
TREATY *between Great Britain and the Netherlands. Signed
at the Hague, May 4th 1818.*

In the Name of the Most Holy Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave Trade by their respective subjects, and for preventing their respective flags from being made use of as a protection to this nefarious

ont résolu de procéder à la conclusion d'un Traité pour atteindre ce double but et ont nommé à cette fin leurs Plénipotentiaires, *ad hoc*, savoir :

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Richard Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de la Grande Bretagne et de l'Irlande, Conseiller en Son Conseil Privé de la Grande Bretagne et de l'Irlande, Membre du Comité du Premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Chevalier Grand Croix du Très-Honorable Ordre du Bain, Son Ambassadeur Extraordinaire et Plénipotentiaire auprès de Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg ; et Sa Majesté le Roi des Pays-Bas, le Sieur Anne Willem Carel Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand Croix des Ordres du Lion Belgique et de Charles III., Son Chambellan et Ministre d'Etat ayant le Département des Affaires Etrangères ; et le Sieur Cornelis Felix van Maanen, Commandeur de l'Ordre du Lion Belgique, Son Ministre d'Etat ayant le Département de la Justice ; lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

I. Les lois du Royaume Uni de la Grande Bretagne et de l'Irlande, assujettissant déjà à de très-graves peines, les sujets de Sa Majesté Britannique, qui font la Traite des Nègres ou qui y seront concernés d'une manière quelconque, Sa Majesté le Roi des Pays-Bas, se référant à l'Article VIII de la Convention conclue avec Sa Majesté Britannique, le 13 Août, 1814, s'engage en conséquence à défendre, dans le terme de huit mois après la ratification des présentes, ou plutôt si faire se pourra, à tous Ses sujets, de la manière la plus efficace, et spécialement par les lois pénales les plus formelles, de prendre aucune part quelconque à la Traite des Nègres. Au cas que les mesures repressives contre la Traite des Nègres, déjà prises par le Gouvernement de la Grande Bretagne, et à prendre par celui des Pays-Bas, fussent

traffic, by the people of other countries who may engage therein ; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc*,

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxemburg ; and His Majesty the King of the Netherlands, Anne William Charles Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion and of that of Charles the Third, Chamberlain and Minister of State, holding the Department of Foreign Affairs ; and Cornelius Felix van Maanen, Commander of the Order of the Belgic Lion, and Minister of State, holding the Department of Justice ; who, having exchanged their full Powers, found in good and due form, have agreed on the following Articles :

I. The laws of the United Kingdom of Great Britain and Ireland rendering it already highly penal for the subjects of His Britannic Majesty to carry on, or to be in any way engaged in trade in Slaves, His Majesty the King of the Netherlands, referring to the 8th Article of the Convention entered into with His Britannic Majesty on the 13th August 1814, engages in pursuance thereof, and within eight months from the ratification of these presents, or sooner if possible, to prohibit all His subjects, in the most effectual manner, and especially by penal law the most formal, to take any part whatever in the Trade of Slaves ; and in the event of the measures already taken by the British Government, and to be taken by that of the Netherlands, being found ineffectual or insufficient, the high Contracting Parties mutually

trouvées inefficaces ou insuffisantes, les hautes Parties Contractantes s'engagent à y pourvoir par de nouvelles mesures législatives ou réglementaires les plus propres à atteindre le but qu'elles se proposent par le présent Traité.

II. Afin d'atteindre plus complètement le but de prévenir tout Commerce d'Esclaves de la part de leurs sujets respectifs, les deux hautes Parties Contractantes consentent mutuellement à ce que les vaisseaux de leurs Marines Royales qui seront munis d'Instructions spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter tels navires marchands des deux nations, qui sur des présomptions raisonnables, seraient suspects d'avoir des Esclaves à bord, destinés pour un commerce illicite, et dans le cas seulement qu'ils trouveraient de pareils Esclaves à bord, ils pourront arrêter et amener les navires, afin d'être mis en jugement par devant les tribunaux établis pour cet objet, ainsi qu'il sera spécifié plus bas.

III. Afin d'expliquer le mode d'exécution de l'Article précédent, il est convenu :

1. Que ce droit réciproque de visitation et d'arrestation ne saurait être exercé dans la Mer Méditerranée, ni dans les Mers Européennes, situées hors du détroit de Gibraltar, au Nord de la 37^{me} parallèle de latitude septentrionale et à l'Est du méridien de longitude, au 20^{me} degré à l'Ouest de Greenwich.

2. Que les noms des différens vaisseaux, munis de pareilles Instructions, leurs forces respectives et les noms des Commandans, seront communiqués de tems en tems et à mesure de la délivrance d'icelles, par la Puissance, qui en fait l'expédition à l'autre haute Partie Contractante.

3. Que le nombre des vaisseaux de chacune des Marines Royales autorisés à exécuter la visitation susdite ne pourra excéder le nombre de douze, appartenant à chacune des hautes Parties Contractantes, sans le consentement exprès de l'autre Puissance, préalablement obtenu.

4. Pour le cas, où il serait jugé nécessaire, qu'un vaisseau de la Marine Royale de l'une ou de l'autre des deux hautes Parties Contractantes, à ce autorisé procédât à visiter un ou plusieurs

engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective subjects from taking any share whatever in this nefarious traffic.

II. The two high Contracting Parties, for the more complete attainment of the object of preventing all traffic in Slaves, on the part of their respective subjects, mutually consent that the ships of their Royal Navies, which shall be provided with special Instructions for this purpose, as herein-after mentioned, may visit such merchant vessels of the two nations, as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic; and in the event only of their finding such 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.

III. In the intention of explaining the mode of execution of the preceding Article it is agreed;

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the Seas in Europe lying without the Straits of Gibraltar, and which lie to the northward of the thirty-seventh parallel of north latitude, and also within, and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

2d. That the names of the several vessels furnished with such Instructions, the force of each, and the names of their several Commanders shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other high Contracting Party.

3d. That the number of ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of twelve, belonging to either of the high Contracting Parties, without the special consent of the other high Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any ship of the Royal Navy of either of the two high Contracting Parties, authorized to make such visit as aforesaid, should proceed

navires marchands sous le pavillon, et sous le convoi d'un ou de plusieurs vaisseaux de la Marine Royale de l'autre haute Partie Contractante, l'Officier Commandant du vaisseau dûment autorisé et commissionné à faire pareille visitation, y procédera conjointement avec l'Officier, qui commande le convoi, lequel accordera toute facilité à pareille visite et à la détention éventuelle des vaisseaux marchands ainsi visités, et contribuera de tout son pouvoir à l'exécution de la présente Convention, conformément à son intention et son motif.

5. Il est aussi convenu, que les Commandans des vaisseaux des deux Marines Royales qui seront employés à ce service devront s'en tenir strictement à l'exacte teneur des Instructions, qu'ils recevront à cet effet.

IV. Les deux Articles précédens étant entièrement réciproques les deux hautes Parties Contractantes s'engagent mutuellement à indemniser leurs sujets respectifs de toutes les pertes, qu'ils pourront essuyer injustement par la détention illégale et arbitraire de leurs vaisseaux ; il est entendu que cette indemnisation sera invariablement à la charge du Gouvernement dont les croiseurs se seront rendus coupables de la détention arbitraire, et que la visitation et la détention des navires désignés dans ces Articles ne sauraient être effectuées que par ceux d'entre les vaisseaux des Pays-Bas et Britanniques, qui, non-seulement font partie des deux Marines Royales, mais qui seront munis des Instructions spéciales annexées au présent Traité, et en se conformant aux dispositions d'icelles.

V. Nul croiseur des Pays-Bas ou Britannique ne pourra détener un navire quelconque, s'il n'a pas actuellement des Esclaves à bord, et afin de rendre légale la détention d'un bâtiment, soit des Pays-Bas ou Britannique, les Esclaves trouvés à bord d'un pareil navire doivent y avoir été conduits dans le dessein express d'en faire trafic.

