

most considerate manner, and with every attention which ought to be observed between two allied and friendly nations; and the search shall, in every case, be made by an Officer holding a rank not lower than that of Lieutenant in the Navy to which he belongs, or by the Officer who at the time shall be second in Command of the ship by which the search is made.

ARTICLE III.

The Commander of any ship of the two Navies, duly authorized, who may detain any merchant vessel in pursuance of the present instructions, shall leave on board the detained vessel, her master, mate or boatswain, and two or three at least of her crew, all her cargo and all the slaves until they arrive at the place where they are to be disembarked, as stipulated in the VII article of the Treaty.

The Captor shall, at the time of detention, draw up in writing an authentic declaration to be signed by himself, which shall set forth the state in which he found the detained vessel; and this document shall be given in or sent together with the captured vessel to the Tribunal before which such vessel shall be carried or sent for adjudication.

The said Captor shall deliver to the master of the detained vessel a signed certificate stating the papers seized on board the same, as well as the number of slaves found on board at the time of detention.

In the authentic declaration hereby required to be made by the Captor, and in the certificate of the papers seized, he shall insert his name and rank, the name of the capturing ship, the latitude and longitude of the spot where the detention shall have taken place, and the number of slaves found on board the vessel at the time of such detention.

The declaration to be produced by the capturing Commander shall also set forth the place where the slaves have been landed in pursuance of the stipulation in the VII article of the Treaty, as well as the necessity and reasons for having conveyed them to such place.

The Officer in charge of the detained vessel shall at the time of giving in the aforesaid papers to the proper Tribunal, produce a statement sworn to and signed by himself of the changes which may have taken place with respect to the vessel, her crew, the slaves, if any, and her cargo, from the time of her detention to the day of the delivery of such document.

The undersigned Plenipotentiaries have agreed, in conformity with the thirteenth Article of the Treaty signed this day, that the preceding instructions, consisting of three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done in the City of Mexico, the twenty fourth day of February one thousand eight hundred and forty one.

Richard Pakenham.

Luis Gonzaga Cuevas.

ANNEX B

To the Treaty between Great Britain and the Republic of Mexico for the abolition of the slave trade.

Regulations for the Courts which are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty of this date.

ARTICLE I.

The Courts which, according to the laws of the two contracting Nations, are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty to which these Regulations are annexed, shall proceed, in the most summary manner permitted by the laws of their respective countries, and with entire subjection to the stipulations of the said Treaty, observing in every case the strictest impartiality.

Each of the two High Contracting Parties engages to defray out of their respective treasuries the salaries of the Judges and Officers appointed to take cognizance of these causes.

ARTICLE II.

The expenses incurred by the Officer charged with the reception, maintenance and care of the detained vessel, slaves and cargo, and the expenses of carrying the sentence into execution, and all disbursements occasioned in bringing the vessel before the competent Court, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the ships stores and other articles of merchandise found on board; and in case the proceeds arising from such sales should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose Territory the vessel shall have been tried.

If the detained vessel should be acquitted, the expenses occasioned by bringing her to adjudication shall be defrayed by the Captor, except in the cases specified and provided for in the tenth Article of the Treaty of this date, and in the sixth Article of these Regulations.

ARTICLE III.

The final sentence of the Courts which have to take cognizance of these causes, shall not, in any case, be delayed for more than two months, whether on account of the absence of witnesses or for any other cause except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party may employ such person or persons as he may think fit to assist him in the trials in question.

All the acts and essential parts of the proceedings of the respective Courts shall be drawn up in writing in the language of the country to which the Court belongs.

ARTICLE IV.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim a valuation of the damages which he may have a right to demand.

The Captor himself and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the Captor shall be a subject.

ARTICLE V.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo of whatever description it may be; and the said vessel shall, as well as her cargo, be sold by public auction for the benefit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

ARTICLE VI.

The Courts shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article the 10th. of the Treaty, to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to 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 owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:

First. In case of total loss, the claimant or claimants shall be indemnified:

A. For the ship, her tackle, equipment and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases (save as hereinafter mentioned) 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 loss of freight, when due or payable.

B. For demurrage when due, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed that if it shall be proved to the satisfaction of the Courts, that the Captor has been led into error by the fault of the master or Commander of the detained vessel, the detained vessel in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages or expenses, consequent upon such detention.

<i>Schedule of demurrage or daily allowance for a vessel of.....</i>				£.	} Per diem.
100	tons to 120	inclusive.....		5	
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.

ARTICLE VII.

Neither the Magistrates who constitute the Courts, nor the Secretaries, nor the subordinate Officers shall demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of their duties.

