

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

CAP. XVII.

An Act to amend an Act of last Session of Parliament, for carrying into Execution a Convention made between His Majesty and the King of *Portugal*, for the preventing the Traffic in Slaves.

[31st *March* 1819.]

WHEREAS an Act was made in the last Session of Parliament, intituled *An Act to carry into execution a Convention made between His Majesty and the King of* Portugal, *for the preventing Traffic in Slaves:* And whereas it is expedient that further Provision should be made for carrying the said Convention into execution, and that for that Purpose certain Provisions in the said recited Act should be repealed, and certain other Provisions enacted in lieu thereof; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much and such Parts of the said recited Act as relate to Proceedings of the Lords Commissioners of Appeal in Prize Causes, or of the High Court of Admiralty, in Cases and Questions arising out of Captures in the said Act mentioned that may be depending before them, and to their hearing and determining any Claim of Right or Interest therein to which His Majesty or the Captors or Seizors of Ships, Vessels, or Cargoes may be entitled by reason of the Capture or Seizure thereof, and the Laws relating thereto, and also so much

58 G. 3. c. 85.

For repealing of § 10, 11, of Act.

and such Part of the said recited Act as relate to the Power of the said Courts in Cases therein described, to order and adjudge Ships, Vessels, or Cargoes, or the Proceeds thereof, to be delivered or paid for the Use of His Majesty, shall be and the same is and are hereby repealed.

Convention. Art. 9. For appointing a Commission in London, to determine on certain Captures of Portuguese Vessels, after 1st June 1814.

II. And whereas, by the Ninth Article of the Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, between His Majesty and His most Faithful Majesty the King of *Portugal*, in the said recited Act of the Fifty-eighth Year aforesaid, mentioned and recited, His *Britannic* Majesty engaged to grant, in the Manner therein-after explained, sufficient Indemnification to all the Proprietors of certain *Portuguese* Vessels and Cargoes captured by *British* Cruizers, between the First Day of *June* One thousand eight hundred and fourteen, and the Period at which the Two Commissions pointed out in the Eighth Article of the said Convention should assemble at their respective Ports on the Coast of *Africa* and in the *Brazils*; and His Majesty and His most Faithful Majesty did agree, that all Claims of the Nature before-mentioned should be received and liquidated by a mixed Commission, to be held at *London*, and which should consist of an equal Number of the Individuals of the Two Nations, named by their respective Sovereigns, and upon the same Principles stipulated by the Eighth Article of the said Convention, and by the several Instruments which form an integral Part of the said Convention: And whereas by the Tenth Article of the Regulations annexed to and made Part of the said Convention, it was provided, that the said mixed Commission established in *London* by the said Ninth Article of the said Convention therein and hereinbefore recited, should hear and determine all Claims for *Portuguese* Ships and Cargoes captured by *British* Cruizers on account of the unlawful Trading in Slaves since the First Day of *June* One thousand eight hundred and fourteen, until the Period when the Convention should be in complete execution, awarding to them, conformably to the Ninth Article of the said Convention, a just and complete Compensation upon the Basis laid down in a preceding Article of the said Regulations, either for total Loss or for Losses and Damages sustained by the Owners and Proprietors of the said Ships and Cargoes; and it was also provided, that the said Commission established in *London* should be composed and proceed exactly upon the same Basis determined in the Articles One, Two, and Three, of the said Regulations for the Commissions established on the Coast of *Africa* and in the *Brazils*; be it enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by One of His Majesty's Principal Secretaries of State for the Time being, to appoint Two Persons to be such Members of the said mixed Commission to be held at *London*, one of such Persons to be a Commissary Judge, and the other to be a Commissioner of Arbitration, as are in and by the said Ninth Article of the said Convention, and by the Instructions annexed to the said Convention mentioned to be appointed by His Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices, by appointing other Persons thereto, and to grant Salaries to such Commissary Judge and Commissioner of Arbitration, not exceeding such annual Sums as the

Regulations. Art. 10. Regulating Proceedings on such Commission.

His Majesty empowered to appoint a Judge and Arbitrator for such Commission in London.

Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Commissary Judge and Commissioner of Arbitration so to be appointed by His Majesty, are hereby authorized and empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured, between the First Day of *June* One thousand eight hundred and fourteen, and the Period at which the Two Commissions mentioned in the Eighth Article of the said Convention shall assemble at their respective Posts on the Coast of *Africa* and in the *Brazils*, as are, by the said Ninth Article of the said Convention and by this Act made subject to their Jurisdiction, and to proceed in all such Cases, and to give such Judgments, and to make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of the said Convention, and the Instructions and Regulations annexed thereto, as fully and effectually to all Intents and Purposes as if special Powers and Authorities for that Purpose were specially and particularly inserted and given in relation thereto in this Act.

Appointing Secretary or Registrar.

III. And be it further enacted, That it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the said Commission to be held at *London*, and from Time to Time to supply by other Appointments any Vacancy which may hereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of His Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the Duties of such Office, set forth and described in the said Convention, and the Instructions and Regulations thereto annexed, and do perform and execute all such Acts, Matters, and Things as may be necessary for the due Discharge of the Duties of his Office, according to the Provisions of the said Convention, Instructions, and Regulations.

Commissary Judges, Commissioners of Arbitration, and Secretary or Registrar, to take Oaths, for due Execution of Office.

IV. And be it further enacted, That every such Commissary Judge, and Commissioner of Arbitration, appointed by His Majesty for the Purposes of this Act, shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath before the Lord Chief Justice, or one of His Majesty's Justices of the Court of King's Bench, or before the Lord Chief Baron or one of the Barons of His Majesty's Court of Exchequer at *Westminster*, for the Time being; which Oath every such Lord Chief Justice, or Lord Chief Baron, or Justice or Baron for the Time being, is hereby authorized to administer, in the Form following; (that is to say),

'I *A. B.* do solemnly swear, That I will, according to the best of my 'Skill and Knowledge, act in the Execution of my Office as '..... faithfully, impartially, fairly, and without Prejudice or Fa- 'vour, either for Claimants or Captors, or any other Persons; and 'that I will, to the best of my Judgment and Power, act in pursuance 'of and according to the Stipulations of the Treaty, of the Twenty-

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'second Day of *January* One thousand eight hundred and fifteen, and 'the additional Convention thereto, between His Majesty and His 'most Faithful Majesty, signed at *London*, on the Twenty-eighth 'Day of *July* One thousand eight hundred and seventeen.

'So help me GOD.'

And the Secretary or Registrar to the said Commission shall, before he enters on the Duties of his said Office, take an Oath before the *British* Commissary Judge as aforesaid, who is hereby empowered to administer the same, in the Form following; (that is to say),

'I *A. B.* do solemnly swear, That I will according to the best of my 'Skill and Knowledge, act in the Execution of my Office, and that 'I will conduct myself with due respect to the Authority of the 'Commissary Judges and Commissioners of Arbitration of the Com-'mission to which I am attached, and will act with Fidelity in all 'the Affairs which may belong to my Charge, and without prefer-'ence of or favour either for Claimants or Captors or any other 'Persons. 'So help me GOD.'

And the like Oaths respectively, in lieu of the Oath set forth and prescribed by the said recited Act of the Fifty-eighth Year aforesaid, shall in all Cases be administered to and taken by every Commissary Judge and Commissioner of Arbitration, appointed by His Majesty, or acting *ad interim* under the said recited Act, in the Presence of the Magistrate authorized by the said Act to administer the Oath in the said Act recited, and by every Secretary or Registrar appointed by His Majesty, or acting *ad interim*, in the Presence of the *British* Commissary Judge.

Commissary Judges and their Secretary or Registrar, may administer Oaths.

V. And be it further enacted, That it shall be lawful for any such Commissary Judge, or for any such Secretary or Registrar appointed under this Act, and they are hereby respectively empowered, to administer Oaths to and take the Depositions of all Parties Witnesses and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing in the course of any Proceeding before the Commissary Judges of the said Commission to be held in *London*, or before the said Commissary Judges, and a Commissioner of Arbitration, in the Cases in which such Commissioner of Arbitration shall act with the said Commissary Judges under the said Convention and the Instructions and Regulations thereto annexed, or under this Act; and it shall also be lawful for the said Commissary Judges, or for the said Commissary Judges and Commissioner of Arbitration, in the Cases aforesaid, to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Suit, Proceeding, Matter, or Thing under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts, by such and the like Means, Powers, and Authorities as are vested in the Commissioners under the said recited Act.

