

SENATE OF THE UNITED STATES,

Feb. 25, 1825

Referred to the Committee on Foreign Relations, and ordered to be printed in confidence for the use of the members.

1825 - confidence, printed on separate page together with the other accompanying documents for the office in law.

In the Name of God, Author and Legislator of the Universe: The United States of America and the Republic of Colombia, being desirous to co-operate for the complete suppression of the African Slave Trade, by making the law of piracy, as applied to that traffic under the statutes of their respective Legislatures, immediately and reciprocally operative on the vessels and citizens of each other, have respectively furnished to their Plenipotentiaries the necessary and full powers to conclude a convention for that purpose; that is to say, the United States of America, to Richard Clough Anderson, Jun. a citizen of said States, and their Minister Plenipotentiary to the said Republic; and the Republic of Colombia, to Pedro Gual, Secretary of State, and of Foreign Relations; who, after a reciprocal communication of their respective full powers, have agreed upon and concluded the following Articles:

ARTICLE I.

The commanders and commissioned officers of each of the two high contracting parties, duly authorized under the regulations and instructions of their respective governments, to cruise on the seas and coasts of Africa, and of the West India Islands, for the suppression of the slave trade, shall be empowered, under the conditions, limitations, and restrictions, hereinafter specified, to detain, examine, capture, and deliver over for trial and adjudication, by some competent tribunal of whichever of the two countries it shall be found on examination to belong to, any ship or vessel concerned in the illicit traffic of slaves, and carrying the flag of the other, or owned by any citizens of either of the two contracting parties, except when in the presence of a ship of war of its own nation; and it is further agreed, that any ship or vessel, so captured, shall either be carried, or sent, by the capturing officer, to some port of the country to which it belongs, and there given up to the competent authorities, or be delivered for the same purpose to any duly commissioned officer of the other party, it being the intention of the high contracting Powers, that any ship or vessel within the purview of this convention, and seized on that account, shall be tried and adjudged by the tribunals of the captured party, and not by the captor.

ARTICLE II.

Whenever any naval commander, or commissioned officer of either of the two contracting parties, shall, on the high seas, or anywhere not within the exclusive jurisdiction of either party, board, or cause to be boarded, any merchant vessel bearing the flag of the other power, and visit the same as a slave-trader, or on suspicion of her being concerned in the slave trade; in every such case, whether the vessel so visited shall or shall not be captured and delivered over, or sent into the ports of her own country for trial and adjudication, the boarding officer shall deliver to the master or commander of the visited vessel a certificate, in writing, signed by the said boarding officer, and specifying his rank in the navy of his country, together with the names of the commander by whose orders he is acting, and of the national vessel commanded by him; and the said certificate shall further contain a declaration, purporting that the only object of the visit is to ascertain whether the merchant vessel in question is engaged in the slave trade, or not; and, if found to be so engaged, to take, and deliver her to the officers and tribunals of her own country, being that of one of the two contracting parties, for trial and adjudication.

In all such cases, the commander of the national vessel, whether belonging to the United States, or to the Republic of Colombia, shall, when he makes delivery of his capture, either to the officers or to the tribunals of the other power, deliver all the papers found on board the captured vessel, indicating her national character and the objects of her voyage, and, together with them, a certificate, as above, of the visit, signed with his name, and specifying his rank in the navy of his country, as well as the name of the vessel commanded by him, together with the name and professional rank of the boarding officer, by whom the said visit has been made.

This certificate shall also contain a list of all the papers received from the master of the vessel detained, or visited, as well as those found on board the said vessel; it shall also contain an exact description of the state in which the vessel was found when detained, and a statement of the changes, if any, which have taken place in it, and of the number of slaves, if any, found on board at the moment of the detention.

ARTICLE III.

Whenever any merchant vessel of either nation shall be visited under this convention, on suspicion of such vessel being engaged in the slave trade, no search shall, in any such case, be made on board the said vessel, except what is necessary for ascertaining, by due and sufficient proofs, whether she is or is not engaged in that illicit traffic. No person shall be taken out of the vessel so visited, though such reasonable restraints as may be indispensable for the detention and safe delivery of the vessel, may be used against the crew by the commanding officer of the visiting vessel, or under his orders; nor shall

any part of the cargo of the visited vessel be taken out of her, till after her delivery to the officers or tribunals of her own nation, excepting only when a removal of all or a part of the slaves; if any, found on board the visited vessel, shall be indispensable, either for the preservation of their lives, or from any other urgent consideration of humanity, or for the safety of the person charged with the navigation of the said vessel after her capture. And any of the slaves so removed, shall be duly accounted for to the government of that country to which the visited vessel belongs, and shall be disposed of according to the laws of the country into which they are carried; the regular bounty or head money allowed by law, being in each instance secured to the captors, for their use and benefit, by the receiving government.

ARTICLE IV.

Whenever any merchant vessel of either nation shall be captured under this convention, it shall be the duty of the commander of any ship belonging to the public service of the other, charged with the instructions of his government for carrying into execution the provisions of this convention, at the requisition of the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry or send the same for trial and adjudication into some port of his country, or its dependencies. In every such case, at the time of the delivery of the vessel, an authentic declaration shall be drawn up in triplicate, and signed by the commanders, both of the delivering and receiving vessels; one copy signed by both, to be kept by each of them, stating the circumstances of the delivery, the condition of the captured vessel at the time of delivery, including the name of her master or commander, and of every other person not a slave, on board at that time, and exhibiting the number of the slaves, if any, then on board her, and a list of all the papers received or found on board at the time of capture and delivered over with her. The third copy of the said declaration shall be left in the captured vessel, with the papers found on board, to be produced before the tribunal charged with the adjudication of the capture. And the commander of the capturing vessel shall be authorized to send any one of the officers under his command, and one or two of his crew, with the captured vessel, to appear before the competent tribunal, as witnesses of the facts regarding her detention and capture; the reasonable expenses of such witnesses in proceeding to the place of trial, during their detention there, and for their return to their own country, or to their station in its service, shall be allowed by the court of adjudication, and defrayed, in the event of the vessel being condemned, out of the proceeds of its sale. In case of the acquittal of the vessel, the expenses as above specified, of these witnesses, shall be defrayed by the government of the capturing officer.

