



# Texas Navy Association

Historical Article



## Treaty Between Great Britain and Texas 1840

*Instructions for Commanders of Her Majesty's Ships authorized to act under the Treaty of the 16th of November, 1840, between Great Britain and Texas, for the Suppression of the African Slave Trade.*

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland.

THE Treaty of the 16th of November, 1840, between Great Britain and Texas, has two Annexes, marked A and B, which, by the terms of the Treaty, are declared to form an integral part thereof. Treaty; Art XVII.

Annex A contains the forms of the Warrants to authorize, and of the Special Orders to guide, the ships of the British and Texian Navies in making visits and detentions under the Treaty.

Annex B contains Instructions to ships of the British and Texian Navies employed to prevent the African Slave Trade.

There is also a Declaration, dated the 16th of February, 1844, in reference to the disposal of Slaves found on board Texian vessels captured on the coast of Brazil.

By the First Article of this Treaty the Republic

of Texas engages to prohibit African Slave Trade by its citizens and under its Flag, and by means of capital belonging to its citizens, and to declare such trade Piracy ; and also, that any vessel attempting to carry on the Slave Trade shall, by that act alone, lose all right to claim the protection of the Texian Flag.

Your conduct in suppressing Slave Trade carried on in Texian vessels, must be governed and regulated by this Treaty and its Annexes; and the following Instructions are framed in conformity with these documents, for the purpose of distinctly pointing out the course which you are to pursue in carrying the Treaty into effect.

The right of searching Texian vessels is to be exercised only by Authority to act British ships of war, whose Commanders have the rank of Captain or at under the Treaty. least Lieutenant in the Navy, unless the command shall have devolved Treaty; Article II. upon an Officer of inferior rank. The Commanders of such ships of war must be duly provided

with special authority from each of the two Governments; namely, a Warrant from the Texian Government, and a Special Order from the Admiralty, according to Annex A of the Treaty : but when furnished with these documents, they are authorized to visit, search, and detain, under the conditions prescribed by the Treaty, any merchant-vessel belonging to, or bearing the Flag of Texas, which shall on reasonable grounds be suspected of being engaged in the African Slave Trade.

The authority to visit and search must be exercised under the follow- P«\*f and Searching restrictions and regulations:—

First. Search is to be made only by you, or by an Officer of your ship, Annex B, Section I. not under the rank of Lieutenant in the Navy, unless he be second in command of your ship.

Secondly. In no case is the Right of Search to be exercised in respect Treaty; Article IV. to ships of war.

Treaty; Article II.  
Treaty; Art.VII.  
Annex B, Section 1,  
Form No. 1.  
Annex B, Section 1.  
Form No. 2.  
Detention.  
Treaty; Article II.  
Treaty; Art. IX.  
Annex B, Sect. 2  
Form No. 8.  
Form No. 9.

Thirdly. The Right of Search shall not be exercised in the Mediterranean Sea, nor within those seas in Europe which lie without the Straits of Gibraltar and to the northward of the 37th parallel of North latitude, and within and to the eastward of the 20th degree of longitude West of Greenwich; nor in the Gulf of Mexico to the northward of the 25th parallel of North latitude ; nor to the westward of the 90th degree of longitude West of Greenwich.

Fourthly. If you should have reason to suspect that a Texian vessel, sailing under convoy or in company with a ship of war of her own nation, is engaged in African Slave Trade, or has been fitted out for that traffic, you are to communicate your suspicions to the Commander of the convoy, who is to proceed alone to search the suspected vessel, and if the suspicion appears to him well-founded, is to take her to a Texian port, to be proceeded against before the proper tribunal.

If the Officer in command of the convoy omit to fulfil the provisions of the Treaty, you have no authority to take any further steps. Should the Commander of a Texian ship of war declare to you, that he suspects that a British vessel under convoy, or in company, is engaged in Slave Trade, you are to proceed alone to visit the suspected vessel and make the strictest investigation into the circumstances; and if the suspicions prove well-founded, you are to seize her and send her for trial before a British tribunal.

