptant's Offices General of my said Council.

Done at Madrid, the 19th December, 1817.

Your Majesty prohibits for ever to all your subjects, as well of the Peninsula as of America, the purchase of Negroes on the coast of Africa; indicating as the proper time for expeditions undertaken to the north of the equator, to be that previous to the 22d of November, of this year, and for those proceeding to the south of the equator, that previous to the 30th of May, 1820, under the penalties therein declared.

* See Vol. II. Page 289.

ACT of the British Parliament, "to carry into execution a Treaty made between His Majesty and the King of Spain for the preventing Traffic in Slaves."*

[58 Geo. III, cap. 36.]

[May 28, 1818.]

WHEREAS a Treaty was made between His Majesty and His Catholic Majesty the King of *Spain*, for preventing Traffic in Slaves, and signed at *Madrid* on the 23rd day of September, 1817†: And whereas by the Ist Article of the said Treaty, His Catholic Majesty engaged that the Slave Trade shall be abolished throughout the entire dominions of *Spain* on the 30th day of May, 1820; and that from and after that period it shall not be lawful for any of the subjects of the Crown of *Spain* to purchase slaves, or to carry on the Slave Trade on any part of the coast of *Africa*, upon any pretext or in any manner whatever; provided, however, that a term of 5 months from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of vessels which shall have been cleared out lawfully previously to the said 30th of May:

And whereas it was by the IInd Article of the said Treaty agreed, that from and after the exchange of the ratifications of the said Treaty, it shall not be lawful for any of the subjects of the Crown of *Spain* to purchase slaves, or to carry on the Slave Trade on any part of the coast of *Africa* to the north of the Equator, upon any pretext or in any manner whatever; provided, however, that a term of 6 months from the date of the exchange of the ratifications of the said Treaty, shall be allowed for completing the voyages of vessels which shall have cleared out from *Spanish* ports for the said coast previously to the exchange of the said ratifications:

And whereas by the IIIrd Article of the said Treaty, His Majesty engaged to pay in *London*, on the 20th of February, 1818, the sum of 400,000*l.* to such person as His Catholic Majesty shall appoint to receive the same:

And whereas it was by the IVth Article of the Treaty, agreed, that the said sum of 400,000*l.* is to be considered as a full compensation for all losses sustained by the subjects of His

* Repealed by Act 5 Geo. IV, cap. 113, Vol. 3, Page 152. Cited in Act 6 Will. IV, cap. 6, Vol. 5, Page 492.

† See Vol. 2, Page 273.

Catholic Majesty, engaged in this Traffic, on account of vessels captured previously to the exchange of the ratifications of the said Treaty, as also for the losses which are a necessary consequence of the abolition of the said Traffic :

And whereas it was in the Vth Article of the said Treaty declared and agreed, that every Traffic in Slaves, which should be carried on under the circumstances in the said Article stated, should be considered as illicit : 1st, either by *British* ships, and under the *British* flag, or for the account of *British* subjects, by any vessel, or under any flag whatsoever ; 2ndly, by *Spanish* ships upon any part of the coast of *Africa* north of the Equator, after the exchange of the ratifications of the said Treaty ; provided, however, that 6 months should be allowed for completing the voyages of vessels conformably to the tenor of the IIInd Article of the said Treaty ; 3rdly, either by *Spanish* ships and under the *Spanish* flag, or for the account of *Spanish* subjects, by any vessel, or under any flag whatsoever, after the 30th May, 1820, when the Traffic in Slaves on the part of *Spain* was declared by the said Treaty to cease entirely ; and it was by the said Article provided, that 5 months should be allowed for the completion of voyages commenced in due time, conformably to the Ist Article of the said Treaty ; 4thly, under the *British* or *Spanish* flag, for the account of the subjects of any other Government ; 5thly, by *Spanish* vessels bound for any port not in the dominions of His Catholic Majesty :

And whereas by the VIth Article of the said Treaty, His Catholic Majesty engages to adopt, in conformity to the spirit of the said Treaty, the measures which are best calculated to give full and complete effect to the laudable objects thereof :