VI. Les vaisseaux de la Marine Royale des deux nations, qui par la suite seront destinés à prévenir le Commerce des Esclaves, seront munis par leur Gouvernement respectif d'une copie des Instructions annexées au présent Traité et duquel elles seront considérées comme faisant partie intégrante.

to visit any merchant ship or ships under the flag, and proceeding under the convoy of any vessel or vessels of the Royal Navy of the other high Contracting Party, that the Commanding Officer of the ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the Commanding Officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer of the merchant ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the Commanders of the ships of the two Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the Instructions which they shall receive for this purpose.

IV. As the two preceding Articles are entirely reciprocal, the two high Contracting Parties engage mutually to make good any losses which their respective subjects may incur 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; and that the visit and detention of ships specified in this Article shall only be effected by those British or Netherland 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, in pursuance of the provisions thereof.

V. No British or Netherland cruiser shall detain any ship whatever not having Slaves actually on board; and in order to render lawful the detention of any ship, whether British or Netherland, the Slaves found on board such vessel must have been brought there for the express purpose of the traffic.

VI. All ships of the Royal Navies of the two nations, which shall hereafter be destined to prevent the traffic in Slaves, shall be furnished by their respective Governments with a copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

Ces Instructions seront en Hollandais et en Anglais, et signées pour les vaisseaux de chacune des deux Puissances, par les Ministres de leurs Marine respective.

Les deux hautes Parties Contractantes se réservent la faculté d'altérer les dites Instructions, soit en tout, soit en partie, d'après les circonstances. Bien entendu cependant, que les dites altérations ne pourront se faire que d'un accord mutuel et du consentement des deux Parties Contractantes.

VII. Afin d'amener en jugement avec le moins de délai et d'inconveniens les navires qui seront détenus pour être engagés dans le commerce des Esclaves, aux termes de l'Article V du présent Traité, il sera établi, dans l'espace d'un an au plus tard, à dater de l'échange des ratifications du présent Traité, deux Cours de Justice mixtes, composées d'un nombre égal d'individus des deux nations nommés à cet effet par leurs Souverains respectifs.

Ces Cours résideront, l'une dans une possession appartenant à Sa Majesté le Roi des Pays-Bas, et l'autre sur le territoire de Sa Majesté Britannique : les deux Gouvernemens, à l'époque de l'échange des ratifications du présent Traité déclareront, chacun pour ses propres domaines, en quels endroits les Cours résideront. Chacune des deux hautes Parties Contractantes se réservant de changer, selon que bon lui semblera, le lieu de la résidence de la Cour établie dans ses propres Domaines. Pourvu néanmoins que l'une des deux Cours soit toujours tenue dans une des possessions Coloniales de Sa Majesté le Roi des Pays-Bas et l'autre sur la côte d'Afrique.

Ces Cours jugeront sans appel les Causes qui leur seront soumises aux termes du présent Traité et conformément aux Règlemens et Instructions y annexées, duquel ils seront considérées comme partie intégrante.

VIII. Dans le cas où les Officiers Commandans des vaisseaux des Marines Royales des Pays-Bas et Britannique commissionnés aux termes de l'Article Second s'écarteraient des dispositions du présent Traité de quelque manière que ce fut, et qu'il ne seraient pas en état de justifier, soit par la teneur du Traité même, soit par celle des Instructions y annexées ; le Gouvernement qui se croira

These Instructions shall be written in the Dutch and English languages, 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 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.

VII. In order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a traffic of Slaves, according to the tenor of the Fifth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Sovereigns.

These Courts shall reside—one in a possession belonging to His Britannic Majesty, the other within the territories of His Majesty the King of the Netherlands; 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 Courts 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 Court held within its own dominions; provided, however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the colonial possessions of His Majesty the King of the Netherlands.

These Courts shall judge the Causes submitted to them according to the terms of the present Treaty, without appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

VIII. In case the Commanding Officer of any of the ships of the Royal Navies of Great Britain, and of the Netherlands, commissioned under the Second Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it; the Government which

lésé par une telle conduite aura droit de demander réparation et en tel cas le Gouvernement auquel les dits Officiers Commandans appartiendront, s'oblige à faire instituer des enquêtes au sujet de la plainte et à infliger, lors qu'elle sera trouvée fondée, une punition proportionnée à la transgression commise.

IX. Les Actes ou Instrumens annexés au présent Traité, et qui en forment partie intégrante, sont les suivans :

a. Les Instructions pour les vaisseaux des Marines Royales des deux nations, destinés à prévenir le Commerce des Esclaves.

b. Les Réglemens pour les Cours de Justice mixtes, qui siègeront dans une des possessions Coloniales de Sa Majesté le Roi des Pays-Bas et sur la côte d'Afrique.

X. Le présent Traité consistant en dix Articles sera ratifié et les ratifications échangées dans l'espace d'un mois ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à la Haye, le 4 Mai, l'an de Grâce, 1818.

Signé CLANCARTY, (L.S.)

A. W. C. DE NAGELL, (L.S.)

VAN MAANEN, (L.S.)

shall conceive itself to be wronged by such conduct, 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.

XI. The Acts or Instruments annexed to this Treaty, and which form an integral part thereof, are as follows :

a. Instructions for the ships of the Royal Navies of both nations, destined to prevent the traffic in Slaves.

b. Regulation for the mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the colonial possessions of His Majesty the King of the Netherlands.

X. The present Treaty, consisting of ten Articles, shall be ratified, and the ratifications exchanged within the space of one month from this date, or sooner if possible.

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

Done at the Hague, the 4th day of May, in the year of our Lord, 1818.

Signed CLANCARTY, (L.S.) A. W. C. DE NAGELL, (L.S.)
VAN MAANEN, (L.S.)

ACTES ANNEXÉS au *Traité signé à la Haye, le 4 Mai, 1818.*

Instructions pour les vaisseaux des Marines Royales des Pays-Bas et de la Grande Bretagne, employés à prévenir le Trafic d'Esclaves.

I. Tout vaisseau des Marines Royales des Pays-Bas ou Britannique qui, muni des présentes instructions aura, en conformité de l'Article second du Traité de ce jour, le droit de visiter les navires marchands de chacune des deux Puissances actuellement engagés, ou suspects d'être engagés dans le Commerce des Esclaves, y pourra procéder hormis dans les mers exceptés par l'Article trois du dit Traité, et s'il se trouvent des Esclaves à bord dans le dessein exprès d'en faire le trafic, le Commandant du dit vaisseau de la Marine Royale aura le pouvoir de les détériorer, et en cas de détention d'un navire il le conduira afin d'être mis en jugement aussitôt que possible devant celle des deux Cours établies par l'Article sept du Traité de ce jour, qui se trouvera la plus proche, ou que lui, Commandant du vaisseau capteur, jugera, sous sa responsabilité personnelle, pouvoir le plutôt atteindre à partir du point, sur lequel le navire marchand aura été visité et détenu.

Les navires à bord desquels on ne trouvera point d'Esclaves destinés à des objets de commerce ne seront détenus sous aucune raison ou prétexte quelconques.

Des domestiques ou matelots Nègres trouvés à bord des dits navires ne pourront en aucun cas être estimés une cause suffisante de détention.

II. Toutes les fois qu'un vaisseau des Marines Royales à ce commissionné, rencontrera un navire marchand, sujet à la visite, celle-ci se fera de la manière la plus honnête et avec toutes les attentions que se doivent réciproquement deux nations amies et Alliées; en aucun cas la recherche ne pourra être faite par un Officier d'un grade inférieur à celui de Lieutenant de la Marine des Pays-Bas et de la Grande Bretagne.

ACTS ANNEXED to the Treaty signed at the Hague, 4th May,
1818.

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

I. Every ship of the Royal British or Netherland Navy, which, furnished with these instructions, shall in conformity with the second Article 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, may, except in the seas exempted by the third Article of the said Treaty, proceed to such visit, and should any Slaves be found on board, brought there for the express purpose of the traffic, the Commander of the said ship of the Royal Navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the two mixed Courts of Justice, appointed by the seventh 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 ship shall have been detained.