A full report of the circumstances relating to any British or Texian vessels so met with under convoy, must be made to the Officer under whose orders you are serving; and a duplicate of that Report is to be sent to the Admiralty at the earliest opportunity.

*The following Article requires particular attention:—*

Whenever a vessel is visited under this Treaty by you, you are immediately on coming on board, and before you begin the search, to exhibit to her Master the documents which confer on you the right of search: namely, the Warrant from the Texian Government, and the Special Order from the Admiralty; and you are also to deliver to the Master a certificate signed by yourself, according to Form No. 1, furnished herewith.

When the visit is made by an Officer under your command, such Officer is to exhibit to the Master of the vessel copies of the above-

mentioned Warrant and Special Order, signed by you; and he is then to deliver a certificate, signed by himself, according to Form No. 2, furnished herewith.

Should it appear that the papers of the vessel are regular, and her proceedings lawful, the Officer is to certify on the log-book of the vessel, that the search has been made in virtue of the special authority above mentioned; and these formalities having been completed, the vessel is to be left at liberty to pursue her voyage.

It will be your duty when duly authorized under this Treaty, to seize any vessels belonging to or bearing the Flag of Texas, and met with where search is permitted, whenever it shall appear,—

First. That Slaves are on board contrary to Treaty.

Secondly. That the vessel is, or has during the voyage, been engaged in the African Slave Trade.

Thirdly. That the vessel has, or has had on board, during the voyage, any of the equipments or fittings described in Article IX, excepting in the particular cases wherein it is provided to the contrary by Sections 6' and 9 of the said Article.

If you should determine to seize the vessel, you are forthwith to take possession of the ship's papers, and of all other documents

and letters found on board, and cause a list to be made out thereof in duplicate, according to Form No. 8, verifying the same by your signature.

You are also, at the time of seizure, to make and sign in duplicate a declaration, according to Form No. 9, which must contain an exact, description of the state of the vessel and her cargo, and which is to be given in or sent, together with the captured vessel, to the Court before which such vessel shall be taken for adjudication.

In the event of your seizing a Texian vessel, you must, without delay, Conducting to Port either carry her in for trial yourself or send her under charge of an of Adjudication. Officer not below the rank of Lieutenant of the Navy, unless such Officer reay> should be at the time at least third in authority on board the detaining ship.

If she be not taken in by you, the Officer in charge must be furnished with copies, certified by you, of the Warrant from the Texian Government and the Special Order from the Admiralty authorizing you to carry the Treaty into effect; and of the certificate, Form No. 1, if she Form No. 1 should have been searched by you, or Form No. 2, if searched by an Form No. 2 Officer under your command.

All Texian vessels detained by Her Majesty's ships are to be delivered Annex B, Sections, up to the Texian jurisdiction at Galveston.

Slaves found on board any Texian vessel, detained in the West Indies, are, together with the vessel, to be carried and delivered up at Galveston.

Slaves found on board any Texian vessel, detained on the coast of Declaration of Brazil are to be carried or sent at once to Trinidad or Demerara. February 16,1844.

Slaves found on board any Texian vessel, detained on the coast of Africa, are to be carried or sent at once to one of the British settlements on the coast of Africa.

The Officer in charge of the seized vessel is to deliver up the Slaves to the order of the Governor of the Colony, taking from the person who shall receive them a receipt in duplicate for the Slaves so landed.

No person whatever is to be taken out of the seized vessel, nor is any Annex B, Section 4. part of her cargo, nor the Slaves found on board, to be removed until the vessel shall have been delivered over to the Authorities of her own nation, except in the cases otherwise provided for in the preceding paragraph; unless the removal of the whole or a part of the crew, or of the slaves found on board, should be deemed necessary for the preservation of their lives, or any other consideration of humanity, or for the safety of the persons charged with the navigation of the vessel.

In any such case, you, or the Officer appointed

to bring in the seized vessel, as the case may be, will make a declaration according to Form No. 3, in which the reasons for such removal are to be specified: Form No. 3. and the Master, sailors, passengers, or Slaves so removed, must be carried Annex B, Section 4. to the same port as the vessel and her cargo, except as otherwise provided with respect to Slaves captured on the coasts of Africa or Brazil.

