ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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C A P. LXXIII.

An Act for the Suppression of the Slave Trade.

[24th *August* 1839.]

WHEREAS it is expedient that Persons employed under the Authority of Her Majesty in the Detention and Seizure of Vessels engaged in the Slave Trade should be indemnified against the Consequences of vexatious Suits and Actions with which they may be harassed: And whereas it is also expedient that Power should be given to the High Court of Admiralty and to Courts of Vice Admiralty to adjudicate upon Vessels and their Cargoes captured for having been engaged in the Slave Trade, and also upon Slaves taken on board thereof: And whereas it is further expedient to extend the Provisions of certain Acts of Parliament which empower Her Majesty to grant Bounties for the Capture of Vessels engaged in the Slave Trade: And whereas Her Majesty has been pleased to issue Orders to Her Cruizers to capture *Portuguese* Vessels engaged in the Slave Trade, and other Vessels engaged in the Slave Trade not being justly entitled to claim the Protection of the Flag of any State or Nation: May it therefore please Your Majesty that it may be enacted; and be it 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 any Person or Persons in Her Majesty's Service, under any Order or Authority of the Lord High Admiral or of the Commissioners for

Authorizing the Seizure of certain Vessels engaged in the

Slave Trade, and indemnifying Persons acting under Orders given for that Purpose.

executing the Office of Lord High Admiral of *Great Britain*, or of any one of Her Majesty's Secretaries of State, to detain, seize, and capture any such Vessels, and the Slaves, if any, found therein, and to bring the same to Adjudication in the High Court of Admiralty of *England*, or in any Vice Admiralty Court within Her Majesty's Dominions, in the same Way as if such Vessels and the Cargoes thereof were the Property of *British* Subjects; and all Persons concerned in or advising the giving of, or giving or issuing, any such Order or Authority, or acting under or in pursuance thereof, or carrying the same into execution, shall be and they are hereby indemnified: Provided always, that no such Court shall proceed to condemn any Vessel, not being *British* or *Portuguese*, the Owners or Master whereof shall establish to the Satisfaction of such Court that they are entitled to claim the Protection of the Flag of a State other than *Great Britain* or *Portugal*.

Actions against Persons for seizing Vessels engaged in the Slave Trade not to be maintained.

II. And be it enacted, That no Action, Suit, Writ, or Proceeding whatever shall be maintained or maintainable in any Court in the United Kingdom, or in any of Her Majesty's Dominions, Colonies, or Settlements out of the United Kingdom, against any Person acting under such Order or Authority, for or on account of being concerned in any Search, Detention, Seizure, Capture, or Condemnation of any Vessel which shall have been found with Slaves on board, or equipped for the Slave Trade, or in the Arrest or Detention of any Person found on board such Vessel, or for or on account of the Cargo thereof, or any Act, Matter, or Thing done in relation to such Search, Detention, Seizure, Capture, Condemnation, or Arrest.

For Trial of Vessels engaged in the Slave Trade.

III. 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 Colonies or Dominions of Her Majesty beyond the Seas, to take cognizance of and try any such *Portuguese* Vessel which shall be detained or captured either to the North or to the South of the Equator, under any such Order or Authority, and any Vessel which shall not establish to the Satisfaction of such Court that she is justly entitled to claim the Protection of the Flag of any State or Nation, and to condemn any such Vessel, 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 and effectually, to all Intents and Purposes, as if all the Powers, Authorities, and Provisions contained in such Acts were repeated and re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Circumstances under which Vessels are to be liable to Seizure.

IV. And be it enacted, That every such Vessel shall be subject to Seizure, Detention, and Condemnation, under any such Order or Authority, if in the Equipment of such Vessel there shall be found any of the Things herein-after mentioned; namely,

First—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels:

Secondly—Divisions or Bulkheads in the Hold or on Deck more numerous than are necessary for Vessels engaged in lawful Trade:

Thirdly

Thirdly—Spare Plank fitted for being laid down as a Second or Slave Deck:

Fourthly—Shackles, Bolts, or Handcuffs:

Fifthly—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel:

Sixthly—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce:

Seventhly—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel:

Eighthly—A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size:

Ninthly—An extraordinary Quantity either of Rice or of the Flour of *Brazil*, Manioc, or Cassada, commonly called Farinha, of Maize or of *Indian* Corn, or of any other Article of Food whatever, beyond what might probably be requisite for the Use of the Crew; such Rice, Flour, Maize, *Indian* Corn, or other Article of Food not being entered on the Manifest as Part of the Cargo for Trade:

Tenthly—A Quantity of Mats or Matting larger than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel:

Any One or more of these several Circumstances, if proved, shall be considered as *primâ facie* Evidence of the actual Employment of the Vessel in the Transport of Negroes or others, for the Purpose of consigning them to Slavery, and the Vessel and Cargo shall thereupon be condemned to the Crown, unless it be established by satisfactory Evidence on the Part of the Master or Owners, that such Vessel was, at the Time of her Detention or Capture, employed on some legal Pursuit, and that such of the several Things above enumerated as were found on board of such Vessel at the Time of her Detention, or had been put on board on the Voyage on which, when captured, such Vessel was proceeding, were needed for legal Purposes on that particular Voyage.

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 under any such Order or Authority 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 be entirely demolished, and the Materials thereof shall be publicly sold in separate Parts.

Extending Provisions of 5 G. 4. c. 113. 11 G. 4. & 1 W. 4. c. 55.

VI. And be it enacted, That 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*

and 1 & 2 Vict. c. 47. to Vessels seized under this Act.

relating to the Abolition of the Slave Trade; and also in an Act of First of King *William* the Fourth, Chapter Fifty-five, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves;* and also in an Act of the First and Second of Her present Majesty, Chapter Forty-seven, 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;* relative to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeiture to the Crown; to the Manner of disposing of the Slaves subsequent to Adjudication; 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, shall be applied, *mutatis mutandis*, to Seizures of Vessels under this Act, in like Manner, Form, and Effect as if all the said Matters and Things, and all the said Powers, and Penalties, Provisions, Enactments, and Clauses, were repeated and set forth, *mutatis mutandis*, in this Act.

Act may be altered this Session.

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

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