Ships, on board of which no Slaves shall be found, intended for 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. Whenever a ship of the Royal Navy, so commissioned, shall meet a merchantman liable to be searched, it shall be done in the mildest 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 Navies of Great Britain and of the Netherlands.

III. Les vaisseaux des Marines Royales ainsi commissionnés, qui viendront à détenir un navire marchand, d'après la teneur des présentes instructions, laisseront à bord la cargaison entière sans y toucher aussi bien que le patron et au moins une partie de l'équipage du dit navire.

Le Capitaine capteur couchera par écrit une déclaration authentique, qui articulera l'état, dans lequel il a trouvé le navire détenu, et les changemens qui pourront y être survenus.

Il délivrera au Patron du navire détenu un certificat signé, des papiers saisis à bord du dit navire, aussi que du nombre d'Esclaves trouvés à son bord, au moment de la détention.

Les Nègres ne seront point débarqués avant que les navires qui les contiennent ne soient arrivés au lieu où la légalité de la capture doit être jugée par une des Cours mixtes, à l'effet que dans le cas où ils ne seraient point adjugés prises légales, la perte des propriétaires puisse d'autant plus aisément être réparée.

Si néanmoins des motifs urgens tirés de la longueur du voyage, de l'état sanitaire des Nègres ou d'autres causes requéraient qu'ils fussent débarqués en totalité ou en partie, avant que le navire pût arriver au lieu de la résidence de l'une des dites Cours, le Commandant du vaisseau capteur peut prendre sur soi la responsabilité d'un semblable débarquement, pourvu que la nécessité en soit constatée par un certificat en due forme.

Règlement pour les Cours de Justice mixtes qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays-Bas, et sur la côte d'Afrique.

I. Les Cours de Justice mixtes, à établir d'après le Traité de ce jour dans une des Possessions Coloniales de Sa Majesté le Roi des Pays-Bas, et sur la côte d'Afrique, sont constituées à l'effet de décider de la légalité de la détention des navires, que les croiseurs des deux nations viendront à arrêter, en vertu du dit Traité.

Les Cours susmentionnées décideront définitivement et sans appel conformément aux stipulations du Traité.

III. The ships of the Royal Navies so commissioned, which may detain any merchant ship, in pursuance of the tenor of the present instructions, shall leave on board all the cargo, as well as the Master, and a part at least of the crew of the above-mentioned ship: the captor 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 Master of the detained 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 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 Courts, 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 Courts, 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.

Regulations for the Mixed Courts of Justice, which are to reside on the coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands.

I. The mixed Courts of Justice, to be established by the Treaty of this date, upon the coast of Africa and in a Colonial Possession of His Majesty the King of the Netherlands, are appointed to decide upon the legality of the detention of such vessels as the cruisers of both nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without appeal, according to the present Treaty.

La procédure aura lieu aussi sommairement que possible, et les Cours sont réquises de prononcer, (pour autant qu'elles le trouveront praticable,) dans l'espace de vingt jours, à dater de celui auquel le navire détenu aura été conduit dans les ports où les Cours résident. Elles jugeront en premier lieu de la légalité de la capture, et en second lieu (dans le cas où le navire capturé viendra à être absous) de l'indemnisation à donner au navire capturé.

Et il est statué par les présentes que dans tous les cas, la sentence définitive ne pourra être différée pour cause d'absence des témoins, ou par défaut d'autres preuves, au delà du terme de deux mois, à moins que ce ne soit à la demande d'une des parties intéressées, en quel cas et moyennant qu'elles fournissent sûreté suffisante, qu'elles se chargeront elles mêmes des frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionnel, qui n'excédera pas quatre mois.

II. Chacune des Cours mixtes susmentionnées, qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays-Bas et sur la côte d'Afrique, sera composée de la manière suivante :

Les deux hautes Parties Contractantes nommeront chacune un Juge et un Arbitre, qui seront autorisés à prendre connaissance et à décider sans appel de tous les cas de capture de navire, qui, en suite des stipulations du Traité de ce jour, viendront à être portés devant eux.

Toutes les parties essentielles des procédures portées par devant les dites Cours mixtes, seront couchées par écrit dans la langue légale du pays où les Cours résideront.

Les Juges et les Arbitres prêteront serment ès mains du principal Magistrat de l'endroit où les Cours résideront, de juger loyalement et fidèlement, de n'accorder aucune préférence, soit aux réclamans soit aux capteurs, et de se conduire dans toutes leurs décisions conformément aux stipulations du Traité de ce jour.

A chaque Cour sera attaché un Secrétaire ou Greffier établi par le Souverain du pays où la Commission résidera, lequel enregistrera tous les Actes de celle-ci, et qui avant de prendre possession de sa charge prètera serment par devant la Cour, de se

The proceeding shall take place as summarily as possible: the Courts are required to decide (as far as they shall find it practicable,) within the space of twenty days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside;—First, upon the legality of the capture;—Secondly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel 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 Courts may at their discretion grant an additional delay not exceeding four months.

II. Each of the above-mentioned mixed Courts, which are to reside on the coast of Africa, and in a Colonial Possession of His Majesty the King of the Netherlands, shall be composed in the following manner :

The two high Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorised to hear and to decide without appeal all cases of capture of vessels which, in pursuance of the stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these mixed Courts shall be written down in the legal language of the country in which the Court may reside.

The Judges and the Arbitrators shall make oath before the principal Magistrate of the place in which the Courts 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 Court a Secretary or Registrar, appointed by the Sovereign of the country in which the Court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court

conduire respectueusement à son égard, et d'en agir avec fidélité dans toutes les affaires du ressort de sa charge.

III. La manière de procéder sera comme suit :

Les Juges des deux nations procéderont en premier lieu, à l'examen des papiers du navire, et à recevoir les dépositions du Capitaine et de deux ou trois des principaux individus au moins, du navire améné, aussi bien que la déclaration assermentée du capteur, si elle paraissait nécessaire ; afin d'être en état de juger et de prononcer, si le navire a été détenu justement ou non, conformément aux stipulations du Traité, et afin, qu'en vertu de ce jugement, le navire puisse être condamné ou absous. Et dans le cas où les deux Juges ne s'accorderaient pas sur la sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer, ou sur toute autre question qui pourrait résulter des stipulations du Traité, ils tireront au sort le nom de l'un des deux Arbitres, lequel, après avoir examiné les documens du procès, délibérera avec les Juges susmentionnés, sur le cas existant, et la sentence finale sera prononcée conformément à l'opinion de la majorité des Juges et de l'Arbitre susmentionné.

IV. Dans les déclarations authentiques que le capteur sera tenu de faire par devant la Cour, ainsi que dans le certificat des papiers saisis, qui sera délivré au Capitaine du navire capturé, lors de sa détention, le susdit capteur sera tenu de déclarer son nom et celui de son vaisseau, aussi bien que la latitude et la longitude de l'endroit où la détention a eu lieu, et le nombre des Esclaves trouvés à bord du navire capturé au moment de sa détention.

V. Aussitôt après que la sentence aura été prononcée le navire détenu s'il est libéré, et sa cargaison dans l'état où elle se trouvera alors, seront restitués au patron, ou à celui qui le représente, lequel pourra réclamer, par devant la même Cour, une évaluation des dommages qu'il pourrait avoir droit de demander : le capteur lui-même, et à son défaut, son Gouvernement restera responsable des dits dommages.

Les deux hautes Parties Contractantes s'obligent à payer dans

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 :

The Judges of the two nations shall, in the first place, proceed to the examination of the papers of the vessels, and to receive the depositions 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 whether the said vessel has been justly detained or not, according to the stipulations of the present Treaty, and in order that according to this judgment it may be condemned or liberated. And in the event of the two Judges not agreeing in the sentence they ought to pronounce, whether as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the present Treaty, they shall draw by lot the name of one of the two Arbitrators, who, after having considered the documents of the process, shall consult with the above-mentioned Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Judges, and of the above-mentioned Arbitrator.