The undersigned Plenipotentiaries have agreed, in conformity with the 13th. Article of the Treaty of this date, that the preceding Re-

gulations, consisting of seven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done in the city of Mexico, this twenty fourth day of February one thousand eight hundred and forty one.

Richard Pakenham.
Luis Gonzaga Cuevas.

ANNEX C

To the Treaty between Great Britain and the Republic of Mexico for the abolition of the Slave Trade.

Regulations for the treatment of liberated negroes.

ARTICLE I.

The object of these Regulations is to secure to negroes libertated by the stipulations of the Treaty to which they form an Annex (sub literâ C) permanent good treatment and full and complete emancipation in conformity with the human intentions of the High Contracting Parties.

ARTICLE II.

As soon as the Slaves are disembarked in conformity with the provisions of the VII article of the Treaty to which these Regulations are annexed, they shall receive from the chief political Authority a certificate of emancipation, and shall immediately be placed at the disposition of the Government of the Nation to which the point or place of disembarkation belongs, in order that they may be treated in accordance with the present Regulation.

ARTICLE III.

The Government of the Republic of Mexico engages, when the case occurs, to secure to the negroes the enjoyment of their acquired liberty; good treatment, adequate instruction in the tenets of religion and morality, and such as may be necessary in order that they may be able to maintain themselves as artizans, mechanics or domestic servants.

ARTICLE IV.

Her Britannic Majesty in like manner engages to treat such negroes, when disembarked in any point of Her dominions, in exact conformity with the laws in force in the Colonies of Great Britain for the regulation of the emancipated negroes.

ARTICLE V.

The two Governments engage to take the requisite measures with a view to obtain periodically information of the existence of the negroes who may have been emancipated by virtue of the Treaty of this date, of the improvement in their condition, and of the progress made in their instruction, both religious and moral, as also in the arts of life, or proof of their death. These data will serve to furnish, as the case occurs, the information spoken of in the XII article of the said Treaty.

The Undersigned Plenipotentiaries have agreed, in conformity with the XIII Article of the Treaty of this date, that these Regulations, consisting of five Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

Done in the City of Mexico, this twenty fourth day of February in the year of Our Lord one thousand eight hundred and forty one.

Richard Pakenham.
Luis Gonzaga Cuevas.

Whereas there was concluded between Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Mexico, on the 24th. of February 1841, a Treaty for the suppression of the Slave Trade under the Flag of Mexico;

And whereas unforeseen circumstances have prevented the exchange of the Ratifications of the said Treaty, within the time stipulated by the 15th. Article of the same Treaty, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency, the President of the Mexican Republic, have found it expedient to enter into an agreement for extending the period assigned for the exchange of the Ratifications of the aforesaid Treaty;

They have, therefore, named as their Plenipotentiaries *ad hoc*,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Richard Pakenham Esquire, Her Majesty's Minister Plenipotentiary to the Republic of Mexico,

And His Excellency the President of the Mexican Republic, His Excellency Don José María Tornel, General of Division and Minister of State for the Department of War and Marine;

Who, having examined their Full Powers and found them in good and due form, have agreed upon the following Additional Article to the Treaty of the 24th. of February 1841.

ADDITIONAL ARTICLE.

The Ratifications of the Treaty for the suppression of the Slave Trade under the Flag of Mexico, concluded at Mexico on the 24th. of February 1841, shall be exchanged in London within six months from the date of this agreement.

The present Additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Treaty of the 24th. of February 1841, and the Ratifications of it shall be exchanged at the same time as the Ratifications of the Treaty of which it forms a part.

In witness whereof, the respective Plenipotentiaries have signed the present agreement, and have affixed their respective Seals.

Done in the City of Mexico, the thirteenth day of April in the year of Our Lord one thousand eight hundred and forty two.

Richard Pakenham.
José María Tornel.

Visto y examinado dicho Tratado, sus artículos adicionales y piezas anexas, y mereciendo mi aprobacion, en uso de las facultades que me concede la sétima de las bases acordadas en Tacubaya y juradas por los Representantes de los Departamentos de la Nacion, acepto, ratifico y confirmo el indicado Tratado, sus artículos adicionales y piezas adjuntas, y prometo en nombre de la República Mexicana cumplirlo y observarlo y hacer que se cumpla y observe. Dado en el Palacio del Gobierno Nacional de México, firmado de mi mano, autorizado con el sello de la Nacion y refrendado por el Ministro de Relaciones Exteriores y Gobernacion, á los trece dias del mes de Abril de mil ochocientos cuarenta y dos, vigésimo segundo de la Independencia de la República.—*Antonio López de Santa-Anna.*—*José María de Bocanegra*, Ministro de Relaciones Exteriores y Gobernacion.”

