

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. CXXII.

An Act to amend an Act, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation and final Abolition of the* African *Slave Trade.*

[8th *August* 1845.]

WHEREAS a Convention was concluded between His late Majesty King *George* the Fourth and the Emperor of *Brazil*, for the Regulation and final Abolition of the *African* Slave Trade, and signed at *Rio de Janeiro* on the Twenty-third Day of *November* One thousand eight hundred and twenty-six: And whereas by the said Convention it was agreed between the High Contracting Parties to adopt, for the Purpose and Period therein referred to, the several Articles and Provisions of the Treaties concluded between His said late Majesty and the King of *Portugal* on this Subject on the Twenty-second Day of *January* One thousand eight hundred and fifteen and on the Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and the several explanatory Articles which had been added thereto, with the Instructions, Regulations, and Forms of Instruments annexed to the Treaty of the said Twenty-eighth Day of *July* One thousand eight hundred and seventeen, and to appoint forthwith Mixed Commissions for adjudicating the Cases of Vessels detained under the Provisions of the aforesaid Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six: And whereas such Mixed Commissions were accordingly appointed: And whereas an Act was passed in the Eighth Year of the Reign of His said late Majesty, to carry that Convention into execution, intituled *An Act to carry into execution a Convention between His Majesty and the Emperor of* Brazil, *for the Regulation* 7 & 8 G. 4. c. 74.

and final Abolition of the Slave Trade: And whereas on the Twelfth Day of *March* One thousand eight hundred and forty-five it was notified by the Imperial Government of *Brazil* to Her Majesty's Government, that the *British* and *Brazilian* Mixed Commissions established at *Rio de Janeiro* and *Sierra Leone* would cease on the Thirteenth Day of the said Month of *March;* but that the Imperial Government would agree that the said Mixed Commissions should continue for Six Months longer, for the sole Purpose of adjudicating the Cases pending, and those which might have occurred before the said Thirteenth Day of *March:* And whereas it has become necessary to provide for the Adjudication of the Cases of such Vessels detained under the Provisions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six as were pending before the said Commissions or either of them and remained undecided on the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained under the said Convention previously to the said Thirteenth Day of *March*, but had not then been brought in for Adjudication: 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 said Mixed Commissions established at *Rio de Janeiro* and *Sierra Leone* to proceed up to the Thirteenth Day of *September* in the current Year in the Adjudication of the Cases of such Vessels detained under the Provisions of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six as were pending before them or either of them and remained undecided on the said Thirteenth Day of *March*, and of the Cases of such other Vessels as may have been detained under the said Convention previously to the said Thirteenth Day of *March*, but had not then been brought in for Adjudication, in the same Manner and with the like Powers and Authorities in all respects as they possessed and exercised under the said Convention and under the said Act of Parliament.

Mixed Commissions to proceed up to the 13th Sept. 1845 in Adjudication of Vessels taken before the 13th of March 1845.

II. And be it declared and enacted, That any Decree or Sentence which may have been or shall be made or passed by either of the said Mixed *British* and *Brazilian* Commissions established at *Rio de Janeiro* and *Sierra Leone*, on any Vessel or Vessels captured and brought in before either of the said Commissions from the said Thirteenth Day of *March* last to the said Thirteenth Day of *September* ensuing inclusive by any Person or Persons in Her Majesty's Service acting under any such Order or Authority as aforesaid, is and shall be good and valid to all Intents and Purposes.

Certain Decrees and Sentences of Mixed Commissions to be valid.

III. And whereas by the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six it was agreed and concluded by and between the High Contracting Parties, that at the Expiration of Three Years, to be reckoned from the Exchange of the Ratifications of the said Convention, it should not be lawful for the Subjects of the Emperor of *Brazil* to be concerned in the carrying on of the *African* Slave Trade under any Pretext or in any Manner whatever, and that the carrying on such Trade after that Period by any Person, Subject of His Imperial Majesty, should be deemed and treated as Piracy: And whereas it has become necessary,

Part of 7 & 8 G. 4. c. 74. repealed.