And whereas it was by the VIIth Article of the said Treaty stipulated, that every *Spanish* vessel which shall be destined for the Slave Trade, on any part of the coast of *Africa*, where this Traffic still continues to be lawful, must be provided with a royal passport, conformable to the model annexed to the said Treaty, and which model forms an integral part of the same, written in the *Spanish* language, with an authentic translation in *English*, annexed thereto, and signed by His Catholic Majesty, and countersigned by the Minister of Marine, and also by the principal naval authority of the district, station, or port from

whence the vessel clears out, whether in *Spain* or in the colonial possessions of His Catholic Majesty :

And whereas it was by the VIIIth Article of the said Treaty agreed, that it should be understood that this passport, for rendering lawful the voyages of slave-ships, should be required only for the continuation of the Traffic to the south of the Line, and that those passports which were then issued, signed by the 1st Secretary of State of His Catholic Majesty, and in Form prescribed by an Order of the 16th of December, 1816, should remain in full force for all vessels which may have cleared out for the coast of *Africa*, as well to the north as to the south of the Line, previously to the exchange of the ratifications of the said Treaty :

And whereas it was also agreed and declared by the IXth Article of the said Treaty, that the ships of war of His Majesty and of His Catholic Majesty, which should be provided with Special Instructions for that purpose, as mentioned in the said Treaty, may visit such merchant-vessels of the 2 nations as may be suspected, upon reasonable grounds, for having slaves on board, acquired by an illicit trade ; and in the event only of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the Tribunals to be established for that purpose, as specified in the said Treaty ; and it was by the said Article provided, that the commanders of ships of war of the royal navies of His Majesty and His Catholic Majesty, who shall be employed in this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose ; and His Majesty and His Catholic Majesty engaged mutually to make good any losses which the subjects of His Majesty and of His Catholic Majesty might respectively incur unjustly, by the arbitrary and illegal detention of their vessels, it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of the arbitrary detention ; provided always, that the visit and detention of slave-ships specified in the said Article, shall only be effected by those *British* or *Spanish* vessels which may form part of the 2 royal navies, and by those only of such vessels which are provided with the Special Instructions annexed to the said Treaty :

And whereas it was also agreed by the Xth Article of the said Treaty, that no *British* or *Spanish* cruizer shall detain any slave-ship not having slaves actually on board, and that in order to render lawful the detention of the ship, whether *British* or *Spanish*, the slaves found on board such vessel must have been brought on board the vessel for the express purpose of the Traffic, and those on board of *Spanish* ships must have been taken from that part of the coast of *Africa* where the Slave Trade is prohibited, conformably to the tenor of the said Treaty :

And it was also agreed by the XIth Article of the said Treaty, that all ships of war of the 2 nations which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished with a copy of the Instructions annexed to the said Treaty, and considered as an integral part thereof, with a proviso, nevertheless, in the said Treaty, that His Majesty and His Catholic Majesty, with mutual consent, may alter the Instructions in whole or in part, according to circumstances :

And whereas it was also by the XIIth Article of the said Treaty provided, in order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in an illicit Traffic of Slaves, that there shall be established, within the space of a year at furthest from the exchange of the Ratifications of the said Treaty, 2 Mixed Commissions, formed of an equal number of persons of the 2 nations, named for that purpose by the respective Sovereigns ; and that these Commissions shall reside, one in a possession belonging to His Majesty, the other within the territories of His Catholic Majesty ; one of which Commissions is stipulated by the said Treaty to be always held upon the coast of *Africa*, and the other in one of the colonial possessions of His Catholic Majesty ; and it was by the said Treaty provided, that the said Commissions shall judge the causes submitted to them without appeal, and according to the Regulations and Instructions annexed to the said Treaty, which said Instructions were by the said Treaty made an integral part thereof :

And whereas the Instructions hereinbefore referred to, and annexed to the said Treaty as part thereof, relating to the *British* and *Spanish* ships of war employed to prevent illicit Traffic in Slaves, did in several Articles provide, 1st, that every