Por tanto, y habiendo sido igualmente aprobado, confirmado y ratificado el referido Tratado, sus artículos adicionales y piezas anexas, por S. M. la Reina del Reino-Unido de la Gran-Bretaña é Irlanda, en su Palacio de Buckingham, el dia 19 de Julio del año anterior de 1842, mando se imprima, publique, circule y se le dé el debido cumplimiento. Dado en el Palacio Nacional de México, á 13 de Junio de 1843.—*Antonio López de Santa-Anna.*—*José María de Bocanegra*, Ministro de Relaciones Exteriores y Gobernacion.”

Y lo traslado á V. para su inteligencia y fines correspondientes. Dios y Libertad. México, 13 de Junio de 1843.—*Bocanegra.*

Ministerio de Justicia y Negocios Eclesiásticos.—Circular.—El Exmo. Sr. Ministro de Relaciones Interiores y Exteriores, con fecha de ayer, me dice lo que copio:

“Exmo. Señor:—En nota de ayer me comunica la Legacion Británica que han sido anuladas las patentes que, conforme al Tratado concluido entre México y la Gran-Bretaña en 24 de Febrero de 1841, se habian dado á los buques *Kingfisher* y *Terror*, en la estacion de la costa occidental de Africa, *Eagle*, en la costa Sureste de Africa, y *Vesubius*, en la de Norte-América é Indias Occidentales.

“Lo aviso á vd. para su conocimiento y fines consiguientes.”

Y lo traslado á ese Tribunal para que lo comunique á los juzgados de Distrito que le pertenezcan, para los efectos correspondientes.

Dios y Libertad. México, Noviembre 23 de 1848.—*Jimenez.*—(Se comunicó á los jueces de Circuito.)

El Exmo. Sr. Presidente de la República se ha servido dirigirme el decreto que sigue:

“*El Presidente de los Estados-Unidos Mexicanos, á los habitantes de la República, sabed:*

“Que el Congreso general ha decretado lo siguiente:

“Art. 1° Todo buque mexicano ó que lleve el pabellon de la República, que fuese convencido, en juicio, de haber tenido parte en el tráfico ó conduccion de esclavos, ya sea por encontrarse esclavos á su bordo, ó por alguno de los indicios marcados en el artículo 9° del Tratado celebrado entre México y la Gran-Bretaña, en el año de mil ochocientos cuarenta y uno, se declarará pirata.

Art. 2° Los buques extranjeros que se hallen en los puertos, bahías, anclajes ó aguas territoriales de la República, á quienes fuere probado, en juicio, tener parte en el tráfico de esclavos, ó por encontrarse esclavos á su bordo, ó á consecuencia de cualquiera de los indicios marcados en el artículo citado del Tratado con la Gran-Bretaña, serán igualmente considerados como piratas y juzgados por las autoridades y en los términos que establece esta ley.

Art. 3° El capitán, piloto, contra maestre y sobrecargo de los expresados buques, serán castigados con la pena de muerte; y el resto de la tripulacion, segun su culpabilidad, con la de servicio en la marina ó á presidio en su defecto.

Art. 4° En los juicios seguidos contra piratas, son competentes los juzgados de Distrito para primera instancia, y la Corte Suprema de Justicia para segunda. Estos juicios nunca tendrán más de dos instancias, arrojándose á los términos que previene el artículo 30 de la ley de 6 de Julio de 1848.

Art. 5° Capturado uno de los buques de que hablan los artículos anteriores, en las aguas del Seno Mexicano, será llevado por el apresador, conforme y en los términos prevenidos en el artículo 7° de dicho Tratado con Inglaterra, al puerto de Veracruz, poniéndolo inmediatamente á disposicion del juez de Distrito. El Gobierno designará el puerto ó puertos del Pacífico donde se han de juzgar las presas hechas en aquellas aguas, practicándose en ellos lo mismo que en Veracruz.

Art. 6° La sustanciacion en estos juicios será la prevenida por el decreto de 6 de Julio de 1848, practicando todas las diligencias que en él se previenen, el juez de Distrito ó la Suprema Corte en su caso.

Art. 7° El conocimiento de estas causas será preferente al de cualesquiera otras, debiendo quedar concluidas y ejecutada la sentencia que recayere, dentro de los términos señalados en el artículo 3° de la pieza B de las anexas al mencionado Tratado.

Art. 8° No se darán pasaportes para las costas de Africa á los buques mercantes, hasta que los dueños, capitanes ó maestros hayan firmado una declaracion de que no recibirán á bordo de sus buques esclavo alguno; dando el dueño fianza por cantidad igual al valor del buque y de su cargamento, la cual no se cancelará á ménos que pruebe, dentro de diez y ocho meses, que se ha cumplido exactamente aquello á que se obligó en su declaracion.

