

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. CXXVIII.

An Act for carrying into effect the Agreement between Her Majesty and the Imaum of *Muscat* for the more effectual Suppression of the Slave Trade. [5th *September* 1848.]

WHEREAS on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-five an Agreement was concluded and signed at *Zanzibar* between Captain *Atkins Hamerton* of Her Majesty's Royal Navy, on behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and his Highness *Seid Saeed Bin Sultan*, the Imaum of *Muscat*, whereby it was agreed as follows:

ARTICLE I.—His Highness the Sultan of *Muscat* hereby engages to prohibit, under the severest Penalties, the Export of Slaves from his *African* Dominions, and to issue Orders to his Officers to prevent and suppress such Trade.

ARTICLE II.—His Highness the Sultan of *Muscat* further engages to prohibit, under the severest Penalties, the Importation of Slaves from any Part of *Africa* into his Possessions in *Asia*, and to use his utmost Influence with all the Chiefs of *Arabia*, the *Red Sea*, and the *Persian Gulf*, in like Manner

to prevent the Introduction of Slaves from *Africa* into their respective Territories.

ARTICLE III.—His Highness the Sultan of *Muscat* grants to the Ships of Her Majesty's Navy, as well as those of the *East India* Company, Permission to seize and confiscate any Vessels the Property of his Highness or of his Subjects carrying on Slave Trade, excepting such only as are engaged in the Transport of Slaves from one Port to another of his own Dominions in *Africa*, between the Port of *Lamoo* to the North, and its Dependencies, the Northern Limit of which is the North Point of *Kuyhoo* Island in 1° 57′ South Latitude, and the Port of *Keelwa* to the South, and its Dependencies, the Southern Limit of which is the *Songa Manara* or *Pagoda Point*, in 9° 2′ South Latitude, including the Islands of *Zanzibar*, *Pemba*, and *Monfea*.

ARTICLE IV.—This Agreement to commence and have effect from the First Day of *January* One thousand eight hundred and forty-seven of the Year of *Christ*, and the Fifteenth Day of the Month of *Mohunum* One thousand two hundred and sixty-three of the *Hejira*.

Done at *Zanzibar*, this Second Day of *October* One thousand eight hundred and forty-five of the Year of *Christ*, and Twenty-ninth Day of *Ramzan* One thousand two hundred and sixty-one of the *Hejira*.

(Signed) *Seid Saeed Bin Sultan*, Imaum of *Muscat*.

(Signed) *Atkins Hamerton*, Captain. On behalf of Her Majesty the Queen of *Great Britain* and *Ireland*, Her Heirs and Successors.

And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Agreement: Be it therefore enacted by the Queen'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 it shall be lawful for the Commander and other Officers of Her Majesty's Ships of War or of the *East India* Company to visit and detain in any Seas, except within the Limits exempted by the Terms of the Third Article of the said Agreement, any Merchant Vessel belonging to the Subjects of the Imaum of *Muscat* which shall upon reasonable Grounds be suspected of being engaged in the Export of Slaves from the *African* Dominions of the Imaum of *Muscat*, or the Importation of Slaves from any Part of *Africa* into his Possessions in *Asia*, excepting such only as are engaged in the Transport of Slaves from one Port to another of his own Dominions in *Africa*, between the Port of *Lamoo* to the North, and its Dependencies, the Northern Limit of which is the North Point of *Kuyhoo* Island, in 1° 57′ South Latitude, and the Port of *Keelwa* to the South, and its Dependencies, the Southern Limit of which is the *Songa Manara* or *Pagoda Point*, in 9° 2′ South Latitude, including the Islands of *Zanzibar*, *Pemba*, and *Monfea*, or any Vessel fitted out for that Purpose, and to

Power to Commanders of Ships of War and of the East India Company to visit Vessels belonging to Subjects of the Imaum of Muscat, within certain Limits, suspected of being engaged in the Slave Trade.

to send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication as herein-after mentioned.

As to the Trial of Vessels engaged in the Slave Trade.

II. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take cognizance of and try any such Vessel which shall be detained or captured for the Violation of the said Agreement, and to condemn any such Vessel to Her Majesty, and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Persons giving false Evidence deemed guilty of Perjury.

III. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Agreement 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; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*; and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IV. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Agreement, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done under or in pursuance of the Provisions of the said Agreement.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

V. And be it enacted, That any Ship or Vessel which shall be condemned as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners

missioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned, be entitled to the Proceeds belonging to HerMajesty.

VI. And be it enacted, That where any Ship or Vessel employed or engaged in such illicit Traffic in Slaves, in violation of the said Agreement, shall be seized by any Ship or Vessel belonging to Her Majesty or the *East India* Company, and afterwards condemned, there shall be paid to the Captors the net Proceeds to which Her Majesty is entitled, the same to be distributed in the Manner hereinafter directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

VII. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships, or the Commander, Officers, and Crews of the Ships of the *East India* Company, a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken and condemned in pursuance of the Provisions of the said Agreement and of this Act; such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, made or to be made, or by any Proclamation for that Purpose.

A Bounty to be paid on Tonnage of Slave Ships captured and demolished.

VIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Agreement shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, in addition to the Amount of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid on Tonnage.

IX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Agreement, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships, or those of the *East India* Company, an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships, or of those of the *East India* Company, making the Seizure, may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

X. And

Bounties to be paid out of the Consolidated Fund.

X. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships, and of the Ships of the *East India* Company, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Captors entitled to Bounty to give Proof of Tonnage.

XII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seised and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Copy of Sentence of Condemnation to be produced to the Treasury.

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves.

In certain Cases Treasury may order One Moiety of the Bounty to be paid.

XIV. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any Ship or Vessel taken and condemned in pursuance of the said Agreement and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any Vessel confiscated in pursuance of the Provisions of the aforesaid Agreement, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations and Penalties to which Prize Agents are liable

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money,

extended to Bounties, &c. under this Act.

Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Treasury may order Payment of Costs awarded for Vessels detained, but not condemned.

XVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Imaum of *Muscat* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, or of those of the *East India* Company, and the said Ship shall be restored by Sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

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