British or *Spanish* ship of war shall, in conformity with Article IX of the Treaty, have a right to visit the merchant-ships of either of the 2 nations actually engaged or suspected to be engaged in the Slave Trade; and if any slaves shall be found on board, according to the tenor of the Xth Article of the Treaty; and as to what regards the *Spanish* vessels, if there shall be ground to suspect that the said slaves have been embarked on a part of the coast of *Africa* where the Traffic is no longer permitted, conformably to the said Treaty; and in such cases alone, the commander of the said ship of war may detain such merchant-ship or vessel, and shall, as soon as possible, bring the same for judgment before that of the 2 Mixed Commissions appointed by the XIIth Article of the said Treaty, which shall be the nearest or which the commander of the capturing ship shall, upon his own responsibility, think he can soonest reach from the spot where the slave-ship shall have been detained; and it was provided, that ships, on board of which no slaves shall be found, intended for the purposes of Traffic, shall not be detained on any account or pretence whatsoever; and that negro servants or sailors found on board any such vessels, shall not in any case be deemed a sufficient cause for detention:

And it was also provided by the IInd Article of the said last-mentioned Instructions, that no *Spanish* merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found anywhere near the land, or on the high seas south of the Equator, during the period for which the Traffic is to remain lawful, according to the said Treaty, unless after a chase that shall have commenced north of the Equator:

And it was also provided by the IIIrd Article of the said last-mentioned Instructions, that *Spanish* vessels, furnished with a regular passport, having slaves on board, shipped at those parts of the coast of *Africa* where the Trade is permitted to *Spanish* subjects, and which shall afterwards be found north of the Equator, shall not be detained by any *British* or *Spanish* ship of war, if such *Spanish* vessels can account for their course, either in conformity with the practice of the *Spanish* navigation, by steering some degrees to the northward in search of fair winds, or for other legitimate causes, such as the dangers of the

sea, duly proved : Provided always, that with regard to all slave-ships detained to the north of the Equator, after the expiration of the term allowed, the proof of the legality of the voyage is required to be furnished by the vessel so detained ; on the other hand, with respect to slave-ships detained to the south of the Equator, in conformity with the stipulations of the preceding Article, the proof of the illegality of the voyage is required to be exhibited by the captor ; and it was in like manner stipulated, that the number of slaves found on board a slave-ship by the cruizers, even if the number should not agree with that contained in the passport, shall not be sufficient reason to justify the detention of such ship, but that the captain and the proprietor shall in such case be denounced in the *Spanish* tribunals, in order to their being punished according to the laws of the country :

And it was also provided by the IVth Article of the said last-mentioned Instructions, that every *Spanish* vessel intended to be employed in the legal Traffic of Slaves, in conformity with the principles laid down in the said Treaty, shall be commanded by a native *Spaniard*, and 2-thirds at least of the crew shall likewise be *Spaniards* ; and it was provided that the *Spanish* or *Foreign* construction of the ship or vessel shall in nowise affect the national character of the ship or vessel, and that the negro sailors shall always be reckoned as *Spaniards*, provided they belong as slaves to subjects of the Crown of *Spain*, or that they have been enfranchised in the dominions of His Catholic Majesty :

And it was also provided by the Vth Article of the said last-mentioned Instructions, that whenever a ship of war shall meet a merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly nations ; and in no case shall the search be made by an officer holding a rank inferior to that of Lieutenant in the navy of *Great Britain*, or of Ensign of a ship of the line in the *Spanish* navy :

And it was also provided by the VIth Article of the said last-mentioned Instructions, that the ships of war which may detain any slave-ship, in pursuance of the principles laid down in the said Instructions, shall leave on board all the cargo of

negroes untouched, as well as the captain, and a part at least of the crew of the slave-ship; and that the captain commanding the ship of war detaining any such slave-ship shall draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained ship, and the changes which may have taken place in such ship, and shall also deliver to the captain of the slave-ship a signed certificate of the papers seized on board the vessel, as well as of the number of slaves found on board at the moment of detention; and it is also provided, that the negroes on board of any such ship shall not be disembarked until after the vessel detained shall arrive at the place where the legality of the capture is to be tried by 1 of the 2 Mixed Commissions, in order that in the event of the vessel not being adjudged a legal prize, the loss of the proprietors may be more easily repaired, with proviso, however, that if urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, require that they shall be disembarked entirely or in part, before the vessel can arrive at the place of residence of 1 of the said Commissions, the commander of the capturing ship may take on himself the responsibility of such disembarkation, provided that the necessity thereof shall be stated in a certificate in proper form:

And it was also provided by the VIIth Article of the said Instructions, that no conveyance of slaves from one part in the *Spanish* possessions to another, shall take place, except in ships provided with passports from the *Spanish* Government on the spot for that purpose:

And whereas the Regulations for the Mixed Commissions which are to reside on the coast of *Africa*, and in a colonial possession of His Catholic Majesty, and which were annexed to the said Treaty as part thereof, have in several Articles provided, 1st, that the Mixed Commissions to be established by the said Treaty upon the coast of *Africa*, and in a colonial possession of His Catholic Majesty, shall decide upon the legality of the detention of such slave-vessels as the ships of war of both nations shall detain, in pursuance of the said Treaty, for carrying on an illicit commerce in slaves, and shall judge without appeal, according to the letter and spirit of the said Treaty; and that the said Commissions shall give sentence as summarily as pos-

sible, and decide (as far as they shall find it practicable) within the space of 20 days, to be dated from the day upon which every detained vessel shall have been brought into the port where they shall reside: first, upon the legality of the capture; and secondly, in the case in which the captured vessel shall have been liberated, as to the indemnification to be paid for the capture and detention; and it is by the said Regulations provided, that no final sentence shall be delayed on account of the absence of witnesses, or for want of the proofs, beyond the period of 2 months, except upon application of any of the parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding 4 months:

And it was also by the IInd Article of the said Regulations provided, that the said Mixed Commissions, which are to reside on the coast of *Africa*, and in the colonial possessions of His Catholic Majesty, shall be composed in the following manner: that is to say, that His Majesty and His Catholic Majesty shall each of them name a Commissary Judge and a Commissioner of Arbitration, who shall be authorized to hear and decide, without appeal, all cases of capture of slave-vessels which, in pursuance of the stipulation of the said Treaty, may be laid before them; and it was also provided, that all the essential parts of the proceedings carried on before the said Mixed Commissions, shall be written down in the legal language of the country in which the Commission may reside; and it was also thereby provided, that the Commissary Judges and the Commissioners of Arbitration shall make oath in presence of the principal magistrate of the place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the claimants or the captors, and to act in all their decisions in pursuance of the stipulations of the Treaty; and it was also thereby provided, that there shall be attached to each Commission a Secretary or Registrar appointed by the Sovereign of the country in which the Commission may reside, who shall register all its acts, and who, previous to his taking charge of his office, shall make oath in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge:

And it was also provided in the IIIrd Article of the said Regulations, that the form of the process shall be as follows: that is to say, the Commissary Judges of the 2 nations shall, in the first place, proceed to the examination of the papers of the vessels, and receive the depositions on oath of the captain, and of 2 or 3 at least of the principal individuals on board of the detained vessel, as well as the declaration on oath of the captor, should it appear necessary in order to be able to judge and to pronounce if the said vessel has been justly detained or not, according to the stipulations of the Treaty, in order that, according to their judgment, the vessel may be condemned or liberated; and in the event of the 2 Commissary Judges not agreeing upon the sentence, whether as to the legality of the detention, or the indemnification to be allowed, or upon any other question which might result from the stipulations of the Treaty, they shall draw by lot the name of one of the 2 Commissioners of Arbitration, who, after having considered the documents of the process, shall consult with the Commissary Judges upon the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the Commissary Judges and of the Commissioner of Arbitration so chosen:

And it was also provided by the IVth Article of the said Regulations, that as often as the cargo of slaves found on board of a *Spanish* slave-ship shall have been embarked from any point whatever of the coast of *Africa* where the Slave Trade continues to be lawful, such slave-ship shall not be detained on pretext that the above-mentioned slaves have been brought originally by land from any other part whatever of the continent:

And it was also provided by the Vth Article of the said Regulations, that in the authenticated declaration which the captor shall make before the Commission as well as in the certificate of the papers seized, which shall be delivered to the captain of the captured vessel at the time of the detention, the captor shall state and declare his name, and the name of his vessel, as well as the latitude and longitude of the place where the detention shall have taken place, and the number of the slaves found living on board the slave-ship at the time of the detention:

And it was also provided, by the VIth Article of the said Regulations, that as soon as any sentence shall have been passed, the detained vessel, if liberated, and what remains of the cargo, shall be restored to the proprietors, who shall, before the same Commission, claim a valuation of the damages which they may have a right to demand; and that the captor himself, and in his default, the Government to which the captor shall belong, shall remain responsible for such damages, which the said Governments respectively bind themselves to defray, within the term of 1 year from the date of the sentence, it being understood that all such indemnifications shall be at the expense of the Government of which the captor shall be a subject :

And it was also by the VIIth Article of the said Regulations provided, that in case of the condemnation of any vessel for an unlawful voyage, the vessel shall be declared lawful prize, as well as her cargo, of whatever description it may be, with the exception of the slaves who may be on board, as objects of commerce; and the said vessel, as well as her cargo, shall be sold by public sale, for the profit of the 2 Governments; and as to the slaves, they shall receive from the Mixed Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Commission which shall have so judged them shall be established, to be employed as servants or free labourers :

And it was also further provided by the VIIIth Article of the said Regulations, that every claim for compensation of losses, occasioned by any ships being inspected and detained, as carrying on an illicit Trade in Slaves, but not afterwards condemned as lawful prize by the Mixed Commissions, shall be also heard and judged by the said Commissions, in the form provided by the IIIrd Article of the said Regulations; and in all cases wherein restitution shall be so decreed, the Commission shall award to the claimant or claimants, or 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 claimant or claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the claimant or claimants shall be indemnified, 1st. for the ship, her tackle, apparel, and stores; 2ndly, for all

freight due and payable; 3rdly, for the value of the cargo of merchandize, if any; 4thly, for the slaves on board at the time of detention, according to the computed value of such slaves at the place of destination, deducting therefrom the usual fair average mortality, for the unexpired period of the regular voyage, deducting also for all charges and expenses payable upon the sale of such cargoes, including commission of sale; and 5thly, for all other regular charges in such cases of total loss: and in all other cases not of total loss, the claimant or claimants shall be indemnified, 1st, for all special damages and expences occasioned to the ship by the detention, and for the loss of freight, when due or payable; 2ndly, a demurrage, when due, according to the Schedule annexed to the said VIIIth Article; 3rdly, a daily allowance for subsistence of slaves, of 1s. or 4½ reals de von. for each person, without distinction of age or sex, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise, 4thly, for any deterioration of cargo or slaves; 5thly, for any diminution in the value of the cargo of slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention, this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; 6thly, an allowance of 5 per centum on the amount of the capital employed in the purchase and maintenance of cargo, for the period of delay occasioned by the detention; and, 7thly, for all premium of insurance on additional risks; and the claimant or claimants shall likewise be entitled to interest, at the rate of 5 per centum per annum, on the sum awarded, until paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications being calculated in the money of the country to which the captured ship belongs, and to be liquidated at the exchange current at the time of award, excepting the sum for the subsistence of slaves, which shall be paid at par, as above stipulated:

And to avoid as much as possible every species of fraud in the execution of the said Treaty, it was agreed, that if it should be proved to the conviction of the Commissary Judges of the 2 nations, and without having recourse to the decision of a