Persons giving false Evidence, guilty of Perjury.

VI. And be it further enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination, or Deposition,

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or Affidavit had or taken upon or in any Proceeding before the said Commissary Judges or Commissioners aforesaid, under the said Convention, Instructions, and Regulations, or under this Act, shall be deemed guilty of Perjury, and being thereof convicted, shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable.

Art. 11. of Convention. For Payment of 300,000*l.* for Captures made before the 1st of June 1814.

VII. And whereas by the Eleventh Article of the said Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, His Majesty engaged to pay the Sum of Three hundred thousand Pounds Sterling, of Indemnification stipulated by a certain Convention of the Twenty-first Day of *January* One thousand eight hundred and fifteen, in favour of the Proprietors of *Portuguese* Vessels captured by *British* Cruizers, up to the Period of the First Day of *June* One thousand eight hundred and fourteen, with Interest, in the Manner and at the Times in the said Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen mentioned; the Payment of the said Sum to be made in *London* to the Minister of His most Faithful Majesty, at the Court of His Majesty, or to the Persons whom His most Faithful Majesty should think proper to authorize for that Purpose: And whereas the said Sum of Three hundred thousand Pounds and Interest hath been duly paid by His Majesty to His most Faithful Majesty, for the Purposes in the said Conventions mentioned; be it enacted, That the said Sum of Three hundred thousand Pounds and Interest, stipulated to be paid by the said two Conventions, and paid and accepted accordingly, as a full Compensation for all Losses sustained by the Subjects of His most Faithful Majesty, on account of Vessels captured up to the First Day of *June* One thousand eight hundred and fourteen, shall be considered and taken to be a full Compensation for all such Captures as aforesaid; and that the said Stipulation contained in the said Convention of the Twenty-first Day of *January* One thousand eight hundred and fifteen, and recited in the Eleventh Article of the said Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and in the said Act of the last Session and in this present Act, may be pleaded in Bar or given in Evidence upon the General Issue, and shall be and be deemed and adjudged in every Court whatever, to be a good and complete Bar in any and every Action, Suit, or Proceeding, brought or instituted, or to be brought or instituted for Restitution or any other Matter or Thing in relation to any such Capture, or for any Damage or Injury sustained thereby or in relation thereto, any thing contained in any Act or Acts of Parliament to the contrary notwithstanding.

Recited Article may be pleaded in bar of any Action for such Capture.

No Claims or Suits for Ships captured under the Convention, &c. shall be brought, except before Commissions appointed under that Convention.

VIII. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person to commence, prosecute, or proceed in any Claim, Action, or Suit whatever, in the High Court of Admiralty, or in any other Court, or before any Judges or Persons whomsoever, other than the several Commissions appointed under and by virtue of the said Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and the said recited Act and this Act, for the Condemnation or Restitution of any Ship or Cargo or Slaves, or for any Compensation or Indem-

