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TREATY SERIES. No. 3.

1892.

T R E A T Y

BETWEEN

GREAT BRITAIN AND SPAIN

FOR THE

SUPPRESSION OF THE AFRICAN SLAVE TRADE.

Signed at Brussels, July 2, 1890.

*Ratifications exchanged at Brussels, December 2, 1890.*

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*Presented to both Houses of Parliament by Command of Her Majesty.  
March 1892.*

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**TREATY BETWEEN GREAT BRITAIN AND  
SPAIN FOR THE SUPPRESSION OF THE  
AFRICAN SLAVE TRADE.**

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*Signed at Brussels, July 2, 1890.*

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*[Ratifications exchanged at Brussels, December 23, 1890.]*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen Regent of Spain, in the name of her august son, His Majesty the King Don Alfonso XIII, being mutually animated by a sincere desire to co-operate by all means in their power towards the extinction of the Trade in African Slaves, wherever that Traffic may still exist, and being convinced of the necessity of terminating the ancient Treaties now in force, and of replacing them by another more in harmony with the present state of things, and with the provisions of the General Act of the Conference of Brussels, have resolved to conclude a special Treaty to that effect, and for this purpose have named as their Plenipotentiaries, that is to say:

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

SU Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Emperatriz de las Indias, y Su Majestad la Reina Regente de España, en nombre de su augusto hijo, Su Majestad el Rey Don Alfonso XIII, igualmente animadas del sincero deseo de contribuir por todos los medios posibles á la supresion del Tráfico de Esclavos Africanos en los lugares en que todavia existe, y convencidas de la necesidad de derogar sus antiguos Tratados vigentes, reemplazándolos por otro mas en armonia con el estado de cosas actual, asi como con las disposiciones del Acta General de la Conferencia de Bruselas, han resuelto concluir un Tratado especial y nombrado al efecto por sus Plenipotenciarios, á saber:

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Emperatriz de las

India, Lord Vivian, a Peer of the United Kingdom, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Court of the King of the Belgians; and Sir John Kirk, one of Her Majesty's Plenipotentiaries to the Conference of Brussels;

And Her Majesty the Queen Regent of Spain, Don José Gutierrez de Aguëra, her Envoy Extraordinary and Minister Plenipotentiary to the Court of His Majesty the King of the Belgians;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

#### ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen Regent of Spain, engage to prohibit all Trade in Slaves carried on either by their respective subjects or under their respective flags, or by means of capital belonging to their respective subjects, and to punish all persons engaged in such Traffic with all the severity permitted by the laws which are actually or which hereafter may come into force in the respective countries. Their Majesties further declare that any vessel which may attempt to carry on the Slave Trade shall, by that fact alone, forfeit all right to the protection of their respective flags.

#### ARTICLE II.

In order more fully to attain the object of the present Treaty,

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Indias, á Lord Vivian, Par del Reino Unido, Su Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Majestad el Rey de los Belgas; y á Sir John Kirk, Su Plenipotenciario en la Conferencia de Bruselas;

Y Su Majestad la Reina Regente de España á Don José Gutierrez de Aguëra, Su Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Majestad el Rey de los Belgas;

Los cuales, despues de haberse comunicado sus respectivos plenos poderes, y halládoslos en buena y debida forma, han convenido en los Artículos siguientes:—

#### ARTICULO I.

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Emperatriz de las Indias, y Su Majestad la Reina Regente de España, se obligan á prohibir todo Tráfico de Esclavos ya por parte de sus súbditos respectivos, ya bajo sus respectivas banderas, ó ya por medio de capitales pertenecientes á sus respectivos súbditos, y á castigar á todo el que se ocupe en dicho Tráfico con todo el rigor que permitan las leyes que esten ó puedan estar en vigor en uno ú otro pais. Sus Majestades declaran además que todo buque que intente ejercer el Tráfico de Esclavos perderá por este solo hecho todo derecho á la proteccion de su bandera.

#### ARTICULO II.

A fin de conseguir mas completamente el objeto del presente

the High Contracting Parties have mutually agreed to restrict all measures for the more effectual suppression of the Slave Trade to the maritime zone within which the Traffic still exists, which is limited on the one side by the shores of the Indian Ocean (including the Persian Gulf and the Red Sea), from the coast of Beloochistan to Tangalani Point (Quilimane), and on the other by a conventional line which, after following the meridian of Tangalani to the point of intersection with the 26° of south latitude, follows that parallel, skirting the Island of Madagascar on the eastern side, at a distance of 20 miles from its eastern and northern coasts, as far as its point of intersection with the meridian of Cape Amber; from this point the limit of the zone is fixed by an oblique line which strikes the coast of Beloochistan, keeping 20 miles outside of Cape Ras-el-Had.