ARTICLE V.

Whenever any capture shall be made under this convention, by the officers of either of the contracting parties, and no national vessel of that country to which the captured vessel belongs, is cruising on the same station where the capture takes place, the commander of the capturing vessel shall, in such case, either carry or send his prize to some convenient port of its own country, or of any of its dependencies, where a court of vice-admiralty has jurisdiction, and there give it-up to competent authorities for trial and adjudication. The captured vessel shall then be libelled according to the practice of the court taking cognizance of the case; and if condemned, the proceeds of the sale thereof, and its cargo, if also condemned, shall be paid to the commander of the capturing vessel, for the benefit of the captors, to be distributed among them according to the rules of their service respecting prize money.

ARTICLE VI.

The commander and crew of any vessel captured under this convention, and sent in for trial, shall be proceeded against conformably to the laws of the country whereinto they shall be brought, as pirates engaged in the African slave trade; but every witness belonging to the capturing vessel shall, upon the criminal trial for piracy, be liable to be challenged by the accused person, and set aside as incompetent, unless he shall release his claim to any part of the prize money, upon the condemnation of the vessel and cargo.

ARTICLE VII.

The right reciprocally conceded by the two contracting parties, of visiting, capturing, and delivering over for trial, the merchant vessels of the other, engaged in the traffic of slaves, shall be exercised only by such commissioned officers of their respective navies, as shall be furnished with instructions for executing the laws of their respective countries against the slave trade.

For every vexatious and abusive exercise of this right, the boarding officer, and the commander of the capturing or searching vessel, shall, in each case, be personally liable in costs and damages, to the master and owners of any merchant vessel delivered over, detained, or visited by them, under the provisions of this convention.

Whatever Court of Admiralty shall have cognizance of the cause, as regards the captured vessel, in each case, the same court shall be competent to hear the complaint of the master or owners, or of any person or persons on board the said vessel, or interested in the property of her cargo at the time of her detention; and on due and sufficient proof being given to the court of any vexation and abuse having been practised during the search or detention of the said vessel, contrary to the provisions and meaning of this convention, to award

reasonable costs and damages to the sufferers, to be paid by the commanding or boarding officer convicted of such misconduct.

The Government of the party thus cast in damages and costs, shall cause the amount of the same to be paid in each instance, agreeably to the judgment of the court, within twelve months from the date thereof.

In case of any such vexation and abuse occurring in the detention or search of a vessel detained under this convention, and not afterwards delivered over for trial, the persons aggrieved, being such as are specified above, or any of them, shall be heard by any Court of Admiralty of the country of the captors, before which they make complaint thereof; and the commander and boarding officer of the detaining vessel shall, in such instance, be liable, as above, in costs and damages, to the complainants, according to the judgment of the court; and their Government shall equally cause payment of the same to be made, within twelve months from the time when such judgment shall have been pronounced.

ARTICLE VIII.

Copies of this convention, and of the laws of both countries which are or may be in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the national vessels of either party, charged with the execution of those laws; and in case any such commanding officer shall be accused by either of the two governments, of having deviated, in any respect, from the provisions of this convention and the instructions of his own government in conformity thereto, the government to which such complaint shall be addressed, agrees hereby to make inquiry into the circumstances of the case, and to inflict on the officer complained of, in the event of his appearing to deserve it, a punishment adequate to his transgression.

ARTICLE IX.

The high contracting parties declare that the right which, in the foregoing articles, they have each reciprocally conceded, of detaining, visiting, capturing, and delivering over for trial, the merchant vessels of the other engaged in the African slave trade, is wholly and exclusively grounded on the consideration of their having made that traffic piracy by their respective laws; and further, that the reciprocal concession of the said right, as guarded, limited, and regulated by this convention, shall not be construed so as to authorize the detention or search of the merchant vessels of either nation, by the officers of the navy of the other, except vessels engaged, or suspected to be engaged in the African slave trade; or for any other purpose whatever, than that of seizing and delivering up to the persons and vessels concerned in that traffic, for trial and adjudication by the tribunals and laws of their own country, nor be taken to affect, in any

other way, the existing rights of either of the high contracting parties. And they do also hereby agree and engage to use their influence, respectively, with other maritime and civilized powers, to the end that the African slave trade may be declared to be piracy under the law of nations.

ARTICLE X.

It is further agreed by the contracting parties, that it shall be allowed and free to either of them to renounce this convention, and all the rights and liabilities created by it, at any time, on giving six months notice thereof to the other contracting party.

ARTICLE XI.

The present convention, consisting of eleven articles, shall be ratified, and the ratifications exchanged in the city of Washington, within the term of six months from the signature hereof, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereunto their seals.

Done at the city of Bogota, this tenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, of the Independence of the United States of America the forty-ninth, and of the Independence of the Republic of Colombia the fourteenth.

RICHARD CLOUGH ANDERSON, JR.
PEDRO GUAL.