IV. In the authenticated declaration, which the Captor shall make before the Court, 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 on board of the ship at the time of the detention.

V. As soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which it shall then be found, shall be restored to the Master, or the person who represents him, who may, before the same Court, claim a valuation of the damages, which they may have a right to 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 pay,

l'espace d'une année après la date de la sentence, les frais et dommages qui pourront être accordés par la Cour susnommée : il est entendu que ces frais et dommages tomberont à la charge de la Puissance dont le capteur sera sujet.

VI. En cas de condamnation d'un navire, il sera déclaré prise légitime, aussi bien que sa charge, de quelque description qu'elle puisse être, à l'exception des Esclaves qui pourront être à bord comme objets de commerce ; et le dit navire, aussi bien que sa charge, sera vendu en vente publique au profit des deux Gouvernemens ; et quant aux Esclaves, ils recevront de la Cour mixte un certificat d'émancipation, et seront remis au Gouvernement sur le territoire duquel la Cour, qui aura jugé, sera établie, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des deux Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces individus, qui viendra à y être respectivement consignée.

VII. Les Cours mixtes connaîtront et jugeront également et en la forme voulue par l'Article trois du présent règlement, de toute réclamation pour compensation de pertes occasionnées à des navires détenus sur soupçon de faire le commerce des Esclaves, mais non condamnés comme prises légales par les dites Cours : dans tous les cas où la restitution aura été prononcée, les Cours adjudgeront au profit du, ou des réclamans, ou leurs ayant causes légaux, une indemnisation juste et complete de tous les frais de procédure et de toutes les pertes et dommages que le, ou les réclamans, pourraient avoir éprouvés par telle capture et détention : Les Cours observeront,

1. Qu'en cas de perte totale le, ou les réclamans, seront indemnisés :

- a. Pour le navire, ses agrêts, appareils, et munitions.
- b. Pour tout frêt dû et à payer.
- c. Pour la valeur de la cargaison et des marchandises, s'il y en a, déduction faite des charges et dépenses payables pour la vente de pareilles cargaisons, y compris la commission de vente.
- d. Pour toutes autres charges usitées en cas de perte totale, et

2. Que dans tous les autres cas de perte, non totale, le, ou les réclamans, seront indemnisés :

within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject.

VI. In case of the condemnation of a vessel, 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 Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court 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.

VII. The mixed Courts shall also take cognizance and decide according to the third Article of this regulation, on all claims for compensation, on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, 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, first, in case of total loss, the claimant or claimants shall be indemnified:

a. For the ship, her tackle, apparel and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandize, if any; deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale.

d. For all other regular charges, in such cases of total loss; and,

Secondly, in all other cases not of total loss, the claimant or claimants shall be indemnified:

a. De tout dommage et dépens particuliers, occasionnés au navire par la perte de fret, dû ou à payer.

b. Pour starie l'indemnisation due de ce chef sera réglée d'après la cédula annexée au présent Article.

c. De toute détérioration de la cargaison.

d. Il leur sera alloué également cinq pour cent. du montant du capital employé à l'achat de la cargaison pour tout le tems du délai occasionné par la détention; et

e. Un dédommagement pour toute prime d'assurance sur les risques additionnels.

Dans tous les cas le, ou les réclamans, auront de plus droit aux intérêts sur le pied de cinq pour cent. par an, de la somme adjugée, jusqu'à son paiement par le Gouvernement, auquel le vaisseau capteur appartient; le montant entier de cette indemnisation sera calculé en monnaie du pays auquel le navire capturé appartient, à liquider d'après le cours du change à l'époque de l'adjudgement.

Les deux hautes Parties Contractantes désirant toutefois éviter autant que possible, tout espèce de fraude, dans l'exécution du Traité de ce jour, sont convenues, que s'il venait à être prouvé d'une manière évidente et à la conviction des Juges des deux nations, et sans avoir recours à la décision d'un Arbitre, que le capteur a été induit en erreur par une faute volontaire et répréhensible de la part du capitaine du navire capturé; en ce cas seulement, le dit navire n'aura pas droit à recevoir pendant la durée des jours de sa détention, la starie stipulée par le présent Article.

Cédula de Starie ou jour de planche pour un Navire de

100 tonneaux jusqu'à 120 inclusivement,	£5	} par jour.
121 do. ————— 150 do.	6	
151 do. ————— 170 do.	8	
171 do. ————— 200 do.	10	
201 do. ————— 220 do.	11	
221 do. ————— 250 do.	12	
251 do. ————— 270 do.	14	
271 do. ————— 300 do.	15	

et ainsi de suite en proportion.

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

b. A demurrage when due, according to the schedule annexed to the present Article.

c. For any deterioration of cargo.

d. An allowance of five per cent. on the amount of the capital employed in the purchase of cargo, for the period of delay occasioned by the detention ; and,

e. For all premium of insurance on additional risks.

The claimant or claimants shall in all cases 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 the award.

The two high Contracting Parties, wishing however 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 Judges of the two nations, and without having recourse to the decision of an Arbitrator, 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.

VIII. Il ne sera licite, ni aux Juges, ni aux Arbitres, ni au Secrétaire des Cours mixtes de demander ou de recevoir d'aucune des parties concernées dans les sentences qu'ils prononceront, aucun émolument, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui leur sont imposés par le présent règlement.

IX. Les deux hautes Parties Contractantes sont convenues qu'en cas de décès ou d'empêchement légal, d'un ou de plusieurs des Juges ou des Arbitres composant les Cours mixtes susmentionnées, leurs postes seront remplis, *ad interim*, de la manière suivante :

Dans la Cour qui siègera dans les Possessions de Sa Majesté le Roi des Pays-Bas, les places vacantes, qui dépendent de Sa dite Majesté, seront desservies successivement par le Gouverneur ou Vice-Gouverneur, par le principal Magistrat et Secrétaire d'icelles.

Quant à la Cour séant dans les Possessions de Sa Majesté Britannique sur la côte d'Afrique, il est convenu qu'en cas de décès ou empêchement légal, du Juge ou Arbitre des Pays-Bas en cet endroit, les individus survivans de la Cour procéderont au jugement des navires qui pourraient être traduits par devant eux et à la mise à exécution de leur sentence.

Les places vacantes de la Cour qui sera établie sur la côte d'Afrique, et qui dépendent de Sa Majesté Britannique, seront desservies par le Gouverneur ou Vice-Gouverneur, par le Magistrat principal et le Secrétaire du Gouvernement; en cas de décès ou d'empêchement légal d'un Juge ou Arbitre Britannique appartenant à la Cour établie dans une Colonie des Pays-Bas, les individus survivans se régleront d'après ce qui a été déterminé ci-dessus pour la Cour séant dans les Possessions de Sa Majesté Britannique, en cas de décès ou empêchement légal d'un Juge ou Arbitre des Pays-Bas.

Les hautes Parties Contractantes sont convenues également que le Gouverneur ou Vice-Gouverneur des Colonies où se tiendront les séances des Cours mixtes, en cas de vacature d'une place de Juge ou Arbitre de l'autre haute Partie Contractante, prévendra sans délai le Gouverneur ou Vice-Gouverneur de la

VIII. Neither the Judges nor the Arbitrators, nor the Secretary of the mixed Court, 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.

IX. The two high Contracting Parties have agreed that in the event of the death or legal impeachment of one or more of the Judges or Arbitrators composing the above-mentioned mixed Courts, 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 Court, 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 Majesty the King of the Netherlands, it is agreed that, in case of the death of the British Judge or Arbitrator there, the surviving individuals of the said Court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence.

On the part of the Netherlands, the vacancies shall be supplied, in the possessions of His Majesty the King of the Netherlands, successively by the Governor or Lieutenant Governor, the principal Magistrate and Secretary of Government ; and upon the coast of Africa, in case of the death of any Netherland Judge or Arbitrator, the surviving members of the Court shall proceed to judgment in the same manner as above specified for the Court resident in the possession of His Majesty the King of the Netherlands, in the event of the death of the British Judge or Arbitrator.

