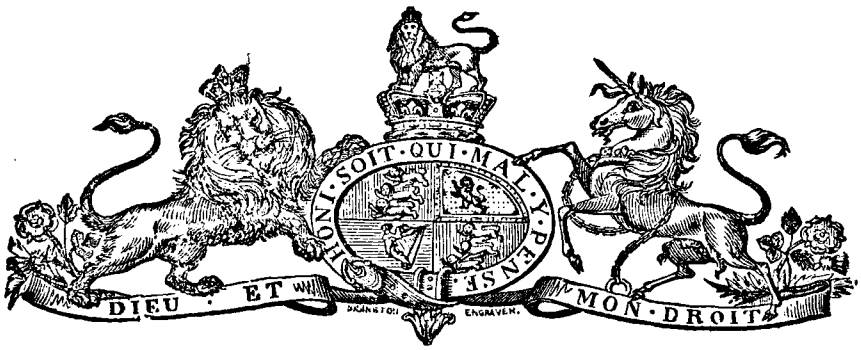


ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act for better and more effectually carrying into effect Treaties and Conventions with Foreign States for suppressing the Slave Trade.

[30th *June* 1842.]

WHEREAS Her Majesty is engaged in Negotiations with certain Foreign Powers, for the Purpose of concluding Treaties, Conventions, or additional Stipulations, having for their Object the Suppression of the Slave Trade: And whereas such Treaties, Conventions, and Stipulations may contain Engagements for establishing Tribunals to try and decide Questions which may arise under such Treaties, Conventions, or Stipulations: And whereas it is expedient that Provision should be made for carrying such Treaties, Conventions, or Stipulations into execution: 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 Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, as may in and by the said Treaties, Conventions, or Stipulations, and Regulations thereto annexed, be stipulated to be appointed by Her Majesty, and from Time to Time to supply any

Her Majesty may appoint Commissary Judges and Commissioners of Arbitration.

any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall from Time to Time direct; and such Commissary Judges and Commissioners of Arbitration, Judges and Arbitrators, are hereby authorized and empowered to examine and decide all such Cases of Detention, Capture, and Seizure of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaties, Conventions, Instructions, and Regulations, or included therein, as are by any such Treaties, Conventions, Stipulations, Instructions, and Regulations therein made subject to their Jurisdiction, and to proceed therein, and give such Judgments and make such Orders therein, and to do all other Acts, Matters, and Things appertaining thereto, agreeably to the Provisions of such Treaties, Conventions, or Stipulations, and any Instructions and Regulations annexed thereto, as fully and effectually, to all Intents and Purposes, as if special Powers and Authorities for that Purpose were specifically and particularly inserted and given in relation thereto in this Act.

Their Jurisdiction.

The Queen may appoint a Secretary to the Commission Courts, and grant him a Salary;

II. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to nominate and appoint a Secretary or Registrar to the respective Commissions and Courts which shall be established in Her Majesty's Dominions, and from Time to Time supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and every such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the Duties of such Office as set forth and described in any Treaty, Convention, or Stipulation, Instructions and Regulations respectively, for which he shall have been appointed, and to 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 any such Treaty, Convention or Stipulation, and the Instructions and Regulations therein respectively contained.

his Authority and Duty.

Governors of Colonies to fill up Vacancies in Commissions pro tempore.

III. And be it enacted, That it shall be lawful for the Governor or Lieutenant Governor or principal Magistrate of the Colony or Settlement in which such Commission or Court shall sit within the Possessions of Her *Britannic* Majesty to fill up every Vacancy which shall arise in such Commission or Court, either of Commissary Judge, Commissioner of Arbitration, or any Officer thereof, appointed by Her Majesty as aforesaid, according to the Provisions contained in any Regulations annexed to such Treaties, Conventions, or Stipulations as aforesaid, *ad interim*, until such Vacancy or Vacancies shall be thereafter filled by some Person or Persons appointed by Her Majesty for that Purpose.

IV. And

Oath to be taken by Commissary Judges and Arbitrators.

IV. And be it enacted, That every Commissary Judge and Commissioner of Arbitration appointed by Her Majesty, or *ad interim*, as aforesaid, shall, before he shall enter upon the Execution of any of the Duties of such his Office, take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission or Court shall be appointed to reside; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to Her Majesty in which such Commission or Court shall be appointed 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 Preference or Favour, 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, Regulations, and Instructions contained in the Treaty or Convention between Her Majesty and [*specify the Treaty, Convention, or Stipulation*].
So help me GOD.'

Oath to be taken by Secretary or Registrar.

V. And be it enacted, That every Secretary or Registrar appointed by Her Majesty, or *ad interim*, as aforesaid, under the Provisions of any such Treaty, Convention, or Stipulation, or Instructions and Regulations, 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 Commission to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour, either for Claimants or Captors or any other Persons.
So help me GOD.'

Oaths and Depositions in Judicial Proceedings to be administered by Commissary Judges, &c.;

VI. And be it enacted, That it shall be lawful for the said Commissary Judges, or for any such Secretary or Registrar, 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 said Commissary Judges and Commissioners of Arbitration, in the Cases in which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaties, Conventions, Stipulations, Instructions, or Regulations; and it shall also be lawful for the said Commissary Judges and Commissioners 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, or 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

who may summon Witnesses and send for Papers.

monses, Orders, and Precepts, by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Persons giving false Evidence shall be deemed guilty of Perjury.

VII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition or Affidavit had or taken upon or in any Proceeding before the said Commissary Judges or Commissioners aforesaid, or in any Examination or Deposition or Affidavit had or taken before the said Secretary or Registrar, under any such Treaty, Convention, or Stipulation, or Instructions or Regulations, 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*.

Venue therein.

Pendency of Suits before the Commissioners shall be a Bar to any other Suit.

VIII. And be it enacted, That the Pendency of any Suit or Proceeding instituted before the said Commissioners for the Condemnation or Restitution of any Ship or Cargo or Slaves, taken, seized, or detained by virtue of any such Treaty, Convention, or Stipulation, or Instructions or Regulations thereto annexed, or the final Adjudication or Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be, and be deemed and adjudged in any Court whatever to be, a good and complete Bar in any Action, Suit, or Proceeding, whether brought or instituted by any Person or Persons, for the Recovery of any Ship, Vessel, or Cargo, or of any Damage for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or Act, Matter, or Thing, done under the Authority or in pursuance of the Provisions of the said Treaties or Conventions, or of the Instructions or Regulations thereto annexed.

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