Commissioner of Arbitration, that the captor has been led into error by a voluntary and a reprehensible fault on the part of the captain of the detained ship, in that case only the detained ship shall not have the right of receiving during the days of her detention, the demurrage stipulated by the said VIIIth Article; and to the said VIIIth Article a Schedule of demurrage or daily allowance was annexed, as follows: that is to say, for a vessel of 100 tons to 120 inclusive, 5*l.*; 121 tons to 150 inclusive, 6*l.*; 151 tons to 170 inclusive, 8*l.*; 171 tons to 200 inclusive, 10*l.*; 201 tons to 220 inclusive, 11*l.*; 221 tons to 250 inclusive, 12*l.*; 251 tons to 270 inclusive, 14*l.*; 271 tons to 300 inclusive, 15*l.*; and so on in proportion:

And it was also by the said IXth Article of the said Regulations provided, that when the proprietor of a ship suspected of carrying on an illicit Trade in Slaves, released in consequence of a sentence of one of the Mixed Commissions (or in the case as above mentioned of total loss), shall claim indemnification for the loss of slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of slaves which his vessel, by the *Spanish* laws, was authorized to carry, which number shall always be stated in his passport:

And it was also provided in the Xth Article of the said Regulations, that neither the Judges nor the Arbitrators, nor the Secretary of the Mixed Commissions, shall be permitted to demand or receive, from any of the parties concerned in the sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the said Regulations;

And it was also provided by the XIth Article of the said Regulations, that if any 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 purpose of removing, when they think fit, the individuals who may compose these Commissions:

And it was also provided by the XIIth Article of the said Regulations, that in case of a vessel being improperly detained under pretence of the stipulations of the Treaty, and the captor not being able to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government to

which the detained vessel may belong shall be entitled to demand reparation, and in such case the Government to which the captor may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed :

And it was also by the XIIIth Article of the said Regulations agreed, that in the event of the death of 1 or more of the Commissary Judges, or the Commissioners of Arbitration composing the above-mentioned Mixed Commissions, their posts shall be supplied *ad interim* in the following manner : that is, on the part of the *British* Government, the vacancies shall be filled successively in the Commission which shall sit within the possessions of His Majesty, by the Governor or Lieutenant-Governor resident in that colony, by the principal Magistrate of the same, and by the Secretary ; and in that which shall sit within the possessions of His Catholic Majesty, it was agreed that in case of the death of the *British* Judge or Arbitrator there, the remaining individuals of the said Commission shall proceed equally to the judgment of such slave-ships as may be brought before them, and to the execution of their sentence ; and in such case alone the parties interested shall have the right of appealing from the sentence if they think fit, to the Commission resident upon the coast of *Africa* ; and the Government to which the captor shall belong shall be bound fully to make good the compensation which shall be due to them in case the appeal be decided in favour of the claimants, but the vessel and cargo shall remain during such appeal in the place of residence of the first Commission before which they shall have been carried ; and it was thereby agreed, that on the part of *Spain* the vacancies shall be supplied in the possessions of His Catholic Majesty by such persons of trust as the principal authority of the country shall appoint ; and upon the coast of *Africa*, in case of the death of any *Spanish* Judge or Arbitrator, the Commission shall proceed to judgment in the same manner as above specified, for the Commission resident in the possessions of His Catholic Majesty, in the event of the death of the *British* Judge or Arbitrator ; an appeal being in this case likewise allowed to the Commission resident in the possessions of His Catholic Majesty, and in general all the provisions of the former case being to be applied :

And it was further agreed by the said Article, that all vacancies which may arise in the above-mentioned Commissions, from death or any other cause, should be supplied as soon as possible ; and in case that the vacancy of any of the *Spanish* Commissioners in the *British* possessions, or of the *British* Commissioners in the *Spanish* possessions, be not supplied at the end of the term of 7 months for *America*, and of 12 for *Africa*, the vessels which shall be brought to the said possessions respectively shall cease to have the right of appeal above stipulated :

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Treaty : be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any officers commanding any ship of war of His Majesty, duly authorized in that behalf, and provided with instructions according to the provisions of the said Convention, to visit and search all ships and vessels which shall be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic, and to detain and bring to adjudication all ships, vessels, and cargoes therein, made subject to detention and condemnation, according to the provisions of the said Treaty, and the Regulations and Instructions aforesaid.