The high Contracting Parties have further agreed, that the Governor or Lieutenant Governor of the Settlement, wherein either of the mixed Courts shall sit, in the event of a vacancy arising, either of the Judge or Arbitrator of the other high Contracting Party, shall forthwith give notice of the same to the

Colonie la plus voisine, appartenant à la dite haute Partie Contractante, afin que l'on puisse y suppléer au plutôt ; et chacune des Puissances Contractantes s'engage à remplir définitivement aussitôt que possible les vacatures qui pourraient subvenir dans les Cours, soit par décès ou par autres causes quelconques.

NETHERLANDS.

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Governor or Lieutenant Governor of the nearest Settlement of such high Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the high Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned Courts, from death or any other cause whatever.



LAW of The Netherlands, containing penal enactments for the prevention and repression of the Slave Trade.

20th November, 1818.

Nous, Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc.

A tous ceux qui les présentes verront ; salut ! Savoir faisons :

Ayant pris en considération, non-seulement que, par notre arrêté du 15 Juin 1814, nous avons mis en œuvre des mesures préalables pour réprimer la Traite des Nègres, mais encore que, par l'Article 8 du Traité du 13 Août 1814 *, ainsi que par l'Article premier du Traité ultérieur du 4 Mai dernier †, respectivement conclus avec la Grande-Bretagne, nous nous sommes engagés d'une manière solennelle à réprimer et empêcher efficacement, par des dispositions pénales, ce commerce si déshonorant pour l'humanité :

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux, avons statué, et statuons :

Art. I. A compter de la publication de la présente Loi, il ne sera permis à aucun de nos sujets, et généralement à aucun individu qui se trouverait dans l'étendu de notre royaume, de faire la Traite des Nègres, ni de prendre, directement ou indirectement, part à ce commerce, soit en armant ou équipant des vaisseaux ou navires à cet effet, ou en participant, au même effet, dans l'armement d'aucuns bâtimens nationaux ou autres ; soit en les frétant ou affrétant sciemment pour cet usage ; soit en allant quérir, ou acheter, vendant ou échangeant, et en introduisant ou faisant introduire, ouvertement ou d'une manière clandestine, des Nègres comme esclaves dans quelque colonie ou établissement des Pays-Bas, situé hors de l'Europe, ou même dans des colonies ou établissemens étrangers, à peine, pour les contrevenans et leurs complices, d'une amende de 5,000 fl. et en outre de réclusion pour 5 années.

II. Seront punis des mêmes peines, les capitaines de navires, pilotes et subrécargues qui auront pris service à bord d'un bâtiment, sachant qu'il était employé à la Traite des Nègres, et qui auront ainsi exercé ou favorisé ce commerce illicite, soit pour leur propre compte, soit pour compte d'autrui.

* See Vol. I. Page 363.

† See Vol. I. Page 383.

III. Les matelots et autres gens de l'équipage qui auront eu connaissance que le bâtiment sur lequel ils servent, était destiné à faire ou favoriser la Traite des Nègres, seront punis d'un emprisonnement de 6 mois au moins, et de 2 années au plus. Ceux qui viendront à l'apprendre par la suite, sont dès ce moment quittés et déchargés de leur engagement, et ils seront tenus, sous la même peine, de quitter le service dès qu'ils pourront le faire sans danger.

IV. La peine d'emprisonnement mentionnée à l'Art. 3, sera de même encourue par tous assureurs, courtiers de navires et autres, qui auront assuré quelque vaisseau ou navire, ou qui en auront favorisé l'affrètement en quelque manière que ce soit, sachant qu'il était destiné à la Traite des Nègres ; en outre leur patente sera sur-le-champ supprimée, sans qu'il puisse dans la suite, leur en être délivré de semblable.

V. Les dispositions pénales ci-dessus énoncées, ne seront néanmoins nullement applicables au cas où des esclaves actuellement existans dans les colonies, ou leurs enfans nés ou à naître, viendraient à être transportés dans les Indes-Occidentales, soit d'une colonie des Pays-Bas à une autre, ou d'une colonie étrangère à une autre, ou d'une colonie des Pays-Bas à une colonie étrangère, ou d'une colonie étrangère à une colonie des Pays-Bas, ou enfin d'une colonie quelconque dans les Indes-Occidentales à une autre partie. Déclarons au contraire bien expressément que nul ne pourra, en aucune manière, être inquiété à ce sujet, attendu que ledit transport n'est point compris dans les prohibitions de la présente loi.

VI. Pareillement les peines comminées par la présente loi, ne pourront être rendues applicables à ceux qui auront sauvé et secouru quelque bâtiment chargé d'esclaves, se trouvant en détresse, ou bien qui auront reçu à bord des esclaves embarqués sur un tel bâtiment, pourvu qu'à son entrée dans le premier port où il viendra à relâcher, le capitaine ou patron en fasse déclaration en bonne forme dans les 24 heures.

Mandons et ordonnons, &c.

Donné à Bruxelles, le 20 Novembre de l'an 1818, et de Notre règne le 5me.

Par le Roi :

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

(*Translation.*)

We, William, by the Grace of God, King of The Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, &c. &c. &c.

To all who shall see these presents, greeting; we notify, that;

Having taken into consideration, that, by our decree of June 15, 1814, we have employed preliminary measures for checking the Slave Trade, and also that, by Article VIII. of the Treaty of August 13, 1814*, as well as by Article I. of the subsequent Treaty of May 4th last†, respectively concluded with Great Britain, we have solemnly engaged, by denouncing punishments, effectually to arrest and impede that traffic, which is so disgraceful to humanity.

We have, therefore, after hearing our Council of State, and communicating with the States General, decreed, and do decree :

Art. I. From the date of the publication of the present Law, none of our subjects, and, in general, no one residing within our realm, shall be permitted to carry on the Slave Trade, or to participate, either directly or indirectly, in this traffic, whether by fitting out vessels or ships for that purpose, or by taking part, to the same end, in the equipment of any national or other vessels, either by engaging or by letting them designedly for such use; or by going for, buying, selling, exchanging and importing, or causing to be imported, either openly or clandestinely, slaves into any colony or settlement of The Netherlands, out of Europe, or even into foreign colonies or establishments, under pain to transgressors and their accomplices, of a fine of 5,000 florins, in addition to 5 years' imprisonment.

II. Shall be punished, in the same manner, the masters of vessels, pilots, and supercargoes, that shall have entered themselves on board a vessel, knowing her to be employed in the Slave Trade, and who shall thus have exercised or favoured that illicit traffic, whether for their own account or that of another.

III. Sailors and other persons composing the crew who have known the vessel on which they have engaged themselves

* See Vol. I. Page 363.

† See Vol. I. Page 383.

to be intended to carry on or favour the Slave Trade, shall be liable to be imprisoned for 6 months at least, or for a term not exceeding 2 years; those who obtain knowledge of it hereafter, are from that moment released and discharged from their engagements, and shall be obliged, under the same penalty, to quit the service as soon as they shall be able so to do without risk.

IV. The imprisonment mentioned in Article III. shall be incurred by all underwriters, brokers, ship brokers, and others, who shall have insured any vessel or ship, or who shall have favoured the letting of any vessel whatsoever, knowing her to be destined for the Slave Trade; their licence shall, besides, immediately be cancelled, nor shall they ever be capable of receiving another.

V. The penalties above denounced, however, shall not apply, in case any slaves actually found in the colonies, or their children, whether born or to be born, should happen to be transferred within the West Indies, either from a Netherland colony to another, from a foreign colony to another, or from a Netherland colony to a foreign colony, or from a foreign colony to one of the Netherlands, or finally, from any colony in, to another part of, the West Indies.

On the contrary, we declare expressly that it shall not be lawful to molest any one in the least on that account, inasmuch as the transfer alluded to does not come within the prohibitions set forth in the present law.