### ARTICLE III.

The two High Contracting Parties have likewise agreed to limit the operation of the present Treaty to vessels of less than 500 tons measurement, reserving the right of revising this clause whenever experience shows the necessity of it.

### ARTICLE IV.

In addition to the measures adopted by common agreement by all the Signatory Powers of the General Act of the Conference of Brussels with a view to prevent the usurpation of their

Tratado, las dos Altas Partes Contratantes convienen de comun acuerdo en restringir todas las medidas para la mas eficaz represion del Tráfico de Esclavos á la zona maritima en que todavia existe, y que esta limitada de una parte por las costas del Oceano Indico (comprendidas las del Golfo Pérsico y del Mar Rojo), desde el Belouchistan hasta la punta de Tangalane (Quilimane), y de otra por una linea convencional que, despues de seguir el meridiano de Tangalane hasta el punto de union con el grado 26° de latitud sur, se confunde con este paralelo y rodea al este la Isla de Madagascar á una distancia de 20 millas de sus costas oriental y septentrional, hasta su interseccion con el meridiano de Cabo Ambar. Desde este punto el limite de la zona queda determinado por una linea oblicua que va á unirse con la costa del Belouchistan, pasando á 20 millas de distancia del Cabo Raz-el-Had.

### ARTICULO III.

Las dos Altas Partes Contratantes están igualmente de acuerdo en limitar los efectos del presente Tratado á los buques de una cabida inferior á 500 toneladas, reservándose la facultad de revisar esta cláusula si la experiencia demuestra que es necesario.

### ARTICULO IV.

Ademas de las medidas adoptadas de comun acuerdo por todas las Potencias Signatarias del Acta General de la Conferencia de Bruselas para prevenir la usurpacion de sus pabellones

respective flags, and to insure the exercise of a strict supervision over native vessels authorized to hoist their colours, as well as for the liberation of slaves, and for the early exchange of information necessary for the suppression of the Slave Trade, the two High Contracting Parties have agreed that their respective ships of war may, within the above-defined zone, and after verification of the ships' papers, search all merchant-vessels of the tonnage indicated in Article III, belonging to one or other of the High Contracting Parties, which may afford reasonable ground of suspicion that they have been engaged in the Slave Trade, or have been fitted out for that purpose, or have been engaged in the Traffic during the voyage in which the vessel may have been met by the said cruizers; and all such cruizers may detain, send, or take such suspected vessels for trial in the manner hereinafter agreed to.

#### ARTICLE V.

In no case shall the mutual right of search and visit be exercised over ships of war or over vessels belonging to the Governments of either of the High Contracting Parties, but their cruizers shall afford each other mutual assistance in all cases in which it may be useful that they should act in concert.

#### ARTICLE VI.

Whenever a merchant-vessel, sailing under the flag of one of the High Contracting Parties, shall have been detained by a

respectivos y ejercer una vigilancia rigurosa sobre los buques indigenas autorizados á enarbolar sus banderas, asi como para poner en libertad á los esclavos y comunicar sin perdida de tiempo los datos oportunos para la represion del dicho Tráfico, las dos Altas Partes Contratantes convienen en que sus buques de guerra podrán visitar, dentro de la zona que queda definida y despues del examen de los papeles de á bordo, á todo buque mercante de la cabida especificada en el Artículo III, perteneciente á una ú otra de las dos Altas Partes Contratantes, que con fundados motivos pueda dar lugar á sospechas de que se ocupa en el Tráfico de Esclavos, ó de haber sido equipado con el mismo objeto, ó de haberse dedicado á dicho Tráfico durante el viaje en que lo encuentren los referidos cruceros; y en que estos cruceros podran detener y enviar é conducir dichos buques á fin de que puedan ser juzgados del modo convenido á continuacion.

#### ARTICULO V.

En ningun caso se ejercerá el derecho mutuo de visita sobre los buques de guerra ó pertenecientes al Gobierno de cada una de las dos Altas Partes Contratantes; pero sus cruceros se prestarán asistencia reciprocamente en todas las circunstancias en que pueda ser util que procedan de concierto.

#### ARTICULO VI.

Siempre que un buque mercante, que navegue bajo la bandera de una de las dos Altas Partes Contratantes, haya sido

cruizer of the other Power in conformity with the provisions of the present Treaty, the vessel, together with the captain, crew, cargo, and any slaves that may be found on board, shall be conveyed to one or other of the places designated in this Article, and given over to the authorities appointed for this purpose by the respective Governments, in order to their being proceeded against before the competent Tribunals in them anner hereinafter specified.

All British vessels which may be detained within the above-mentioned zone by a Spanish cruizer shall be conveyed and made over for trial to the competent authorities appointed for that purpose within the said zone by the Government of Her Britannic Majesty, or shall be handed over to a British man-of-war, provided the captain is willing to take charge of the prize.