II. And be it further enacted, that all ships and vessels belonging wholly or in part to His Majesty's subjects, which shall be suspected, upon reasonable grounds of having slaves on board, acquired by an illicit traffic, shall be and are hereby declared and made, according to the IXth Article of the said Treaty, subject to the visitation and search of *British* or *Spanish* vessels of war, duly authorized for that purpose, according to the provisions of the said Treaty ; and that all ships or vessels belonging wholly or in part to His Majesty's subjects, which shall be found having slaves on board, acquired by an illicit traffic, contrary to the provisions of the IXth and Xth Articles of the said Treaty, so recited as aforesaid, and all boats, apparel, furniture, and slaves belonging to such ships or vessels, and all cargoes therein, shall be and are hereby declared to be and made subject to the search and detention of *British* or *Spanish* vessels

of war duly authorized for that purpose, according to the stipulations of the said Treaty, and to forfeiture according to the provisions of the said Treaty, and of the Regulations and Instructions thereunto annexed, and shall also be and are hereby made subject to the adjudication of and to condemnation or other judgment by the Commissary Judges and Commissioners to be appointed according to the provisions of the said Treaty, and to the Instructions and Regulations annexed thereto, recited as aforesaid.

III. And be it further enacted, that it shall and may be lawful for His Majesty, by any Warrant under his royal sign manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the said Treaty, and Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such offices, by appointing other persons thereto, and to grant salaries to such Commissary Judges and Commissioners of Arbitration as aforesaid, not exceeding such annual sums as the Lords Commissioners of His Majesty's Treasury of *Great Britain* and *Ireland* shall from time to time direct; and such Commissary Judges and Commissioners 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, taken, or captured under the said Treaty or Instructions and Regulations, as are by the said Treaty, Instructions, and Regulations, and by this Act, made subject to their jurisdiction, and to proceed therein, and give such judgments, and make such orders therein, and do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, as fully and effectually to all intents and purposes as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his royal sign manual, countersigned by 1 of His Majesty's Principal Secretaries of State for the time being, to nominate and appoint a Secretary

or Registrar to the Commission which shall be established in His Majesty's dominions, and from time to time to supply, by other appointments, any vacancy which may thereafter occur in such office, and to grant salaries to such Secretary or Registrar, not exceeding such annual sum as the said Lords Commissioners shall from time to time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the duties of such office, and set forth and described in the said Treaty, Instructions, and Regulations respectively, 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 office, according to the provisions of the said Treaty and Instructions and Regulations.

V. And be it further enacted, that it shall be lawful for the Governor, or Lieutenant-Governor, or principal Magistrate of the colony or settlement in which the Commission shall sit, within the possessions of His Britannic Majesty, to fill up every vacancy which shall arise in such Commission, either of Commissary Judge, Commissioner, or any officer thereof, appointed by His Majesty as aforesaid, according to the provisions contained in the XIIIth Article of the before-recited Regulations annexed to the said Treaty, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some person or persons appointed by His Majesty for that purpose.

VI. And be it further enacted, that every Commissary Judge and Commissioner of Arbitration appointed by His Majesty, shall, before he shall enter upon the execution of any of the duties of such his office, take an oath, in the presence of the principal magistrate then residing and acting in the colony settlement or place, whether belonging to His Britannic or His Most Catholic Majesty, in which the Commission shall be appointed to reside; which oath every such magistrate in any colony, settlement, or place belonging to His Majesty, in which such Court or Commission shall be appointed to reside, is hereby authorized to administer 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 as _____, faithfully, impartially, fairly, and without preference or favour, either for claimants or captors, or

any other persons ; and that I will, to the best of my judgment and power, act in pursuance of and according to the stipulations, regulations, and instructions contained in the Treaty between His Majesty and His Catholic Majesty, signed at *Madrid* on the 23rd day of September, 1817. So help me God."

And every Secretary or Registrar appointed by His Majesty under the provisions of the Treaty and Regulations and Instructions, and of this Act, shall, before he enters on the duties of his said office, take an oath before the *British* Commissary Judge as aforesaid, 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 Commissary Judges and Commissioners of Arbitration 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 person. So help me God."