Art. 9° Las autoridades á quienes corresponda darán exacto cumplimiento al Tratado celebrado entre la República Mexicana y S. M. B. en 1841, en consonancia con esta ley.

Art. 10. El lapso de los términos fijados en esta ley y en el Tratado, y la infraccion ó descuido de cualquiera de sus artículos, será materia de estrecha responsabilidad.—*Bernardo Couto*, diputado presidente.—*Valentin G. Farías*, presidente del Senado.—*José María Martínez de la Concha*, diputado secretario.—*Tirso Vejo*, senador secretario.”

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio del Gobierno Nacional en México, á 8 de Agosto de 1851.—*Mariano Arista*.—A. D. Mariano Macedo.”

Y lo traslado á V. S. para su cumplimiento, bajo el concepto de que el Exmo. Sr. Presidente se ha servido señalar por ahora el puerto de San Blas para los juicios de presas de que habla el artículo 5° de la preinserta ley.

El Tratado á que la misma se refiere, con sus piezas anexas, se circuló por este Ministerio en 13 de Junio de 1843, y además está inserto en la Coleccion de los decretos y órdenes de aquella época, publicada por Lara.

Dios y Libertad. México, 8 de Agosto de 1851.—*Macedo*.

CONVENCION

SOBRE RECLAMACIONES INGLESAS, DE 18 DE OCTUBRE DE 1842.

Por cuanto es conveniente que se concluya un arreglo definitivo para el pago de ciertas cantidades reconocidas por el Gobierno Mexicano á favor de varios súbditos de Su Majestad Británica, cuyo pago, en algunos casos en la totalidad, y en otros en parte, no ha podido hasta ahora verificarse por circunstancias imprevistas, el Gobierno de la República Mexicana, dispuesto á conformarse con los deseos del de la Gran-Bretaña, ha convenido en concluir con el Ministro Plenipotenciario de Su Majestad, un convenio formal para el objeto indicado; á cuyo fin, reunidos en conferencia formal citada previamente en el Ministerio de Relaciones Exteriores y Gobernacion, los infrascritos Ministros del citado ramo y del de Hacienda, con el expresado Ministro Plenipotenciario de Su Majestad Británica, han convenido en los artículos siguientes:

ARTICULO I.

De los productos de los derechos de importacion que se causaren en los puertos de Veracruz y Tampico, desde la fecha del presente convenio en adelante, se separarán un dos por ciento en el primero, y el uno por ciento en el segundo, que se aplicarán al pago de las cantidades reconocidas hasta el dia á favor de súbditos Británicos. Los productos de estas asignaciones se entregarán al agente que designen los interesados en ellas, para que las distribuyan en justa *prorata* con proporcion al monto de los créditos que representen.

No se comprenden en estas asignaciones los derechos de que en totalidad haya dispuesto el Gobierno con anterioridad á la fecha de este convenio, entendiéndose que en lo sucesivo no se dispondrá para otro objeto de la parte de derechos consignada por el presente artículo.

ARTICULO II.

Los créditos que hasta el dia han ganado interés á virtud de convenios preexistentes, seguirán gozándolo segun la cuota estipulada en cada caso; y los que hasta ahora no lo han disfrutado, tendrán derecho á él, á razon de un doce por ciento anual.

ARTICULO III.

Se conviene además, que los intereses vencidos hasta esta fecha, que no han sido satisfechos, se liquidarán y agregarán al capital respectivo, y este nuevo capital disfrutará tambien del beneficio del doce por ciento de interés anual hasta su pago.

ARTICULO IV.

En obvio de cualquiera duda ó mala inteligencia en cuanto á la clase de créditos que han de disfrutar de las ventajas del presente convenio, se declara que ellas se aplicarán solamente á los créditos que han sido reconocidos por el Gobierno de México á solicitud de la legacion Británica, entre los que se comprenden las cantidades exigidas en diversas épocas á súbditos de Su Majestad, en clase de préstamos forzosos.

ARTICULO V.

Se declara solemnemente por ambas partes que el presente convenio se considerará de la misma fuerza y valor que una convencion entre los dos gobiernos, y que será igualmente obligatorio.

En fé de lo cual, los expresados Ministros lo firmamos y sellamos con nuestros sellos respectivos.

Fecho en México, á quince de Octubre de mil ochocientos cuarenta y dos.

(L. S.) *J. M. de Bocanegra.*

(L. S.) *I. Trigueros.*

(L. S.) *R. Pakenham.*