VI. Neither shall it be lawful to make the penalties awarded by the present law, bear upon those who shall have saved or succoured any vessel laden with slaves, when in distress, or who shall have received on board slaves embarked on such a vessel, provided that, on their arrival in the first port which they shall make, the master give due information of the same within 24 hours.

We therefore order and direct, &c.

Done at Brussels, November 20, 1818, in the 5th year of our reign.

By order of the King:

J. G. DE MEY VAN STREEFKERK.

WILLIAM.

ACT of the British Parliament, "to carry into effect the Treaty with the Netherlands, relating to the Slave Trade*."

[59 Geo. III, cap. 16.]

[March 31, 1819.]

WHEREAS a Treaty was made between His Majesty and His Majesty the King of the *Netherlands*, for preventing their subjects from engaging in any Traffic in Slaves, and signed at *The Hague* on the 4th day of May, 1818:†

And whereas by the 1st Article of the said Treaty, after reciting that the laws of the United Kingdom of *Great Britain* and *Ireland* rendering it already highly penal for the subjects of His *Britannic* Majesty to carry on or to be in any way engaged in Trade in Slaves, His Majesty the King of the *Netherlands*, referring to the VIIIth Article of the Convention entered into with His *Britannic* Majesty, on the 13th of August, 1814,‡ engages,

* Repealed by Act 5 Geo. IV, cap. 113. Vol. 3, Page 152. Cited in Act 1 & 2 Vict., cap. 41, Vol. 5, Page 352.

† See Vol. 1, Page 381.

‡ See Vol. 1, Page 859.

in pursuance thereof, and within 8 months from the ratification of the said Treaty, or sooner if possible, to prohibit all his subjects in the most effectual manner, and especially by penal laws the most formal, to take any part whatever in the Trade of Slaves; and in the event of the measures already taken by the *British Government*, and to be taken by that of the *Netherlands*, being found ineffectual or insufficient, His Majesty and His Majesty the King of the *Netherlands* mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated in the most effectual manner to prevent all their respective subjects from taking any share whatever in this nefarious Traffic :

And whereas by the IInd Article of the said Treaty, for the more complete attainment of the object of preventing all Traffic in Slaves on the part of their respective subjects, His Majesty and His Majesty the King of the *Netherlands* mutually consent, that the ships of their royal navies, which shall be provided with special instructions for this purpose, as thereafter mentioned, may visit such merchant-vessels of the 2 nations as may be suspected upon reasonable grounds of having slaves on board destined for an illicit traffic; and in the event only of their finding such 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 thereafter specified :

And whereas by the IIIrd Article of the said Treaty, for the explaining the mode of execution of the preceding Article, it is agreed: 1st, That such reciprocal right of visit and detention shall not be exercised within the *Mediterranean Sea*, or within the seas in *Europe* lying without the Straits of *Gibraltar*, and which lie to the northward of the 37th parallel of north latitude, and also within and to the eastward of the meridian of longitude 20 degrees west of *Greenwich*; 2^{ndly}, That the names of the several vessels furnished with such instructions, the force of each, and the names of their several commanders, shall be from time to time, immediately upon their issue, communicated by the Power issuing the same to the other of the said Powers; 3^{rdly}, That the number of ships of each of the royal navies authorized to make such visit as aforesaid, shall not exceed the

number of 12, belonging to either of them, his said Majesty or His Majesty the King of the *Netherlands*, without the special consent of the other of them being first had and obtained; 4thly, That if at any time it should be deemed expedient that any ship of the royal navy of either of them, his said Majesty or His Majesty the King of the *Netherlands*, authorized to make such visit as aforesaid, should proceed to visit any merchant-ship or ships under the flag and proceeding under the convoy of any vessel or vessels of the royal navy of the other of them, his said Majesty or His Majesty the King of the *Netherlands*, that the commanding officer of the ship, duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the commanding officer of the convoy, who it is thereby agreed shall give every facility to such visit, and to the eventual detainer of the merchant-ship or ships so visited, and in all things assist to the utmost of his power in the due execution of the said Convention, according to the true intent and meaning thereof; 5thly, It is further mutually agreed, that the commanders of the ships of the 2 royal navies who shall be employed on this service, shall adhere strictly to the exact tenor of the instructions which they shall receive for this purpose :

And whereas by the IVth Article of the said Treaty, His Majesty and His Majesty the King of the *Netherlands* 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; and that the visit and detention of the ships specified in the said Article shall only be effected by those *British* or *Netherland* 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, in pursuance of the provisions thereof:

And whereas by the Vth Article of the said Treaty it is agreed, that no *British* or *Netherland* cruiser shall detain any ship whatever, not having slaves actually on board; and in order to render lawful the detention of any ship, whether

British or *Netherland*, the slaves found on board such vessel must have been brought there for the express purpose of the Traffic:

And whereas by the VIth Article of the said Treaty it is agreed, that all ships of the royal navies of the 2 nations, which shall hereafter be destined to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy of the Instructions annexed to the said Treaty, and which shall be considered as an integral part thereof, with a proviso nevertheless in the said Treaty, that His Majesty and His Majesty the King of the *Netherlands*, with mutual consent, may alter the said Instructions, in whole or in part, according to circumstances:

And whereas, in order to bring to adjudication, with the least delay and inconvenience, the vessels which may be detained for having been engaged in a Traffic of Slaves, according to the tenor of the Vth Article of the said Treaty, it is by the VIIth Article of the said Treaty agreed, that there shall be established within the space of a year at farthest from the exchange of the ratification of the said Treaty, 2 Mixed Courts of Justice, formed of an equal number of individuals of the 2 nations, named for this purpose by their respective Sovereigns; that these Courts shall reside, one in a possession belonging to His *Britannic* Majesty, the other within the territories of His Majesty the King of the *Netherlands*; and that the 2 Governments, at the period of the exchange of the ratifications of the said Treaty, shall declare each for its own dominions, in what places the Courts shall respectively reside, each reserving to itself the right of changing at its pleasure the place of residence of the Court held within its own dominions: Provided, however, that one of the 2 Courts shall always be held upon the coast of *Africa*, and the other in one of the colonial possessions of His Majesty the King of the *Netherlands*; and that these Courts shall judge the causes submitted to them according to the terms of the said Treaty, without appeal, and according to the Regulations and Instructions annexed to the said Treaty, of which they shall be considered as an integral part:

And whereas by the VIIIth Article of the said Treaty, it is agreed, that in case the commanding officer of any of the ships

of the royal navies of *Great Britain* and of the *Netherlands*, commissioned under the IInd Article of the said Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government which shall conceive itself to be wronged by such conduct, 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 whereas by the IXth Article of the said Treaty it is declared, that certain Acts or Instruments annexed to the said Treaty shall form an integral part thereof, and which are as follows, that is to say: Instructions for the ships of the royal navies of both nations, destined to prevent the Traffic in Slaves, and Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of *Africa*, and in one of the colonial possessions of His Majesty the King of the *Netherlands* :

And whereas by the Ist Article of the said Instructions, before referred to, and made an integral part of the said Treaty, it is provided, that every ship of the royal *British* or *Netherland* navy, which, furnished with the said Instructions, shall, in conformity with the IInd Article of the said Treaty, have a right to visit the merchant-ships of either of the 2 Powers actually engaged, or suspected to be engaged, in the Slave Trade, may (except in the seas exempted by the IIIrd Article of the said Treaty) proceed to such visit, and should any slaves be found on board for the express purpose of being made a traffic of, the commander of the said ship of the royal navy may detain them, and having detained them, he is to bring them as soon as possible for judgment before that of the 2 Mixed Courts of Justice, appointed by the VIIth 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 ship shall have been detained; and that ships on board of which no slaves shall be

found intended for purposes of traffic, shall not be detained on any account or pretence whatever; and that negro servants or sailors that may be found on board the said vessels, cannot in any case be deemed a sufficient cause for detention:

And whereas, by the IInd Article of the said Instructions it is provided, that whenever a ship of the royal navy so commissioned shall meet a merchantman liable to be searched, it shall be done in the mildest 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 navies of *Great Britain* and of the *Netherlands*:

And whereas by the IIIrd Article of the said Instructions it is provided, that the ships of the royal navies so commissioned, which may detain any merchant-ship, in pursuance of the tenor of the said Instructions, shall leave on board all the cargo, as well as the master, and a part at least of the crew of the said ship; and that the captor 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; and that he shall deliver to the master of the detained ship a signed certificate of the papers seized on board the said vessel, as well as the number of slaves found on board at the moment of detention; and that the negroes shall not be disembarked till after the vessels which contain them shall be arrived at the place where the legality of the capture is to be tried, by one of the 2 Mixed Courts, in order that in the event of their not being adjudged legal prize, the loss of the proprietors may be more easily repaired; but that if urgent motives, deduced from the length of the voyage, the state of health of the negroes, or other causes, require that they should be so disembarked, entirely or in part, before the vessel can arrive at the place of residence of one of the said Courts, 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:

And whereas by the Ist Article of the Regulations for the Mixed Courts of Justice, which are to reside on the coast of *Africa*, and in a colonial possession of His Majesty the King of

the *Netherlands*, and which are annexed to the said Treaty as part thereof, it is provided, that the said Mixed Courts of Justice so to be established by the said Treaty, shall decide upon the legality of the detention of such vessels as the cruizers of both nations shall detain in pursuance of the said Treaty, and that the said Courts shall judge definitively and without appeal according to the said Treaty, and that the proceeding shall take place as summarily as possible; and the said Courts shall decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that on which every detained vessel shall have been brought into the port where they shall reside: 1st, upon the legality of the capture; 2ndly, in the cases in which the captured vessel shall have been liberated, as to the indemnification which the said vessel is to receive; and it is by the said Article of the said Regulations 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 2 months, except upon the application of any of the parties interested, when upon their giving satisfactory security to charge themselves with the expense and risk of the delay, the Courts may at their discretion grant an additional delay, not exceeding 4 months:

And by the IInd Article of the said Regulations it is provided, that each of the above-mentioned Mixed Courts, which are to reside on the coast of *Africa*, and in a colonial possession of His Majesty the King of the *Netherlands*, shall be composed in the following manner, that is to say: that His Majesty, and His Majesty the King of the *Netherlands*, shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide without appeal all cases of capture of vessels, which in pursuance of the stipulations of the said Treaty shall be brought before them; and that all the essential parts of the proceedings carried on before these Mixed Courts, shall be written down in the legal language of the country in which the Court may reside; and that the Judges and the Arbitrators shall make oath before the principal magistrate of the place in which the Courts may reside, to judge fairly and faithfully, to have no preference either for the claimants or captors, and to act in all their decisions in pursuance of the stipulations of the

said Treaty; and that there shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the country in which the Court may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath before the Court, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge :

And by the IIIrd Article of the said Regulations it is provided, that the form of the process shall be as follows : (that is to say) the Judges of the 2 nations shall in the first place proceed to the examination of the papers of the vessels, and to receive the depositions 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, whether the said vessel has been justly detained or not, according to the stipulations of the said Treaty, and in order that, according to such judgment, it may be condemned or liberated; and in the event of the 2 Judges not agreeing to the sentence they ought to pronounce, either as to the legality of the detention, or the indemnification to be allowed, or any other question which might result from the stipulations of the said Treaty, they shall draw by lot the name of 1 of the 2 Arbitrators, who, after having considered the documents of the process, shall consult with the said Judges on the case in question, and the final sentence shall be pronounced conformably to the opinion of the majority of the said Judges and of the said Arbitrator :

And by the IVth Article of the said Regulations it is provided, that in the authenticated declaration which the captor shall make before the Court, 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 be bound to 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 slaves found on board of the ship at the time of the detention :

And by the Vth Article of the said Regulations it is provided, that as soon as sentence shall have been pronounced, the detained vessel, if liberated, and the cargo, in the state in which

it shall then be found, shall be restored to the master or the person who represents him, who may, before the same Court, claim a valuation of the damages which he may have a right to demand; and the captor himself, and in his default his Government, shall remain responsible for the above-mentioned damages; and the said Governments respectively bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be granted by the above-named Court, it being understood that these costs and damages shall be at the expense of the Power of which the captor shall be a subject :

And by the VIth Article of the said Regulations it is provided, that in case of the condemnation of a vessel 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 2 Governments; and as to the slaves, they shall receive from the Mixed Court a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court which shall have so judged them shall be established, to be employed as servants or free labourers; and each of the 2 Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it :

And by the VIIth Article of the said Regulations it is provided, that the said Mixed Courts shall also take cognizance and decide, according to the IIIrd Article of the said Regulations, on all claims for compensation on account of losses occasioned to vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the claimant or claimants, or his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the claimant or claimants may have actually sustained by such capture and detention; that is to say, 1st, in case of total loss, the claimant or claimants shall be indemnified, (A) for the ship, her tackle, apparel and stores; (B) for all freights due and pay-

able; (C) for the value of the cargo of merchandize, if any, deducting for all charges and expenses payable upon the sale of such cargoes, including commission of sale; (D) for all other regular charges in such cases of total loss; and 2ndly, in all other cases, not of total loss, the claimant or claimants shall be indemnified, (A) for all special damages and expenses occasioned to the ship by the detention, and for the loss of freight when due or payable; (B) a demurrage, when due, according to the Schedule annexed to the said Article; (C) for any deterioration of cargo; (D) an allowance of 5 per centum on the amount of the capital employed in the purchase of cargo, for the period of the delay occasioned by the detention; and (E) for all premium of insurance on additional risks; and the claimant or claimants shall in all cases 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 the award; and to avoid as much as possible every species of fraud in the execution of the said Treaty, it is also by the said VIIth Article of the said Regulations agreed, that if it should be proved in a manner evident to the conviction of the Judges of the 2 nations, and without having recourse to the decision of an Arbitrator, 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 said VIIth Article; and to the said VIIth Article a Schedule of demurrage or daily allowance is annexed, as follows, that is to say: for a vessel of 100 tons to 120 inclusive, 5*l.* per diem; 121 tons to 150 inclusive, 6*l.* per diem; 151 tons to 170 inclusive, 8*l.* per diem; 171 tons to 200 inclusive, 10*l.* per diem; 201 tons to 220 inclusive, 11*l.* per diem; 221 tons to 250 inclusive, 12*l.* per diem; 251 tons to 270 inclusive, 14*l.* per diem; 271 tons to 300 inclusive, 15*l.* per diem; and so on in proportion:

And it is by the VIIIth Article of the said Regulations provided, that neither the Judges, nor the Arbitrators, nor the

Secretary of the Mixed Court, 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 lastly, it is by the IXth Article of the said Regulations agreed, that in the event of the death or legal impediment of one or more of the Judges or Arbitrators composing the above-mentioned Mixed Courts, their posts shall be supplied *ad interim* in the following manner: that is to say, on the part of the *British* Government the vacancies shall be filled successively in the Court which shall sit within the possession 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 Majesty the King of the *Netherlands*, it is agreed, that in case of the death of the *British* Judge or Arbitrator there, the surviving individuals of the said Court shall proceed equally to the judgment of such ships as may be brought before them, and to the execution of their sentence; and that on the part of the *Netherlands*, the vacancies shall be supplied in the possessions of His Majesty the King of the *Netherlands*, successively by the Governor or Lieutenant-Governor, the principal Magistrate and Secretary of Government; and upon the coast of *Africa*, in case of the death of any *Netherland* Judge or Arbitrator, the surviving members of the Court shall proceed to judgment in the same manner as above specified for the Court resident in the possession of His Majesty the King of the *Netherlands*, in the event of the death of the *British* Judge or Arbitrator: and it is by the said Article further agreed, that the Governor or Lieutenant-Governor of any settlement of either Power, where neither of the said Mixed Courts shall sit, in the event of a vacancy arising, either of the Judge or Arbitrator of the other Power, shall forthwith give notice of the same to the Governor or Lieutenant-Governor of the nearest settlement of such Power, in order that the loss may be supplied at the earliest possible period; and that the vacancies which may arise in the above-mentioned Courts, from death or any other cause whatever, shall be supplied definitively as soon as possible :