VII. And be it further enacted, that it shall be lawful for the said Commissary Judges 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 Commissary Judges, or before the said Commissary Judges and the Commissioner of Arbitration, in the cases in which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaty, Instructions, or Regulations, or this Act ; and it shall also be lawful for the said Commissary Judges and Commissioners of Arbitration, in the cases aforesaid, to summon before them all persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or 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.

VIII. And be it further enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had, or affidavit taken, upon or in any proceeding before the said Commissary Judges or Commissioners aforesaid, under the said Treaty, Instructions or Regulations, or of this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of His Majesty near thereto, in which there is a Court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench in *England*; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench, the venue may be laid in the county of Middlesex.

IX. And be it further enacted, that the pendency of any suit or proceeding, instituted before the said Commissioners, for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said Treaty, or Instructions or Regulations thereto annexed, 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, or of the Instructions or Regulations thereto annexed; anything in any Act or Acts of Parliament or law or laws to the contrary notwithstanding.

X. And be it further enacted, that the sum of 400,000*l.*, stipulated to be paid by the said Treaty, and paid and accepted accordingly, as a full compensation for all losses sustained by the subjects of His Catholic Majesty, on account of vessels captured previously to the exchange of the Ratifications of the said

Treaty, and for the losses which are a necessary consequence of the abolition of the said Traffic in Slaves, shall be considered and taken to be a full compensation for all such losses as aforesaid; and that the said stipulation, as in this Act recited and contained, may be pleaded in bar, or given in evidence upon the general issue, and shall be and be deemed and adjudged in every Court whatever, to be a good and complete bar in any and every action, suit, or proceeding brought or instituted for restitution, or any other matter or thing in relation to any such capture, or for any damage or injury sustained thereby, or in relation thereto, or for any such losses as aforesaid; anything contained in any Act or Acts of Parliament to the contrary notwithstanding.

XI. Provided always, and be it further enacted, that it shall be lawful for the Lords Commissioners of Appeal in prize causes, and for the High Court of Admiralty in all cases and questions arising out of the said captures, that may be depending before them, or that may be brought before them on appeal from any Vice-Admiralty Court, according to their respective jurisdictions, to proceed therein, and to hear and determine all questions respecting any right or interest in or to the same, to which His Majesty, or the captors or seizors of such ships, vessels, or cargoes, may claim to be entitled, by reason of the capture or seizure thereof, and the laws relating thereto, and to enforce their judgments and orders therein by the usual process of the said Courts; anything in this Act to the contrary notwithstanding.

XII. Provided also, and be it further enacted, that in all such cases as aforesaid, in which the captors or seizors shall not establish any right or interest on their behalf, by reason of the capture thereof, and the laws relating thereto, it shall be lawful for the said Courts respectively to order and adjudge the ships, vessels, and cargoes, or the proceeds thereof, and all and every part thereof, unto or to which the captors shall not establish any right or interest as aforesaid, to be delivered or paid, to the use of His Majesty, to such person or persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the delivery or the payment thereof of the usual process of the said Courts

respectively; any thing in this Act to the contrary notwithstanding.

XIII. And be it further enacted, that nothing in this Act contained shall extend, or be deemed or construed in anywise to alter, suspend, affect, relax or repeal any of the clauses, penalties, forfeitures, or punishments contained and enacted in any Act or Acts of Parliament made for the suppression or prevention of the Slave Trade; but that all such Acts of Parliament, and all clauses, regulations, penalties, forfeitures, and punishments therein respectively contained, shall remain in full force and virtue; anything in this Act contained to the contrary notwithstanding.

XIV. And be it further enacted, that if any action or suit shall be commenced, either in Great Britain or elsewhere, against any person or persons, for anything done in pursuance of the said Treaty, or Instructions or Regulations thereto annexed, or of this Act, the defendant or defendants in such action or suit may plead the general issue, and give this Act as herein-recited and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Treaty, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.