As soon as the Officer in charge of the seized vessel shall have brought Proceedings at the her to Galveston, he will forthwith apply to .the principal Government ^art of AdjudicaFunctionary to indicate the Authorities duly appointed to receive pos-Annex B Sections, session of the vessel; and upon such information reaching him he will lose no time in delivering over to such Authorities the vessel and her cargo, together with the Master, crew, and passengers, and, if captured in the West Indies, the Slaves also.

He is also to deliver to the appointed authorities, in order to be produced before the Court, on trial,—

First. Duplicate list of the papers found on board the vessel, drawn up at the time of seizure, according to Form No. 8. Form No. 8.

Secondly. Duplicate of the authenticated declaration drawn up also at the time of seizure, according to Form No. 9; and the

Officer in Form No. 9. charge .will add thereto a statement of any changes which may have taken place since the time of detention.

Thirdly. If any removal of the crew or Slaves shall have taken place, as mentioned in the Instructions to Cruizers, Section 4, he will deliver in to the Court the declaration of such removal, according to Form No. 3. Form No. 3.

Fourthly. An affidavit, to which all the ship's papers, together with all other documents and letters at any time found on board, must be annexed.

This affidavit must verify the papers, and must also attest to the Form No. 10. truth of the three preceding documents: Form No. 10 is to be used for this purpose, unless there should be a different Form prescribed by the Court.

The Officer in charge of the vessel will reserve, to be produced on demand, the other documents with which he has been furnished, viz.,—

1. Copy of the Warrant and Special Order to carry the Treaty into effect.
2. Copy of Certificate No. 1 or No. 2, as the case may have been, delivered to the Master before making the search.
3. In case the vessel has been captured on

the coast of Brazil or of Africa, with Slaves on board, the receipt for the Slaves landed. After the proper documents have been delivered to the Authorities, Treaty; Art. VIII the Treaty requires them to proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the Slaves who may be on board, previously giving notice of the time of such survey and inspection to the Officer who shall have brought in the vessel, in order that he, or some person in his behalf, may be present thereat.

Treaty; Art. VIH. A detailed statement of these proceedings is to be drawn up in duplicate, signed by the persons who shall have acted therein, or have been present at the same time: and one of the said statements is to be delivered to the Officer who shall have brought in the vessel.

The Officer in charge will render every assistance in his power to the Texian Authorities for the complete and effectual investigation of the case.

Treaty; Art. XIII. When a Texian merchant-vessel shall have been searched and detained illegally, or without sufficient cause of suspicion, or when the search and detention shall have been attended with any abuse of authority or vexatious acts, the Officer in fault will be liable to pay costs and damages to the Master and to the owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings shall have been instituted.

You will not fail to afford to the Commanders of Texian ships of war cordial assistance in all circumstances in which it may be useful that you should act in concert under the Treaty; in all your proceedings, both on board and on shore, you will conduct yourself with the greatest forbearance and courtesy; and in all your communications with Texian Authorities will treat them with respect and consideration, and carefully avoid giving any just ground of offence.

If on any occasion of searching or detaining a Texian vessel a Texian ship of war should make her appearance, and her Commander should desire to take charge of the vessel, you will readily give her up.

Treaty; Art. IV. You will be furnished with particular signals to be used upon occasion of meeting with Texian ships of war also authorized to act under the Treaty, which signals are not to be made known to any ship not employed upon this service.

All Texian ships duly authorized under this Treaty have the same right of search and detention, with respect to British merchant-vessels suspected of being engaged in the African Slave Trade, as may be exercised by Her Majesty's ships so authorized with respect to Texian merchant-vessels.

Given under our hands, this 12th day of  
June, 1844.  
G. COCKBURN.  
W. H. GAGE.  
By Command of their lordships  
Sidney Herbert

TITLE INSTRUCTIONS FOR THE  
GUIDANCE OF HER MAJESTY'S  
NAVAL OFFICERS: EMPLOYED IN THE  
SUPPRESSION OF THE SLAVE TRADE  
Author Great Britain. Admiralty

Publisher Pr. by T.R. Harrison, 1844  
Page 73