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 Treaty, to visit and detain in any seas (except in the seas excepted in the IIIrd Article of the said Treaty), all ships and vessels belonging wholly or in part to subjects of His Majesty the King of the *Netherlands*, which shall be suspected upon reasonable grounds of having slaves on board for the purpose of traffic, contrary to the Articles of the said Treaty, and to detain and bring to adjudication all ships, vessels, and cargoes, by the said Treaty made subject to detention and condemnation, according to the provisions of the said Treaty, and the Instructions and Regulations as 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 for the purpose of illicit traffic, shall be and are hereby declared and made, according to the said Treaty, Instructions, and Regulations, aforesaid, subject to the visitations of *British* or *Netherland* vessels of war, duly authorized for that purpose according to the provisions before recited; and that all ships and vessels belonging wholly or in part to His Majesty's subjects, which shall be found having slaves on board for the purpose of illicit traffic, contrary to the Treaty, Instructions, and Regulations, so recited as aforesaid, and all boats, apparel, furniture, and stores belonging to such ships or vessels, and all slaves and cargoes therein, shall be and are hereby declared to be and made subject to the visit and detention of *British* or *Netherland* 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 the Instructions and Regulations thereunto annexed, and for that purpose shall be and are hereby made subject to the adjudication of,

and to condemnation or other judgment of the Judges and Arbitrators to be appointed according to the provisions of the said Treaty; and to the Instructions and Regulations annexed thereto, recited as aforesaid.

III. Provided always, and be it enacted, that such right of visit and detention shall not be exercised within the *Mediterranean Sea*, nor within the seas in *Europe* lying without the Straits of *Gibraltar*, and which lie to the northward of the 37th parallel of north latitude, and also within and to the eastward of the meridian of longitude 20 degrees west of *Greenwich*; and that ships on board which no slaves shall be found intended for the purpose of traffic, shall not be detained under the authority of this Act, on any account or pretence whatever; and that negro servants or sailors who may be found on board any vessels, shall not in any case be deemed a sufficient cause for detention.

IV. And be it further enacted, that if at any time it shall be deemed expedient that any ship of His Majesty's navy, authorized to make such visit as aforesaid, should proceed to visit any merchant-ship or ships under the flag and proceeding under the convoy of any vessel or vessels of the royal navy of His Majesty the King of the *Netherlands*, the commanding officer of His Britannic Majesty's ship, duly authorized and instructed to make such visit, shall in all cases proceed to effect the same in communication with the commanding officer of such convoy; and in case at any time it shall be deemed expedient that any ship of the royal navy of His Majesty the King of the *Netherlands*, authorized to make such visit as aforesaid, should proceed to visit any merchant-ship or ships under the flag and proceeding under the convoy of any vessel or vessels of His Britannic Majesty's navy, the commanding officer of such convoy (in communication with whom the commanding officer of the ship of His Majesty the King of the *Netherlands*, duly authorized and instructed to make such visit, shall proceed to effect the same) shall give every facility to such visit, and to the eventual detention, according to the said Treaty, of the merchant ship or ships so visited, and shall in all things assist to the utmost of his power in the due execution of the said Treaty, according to the true intent and meaning thereof.

V. 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, to appoint such Judges and Arbitrators as are in and by the said Treaty and the 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 Judges and Arbitrators as aforesaid, not exceeding such annual sums as the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* shall from time to time direct; and such Judges and Arbitrators are hereby authorized and empowered to examine and decide all such cases of detention, captures, and seizures of vessels and their cargoes as aforesaid, detained, seized, taken, or captured under the said Treaty, 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 to do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty, and the Instructions and Regulations annexed thereto, and recited as aforesaid, 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.

VI. 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 Court which shall be established in His Majesty's dominions, and from time to time to supply, by other appointments, any vacancy which may thereafter occur in such office, and to grant a salary to such Secretary or Registrar, not exceeding such annual sum as the said Commissioners of His Majesty's Treasury 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, as set forth and described in the said Treaty, Instructions, and Regulations respectively hereinbefore recited as aforesaid, 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 as aforesaid.

VII. 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 such Court shall sit, within the possession of His Britannic Majesty, to fill up every vacancy which shall arise in such Court, either of Judge, Arbitrator, or any officer thereof appointed by His Majesty as aforesaid, according to the provisions contained in the before-recited Regulations, annexed to the said Treaty as aforesaid, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some person or persons appointed by His Majesty for that purpose.

VIII. And be it further enacted, that every Judge and Arbitrator appointed by His Majesty, or *ad interim* as aforesaid, 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 in which the Court shall be appointed to reside; which oath every such Magistrate in any colony, settlement, or place belonging to His Majesty, in which such Court shall be appointed, 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 Majesty the King of the *Netherlands*, signed at The *Hague*, on the 4th day of May, 1818. So help me God."

And every Secretary or Registrar appointed by His Majesty, or *ad interim* as aforesaid, under the provisions of the said Treaty, Instructions and Regulations, and of this Act, shall, before he enters on the duties of his said office, take an oath before the *British 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 due respect to the authority of the Judges and Arbitrators of the Commission to which I am attached, and will act with fidelity in all the affairs which may belong to my charge, and without preference or favour, either for claimants or captors, or any other persons. So help me God.”

IX. And be it further enacted, that it shall be lawful for the said 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 Judges, or before the said Judges and Arbitrator, in the cases in which such Arbitrator shall act with the said Judges under the said Treaty, Instructions and Regulations, or this Act ; and it shall also be lawful for the said Judges, or for the said Judges and Arbitrator, 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.

X. And be it further enacted, that every person who shall wilfully and corruptly give false evidence in any examination, or deposition, or affidavit had or taken upon or in any proceeding before the said Judges, or Judges and Arbitrator, under the said Treaty, Instructions, and Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable ; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of His 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*.

XI. And be it further enacted, that from and after the passing of this Act, it shall not be lawful for any person to commence, prosecute, or proceed in any claim, action, or suit, whatever, in the High Court of Admiralty, or in any other Court, or before any Judges or persons whomsoever, other than the several Mixed Courts of Justice appointed under and by virtue of the said Treaty and this Act, for the condemnation or restitution of any ship, or cargo, or slaves, or for any compensation or indemnification for any loss or damage, or for any injury sustained by such ship, cargo, or slaves, or by any persons on board any such ship, in consequence of any capture, seizure, or detention, under the authority or in pursuance of the provisions of the said Treaty, or of the Instructions and Regulations thereto annexed, or of this Act; and that the pendency of any claim, suit, or proceeding instituted or which may be instituted before any of the said Mixed Courts so to be appointed under the authority of the said Treaty and this Act, for the condemnation or restitution of any ship, or cargo, or slaves, taken, seized, or detained by virtue of the said Treaty, or of the Instructions and Regulations thereto annexed; or for any compensation or indemnification for any loss or damage in consequence of the taking, seizing, or detaining any such ship; or for the final adjudication, condemnation, judgment, or determination of any such Mixed Court, as the case shall require, may be pleaded in bar or given in evidence under the general issue; or in case no such claim, suit, or proceeding shall have been instituted before any such Mixed Court, then the said Treaty, Instructions and Regulations, and this Act, may in like manner be pleaded in bar or given in evidence under the general issue; and every such plea in bar, or evidence so given under the general issue, shall be deemed and adjudged to be a good and complete bar to any such claim, action, suit, or proceeding in the said High Court of Admiralty, or in any court or place other than such Mixed Courts; anything in any Act or Acts of Parliament, or law or laws, to the contrary in anywise notwithstanding.

XII. And be it further enacted, that nothing in this Act contained shall extend or be deemed or construed in any wise 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.

XIII. 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 the 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 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.