All Spanish merchant-vessels that may be detained by a British cruizer shall be conveyed and made over for trial to the Consular authority whom Her Majesty the Queen Regent of Spain may appoint in one or more of the ports of the said zone, or shall be handed over to a Spanish man-of-war, provided the captain is willing to take charge of the prize.

#### ARTICLE VII.

Every merchant-vessel belonging to one or other of the High Contracting Parties which may have been searched and detained at sea in virtue of the provisions of the present Treaty shall be liable to condemnation

detenido por un crucero de la otra, conforme á las disposiciones del presente Tratado, dicho buque, asi como el capitán, la tripulacion, el cargamento y los esclavos que puedan encontrarse á bordo, serán conducidos á uno ú otro de los lugares designados en este Artículo, y la entrega se hará á las autoridades constituidas con este objeto por los Gobiernos respectivos, á fin de que se proceda respecto á ellos ante los Tribunales competentes de la manera que se expresa á continuacion.

Todos los buques Ingleses que puedan ser detenidos en la zona arriba mencionada por un crucero Español serán conducidos y entregados á las autoridades competentes, designadas al efecto dentro de la misma zona por el Gobierno de Su Majestad la Reina de la Gran Bretaña, ó serán entregados á un buque de guerra Inglés, si su capitán consiente en hacerse cargo de la presa.

Todos los buques mercantes Españoles que puedan ser detenidos en la zona por un crucero Inglés serán conducidos y entregados á la autoridad Consular que el Gobierno de Su Majestad la Reina Regente de España ha de establecer en uno ó varios puertos de la misma zona, ó serán entregados á un buque de guerra Español, si su capitán consiente en hacerse cargo de él.

#### ARTICULO VII.

Todo buque mercante perteneciente á una ú otra de las dos Altas Partes Contratantes que haya sido visitado y detenido en el mar en virtud de las disposiciones del presente Tratado, estará en condicion de ser

on the production of evidence establishing, to the satisfaction of the national Tribunal, that the vessel has been engaged in an Act of Slave Trade in the course of the voyage during which it was detained.

#### ARTICLE VIII.

The authorities specified in Article VI shall proceed immediately to inquire into, and adjudicate on, the case of any vessel detained in accordance with the stipulations contained in Articles L to LIX of the General Act of the Brussels Conference; the general provisions of which Act are also applicable in all cases not specially provided for in the present Treaty.

#### ARTICLE IX.

The two High Contracting Parties have also agreed to insure the immediate liberation of all slaves found on board vessels detained in virtue of the foregoing stipulations.

#### ARTICLE X.

The present Treaty shall come into force on the same date as the General Act of the Brussels Conference, and shall remain in force during the continuance of that Act, the High Contracting Parties having agreed to abrogate their former Conventions on this subject, specially their Treaty of June 28, 1835.

#### ARTICLE XI.

The present Treaty shall be ratified, and the ratifications ex-

condenado, si se presentan pruebas que acrediten, á satisfaccion del Tribunal nacional, que se ha dedicado á una operacion de Tráfico de Esclavos en el curso del viaje durante el cual ha sido detenido.

#### ARTICULO VIII.

Las autoridades especificadas en el Artículo VI procederán inmediatamente á instruir y juzgar la causa de todo buque detenido en virtud de las estipulaciones contenidas en los Artículos L á LIX inclusive del Acta General de la Conferencia de Bruselas, cuyas cláusulas generales serán aplicables tambien á todos los casos no previstos especialmente por el presente Tratado.

#### ARTICULO IX.

Las dos Altas Partes Contratantes convienen igualmente en asegurar la libertad inmediata de todos los esclavos que se encuentren á bordo de los buques detenidos en virtud de las estipulaciones que preceden.

#### ARTICULO X.

El presente Tratado empezará á regir el mismo dia y continuará en vigor el mismo tiempo que el Acta General de la Conferencia de Bruselas; estando de acuerdo las dos Altas Partes Contratantes en declarar derogados sus anteriores Convenios sobre este asunto, y principalmente su Tratado de 28 de Junio de 1835.

#### ARTICULO XI.

El presente Tratado será ratificado, y las ratificaciones se can-



changed at Brussels at as early a date as possible.

In faith whereof the respective Plenipotentiaries have signed this Treaty, and have affixed thereto their seals.

Done at Brussels this 2nd day of July, in the year of Our Lord 1890.

(L.S.) VIVIAN.  
(L.S.) JOHN KIRK.

gearán en Bruselas lo mas pronto posible.

En fé de lo cual los Plenipotenciarios respectivos lo han firmado y puesto en él el sello de sus armas.

Hecho por duplicado en Bruselas á dos de Julio de mil ocho cientos noventa.

(L.S.) JOSÉ GUTIERREZ  
DE AGUERA.

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