nification for any Loss or Damage, or for any Injury sustained by such Ship, Cargo, or Slaves, or by any Persons on board any such Ship, in consequence of any such Capture, Seizure, or Detention which shall have been or shall be made under the Authority or in pursuance of the Provisions of the said Convention, or of the Instructions or Regulations thereto annexed, or of the said recited Act or this Act, or which may be or become the Subject of Adjudication or Compensation by, or be brought before the Commission to be held at *London* under the Authority of the said Convention and this Act; that the Pendency of any Claim, Suit, or Proceeding instituted before any of the Commissions so to be appointed under the Authority of the said Convention and the said recited Act and this Act, for the Condemnation or Restitution of any Ship or Cargo, or Slaves taken, seized, or detained by virtue of the said Convention, or of the Instructions or Regulations thereunto annexed, or subject to the Jurisdiction and Adjudication of the said Commission in *London*, or for any Compensation or Indemnification for any Loss or Damage, in consequence of the taking, seizing, or detaining any such Ship, or the final Adjudication, Condemnation, Judgment, or Determination of any such Commission, as the Case shall require, may be pleaded in Bar or given in Evidence under the General Issue; or in case no such Claim, Suit, or Proceeding shall have been instituted before any such Commission, then the said Convention and the said recited Act and this Act may in like Manner be pleaded in Bar or given in Evidence under the General Issue; and every such Plea in Bar or Evidence so given under the General Issue, shall be deemed and adjudged to be a good and complete Bar and Satisfaction to any such Claim, Action, Suit, or Proceeding, in any Court or Place, other than before such Commission; any thing in any Act or Acts of Parliament or Law or Laws to the contrary in anywise notwithstanding.

Jurisdiction of Prize Courts of Appeal or of Admiralty, in Cases of any such Capture brought before them.

IX. And whereas by the Ninth Article of the said Convention of the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and herein-before recited, His Majesty engaged to grant in the Manner therein-after explained, sufficient Indemnification to all the Proprietors of *Portuguese* Vessels and Cargoes captured by *British* Cruizers between the First Day of *June* One thousand eight hundred and fourteen, and the Period at which the Two Commissions pointed out in the Eighth Article of the said Convention should assemble at their respective Posts; and by the Eleventh Article of the said Convention before recited in this Act, His Majesty engaged to pay the said Sum of Three hundred thousand Pounds for the Purposes herein-before mentioned, and it is therefore just that such Ships, Vessels and Cargoes as aforesaid, or the Proceeds thereof, for and in respect of which His Majesty shall as aforesaid pay or be liable to pay any Indemnity or Compensation, and to which the Captors or Seizors shall not establish any Right or Interest, should be delivered or paid to the Use or Disposal of His Majesty; be it therefore enacted, That it shall be lawful for the Lords Commissioners of Appeal in Prize Causes, and for the High Court of Admiralty, in all Cases and Questions arising out of the Captures of any such Ships, Vessels or Cargoes, of any Subjects of His most Faithful Majesty, as well before the First Day of *June* One thousand eight hundred and fourteen,

as between the said First Day of *June* One thousand eight hundred and fourteen and the Period above described, which shall be depending before them, or which may be brought before them, on Appeal from any Vice Admiralty Court, according to their respective Jurisdictions, to proceed therein, and to hear and determine all Questions respecting any Right or Interest in or to any such Ships, Vessels or Cargoes so captured, to which His Majesty or the Captors or Seizors of such Ships, Vessels, or Cargoes, may claim to be entitled by reason of the Capture or Seizure thereof, and to enforce their Judgments and Orders therein, by the usual Process of the said Courts, any Thing in this Act to the contrary notwithstanding: And that in all such Cases as aforesaid, in which the Captors or Seizors shall not establish any Right or Interest on their behalf, by reason of any such Capture of any Ship, Vessel, or Cargo, it shall be lawful for the said Courts respectively to order and adjudge the Ships, Vessels, and Cargoes, or the Proceeds thereof, and all and every Part thereof, to which the Captors shall not establish any Right or Interest as aforesaid, to be delivered or paid to the Use or Disposal of His Majesty, to such Person or Persons as the said Commissioners of His Majesty's Treasury for the Time being shall appoint to receive the same, and to enforce the Delivery or the Payment thereof, by the usual Process of the said Courts respectively; any Thing in this Act to the contrary notwithstanding.

Provision in case of Captors not establishing their Rights.

X. And be it further enacted, That the said recited Act of the Fifty-eighth Year aforesaid, so far as the same is not expressly altered or repealed by this Act, shall remain in force; and that the said recited Act and this Act shall be construed together as one Act, so far as the same are compatible and consistent with each other, and as if the Clauses and Provisions in this Act contained had been inserted in the said recited Act of the Fifty-eighth Year aforesaid, and had made Part thereof.

Recited Act and this Act shall be construed together.

XI. And be it further enacted, That this Act may be amended, altered, or repealed, by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

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