sary, for the Purpose of carrying into effect the said Convention, that so much of the said Act of the Eighth Year of the Reign of His late Majesty King *George* the Fourth as prohibits the High Court of Admiralty and the Courts of Vice Admiralty from exercising Jurisdiction over Vessels captured in virtue of the said Convention shall be repealed, and that further Provisions be made for the due Execution of the same; be it enacted, That so much of the said Act as prohibits the High Court of Admiralty or any Court of Vice Admiralty in any Part of Her Majesty's Dominions from adjudicating on any Claim, Action, or Suit arising out of the said Convention, or as makes any Provision for barring any such Claim, Action, Suit, or Proceeding in the High Court of Admiralty or any of the said Courts of Vice Admiralty, shall be repealed.

Vessels engaged in the Slave Trade contrary to the said Convention to be tried by Courts of Admiralty.

IV. And be it enacted, That it shall be lawful for Her Majesty's High Court of Admiralty and any Court of Vice Admiralty within Her Majesty's Dominions to take cognizance of and adjudicate any Vessel carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, and detained and seized on that Account subsequently to the said Thirteenth Day of *March*, by any Person or Persons in the Service of Her Majesty, under any Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, and the Slaves and Cargo found therein, in like Manner and under the like Rules and Regulations as are contained in any Act of Parliament now in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully to all Intents and Purposes as if such Acts were re-enacted in this Act as to such Vessels, and to such High Court of Admiralty or Courts of Vice Admiralty.

Indemnity to Persons acting in execution of this Act.

V. And be it enacted, That all Persons acting under any such Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, or of One of Her Majesty's Secretaries of State, shall be freed and indemnified from and against all Writs, Actions, Suits, and Proceedings whatever, and all Prosecutions and Penalties, for being concerned in any Search, Detention, Capture, or Condemnation of any Vessel which shall have been found carrying on the *African* Slave Trade in contravention of the said Convention of the Twenty-third Day of *November* One thousand eight hundred and twenty-six, or in the Arrest or Detention of any Person found on board such Vessel, or on account of the Cargo thereof, or any thing done in relation thereto, and that no Action, Suit, Writ, or Proceeding whatever shall be maintained or maintainable in any Court in any Part of Her Majesty's Dominions against any Person for any Act done under any such Order or Authority as aforesaid.

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

VI. And be it enacted, That any Ship or Vessel which shall be detained under any such Order or Authority as aforesaid, and shall have been condemned by Her Majesty's High Court of Admiralty or by any Court of Vice Admiralty, may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall deem a proper Price for the same, or, if not so taken, shall be broken

broken up and entirely demolished, and the Materials thereof shall be publicly sold in separate Parts.

Reports of Vessels condemned to be laid before Parliament.

VII. And be it enacted, That every Court of Vice Admiralty shall from Time to Time as shall be required by the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, certify to the said Lord High Admiral or Commissioners the Name of every Ship or Vessel condemned in such Court of Vice Admiralty under this Act, and the Date of the Condemnation thereof; and the said Lord High Admiral or Commissioners shall once in every Year report to Her Majesty which of the Ships or Vessels condemned in the said High Court of Admiralty or in any Court of Vice Admiralty under this Act have been taken into Her Majesty's Service, and which have been broken up, and in each Case the Amount of the Price paid for the same or Sum for which the Materials were sold; and a Copy of every such Report shall be laid before both Houses of Parliament within Six Weeks after the same shall be received, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Extending Provisions of 5 G. 4. c. 113., 11 G. 4. & 1 W. 4. c. 55., 1 & 2 Vict. c. 47., and 5 & 6 Vict. c. 91. to Vessels seized under this Act.

VIII. And be it enacted, That so much of the several Enactments set forth in an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, and in an Act passed in the First Year of the Reign of His late Majesty, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*, and in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*, as relates to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeitures to the Crown; to rewarding the Captors with a Bounty on the Vessel as well as on the Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty where Slaves may not have been condemned or delivered over in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court; and also the whole of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade*, shall be applied, *mutatis mutandis*, to all Cases of Vessels detained and seized for carrying on the *African* Slave Trade in contravention of the said Convention.

Alteration of Act.

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

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