

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

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

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

ARTICLE III.

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

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

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

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

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

ARTICLE IV.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by any arbitrary and illegal detention of their vessels; it being understood, that this compensation shall be made by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention. The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Commission pronounces sentence on the vessel, for the detention of which such compensation is claimed.

ARTICLE V.

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