

passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such slaves shall have embarked: Provided,

First: That in such voyages, no Portuguese subject, except he be a Portuguese settler, removing definitely from his residence in a Portuguese possession on the coast of Africa, shall be accompanied by more than two slaves, being *bonâ fide* household servants.

Secondly: That such a settler removing definitely, with his family, from his residence in a Portuguese possession on the coast of Africa, shall not be accompanied by more than ten slaves, and that all these slaves shall be *bonâ fide* his household servants.

Thirdly: That such household slaves shall be found at large and unconfined in the vessel; and clothed like Europeans in similar circumstances.

Fourthly: That no other slave shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage, on which the settler and his family shall be so accompanied by such household slaves, shall be a direct voyage to the Portuguese islands of Cape Verd, Princes, or St. Thomas, from some place in the Portuguese possessions on the coast of Africa, where the said settler shall have been permanently residing.

Fifthly: That the passports above-mentioned shall enumerate each of the persons on board the vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Sixthly: That there be nothing in the equipment or character of the vessel in which such household slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the slaves, shall be liable to be proceeded against as accomplices in an infraction of the present Treaty, and to be punished accordingly; and the vessel and cargo shall be adjudged and condemned, and the slaves shall be liberated.

#### ARTICLE VI.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article II. of this Treaty, there shall be established, as soon as may be practicable, two or more Mixed Commissions, formed of an equal number of individuals of the two Nations, and named for this purpose by their respective Sovereigns.

Of these Commissions one half shall reside in possessions belonging to Her Britannick Majesty, the other half within the territories of Her Most Faithful Majesty; and the two Governments, at the period of exchanging the ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Commissions shall

respectively reside. Each of the Two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Commissions held within its own dominions; provided always, that two at least of the said Commissions shall always be held either on the coast of Africa, or in one of the islands off that coast.

These Commissions shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

#### ARTICLE VII.

The Mixed Commission at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July 1817, shall continue to exercise its functions and shall, from and after the end of six months after the exchange of the ratifications of this Treaty, and until the appointment and definitive establishment of the Mixed Commissions under the present Treaty, adjudge, without appeal, according to the principles and stipulations of the present Treaty, and of the Annexes thereof, the cases of such vessels as may be sent or brought before it; and any vacancies which may occur in such Mixed Commission, shall be filled up in the same manner in which vacancies in the Mixed Commissions to be established under the provisions of this Treaty are to be supplied.

#### ARTICLE VIII.

If the commanding officer of any of the ships of the royal navies of Great Britain and Portugal, respectively, duly commissioned according to the provisions of Article II. of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

#### ARTICLE IX.

Any vessel, British or Portuguese, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may be sent or brought before one of the Mixed Commissions established in pursuance of the provisions thereof, if any of the things hereinafter mentioned shall be found in her outfit or equipment, or shall be proved to have been on board during the voyage in which the vessel was proceeding when captured, namely:

First: Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly: Divisions or bulk-heads, in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.