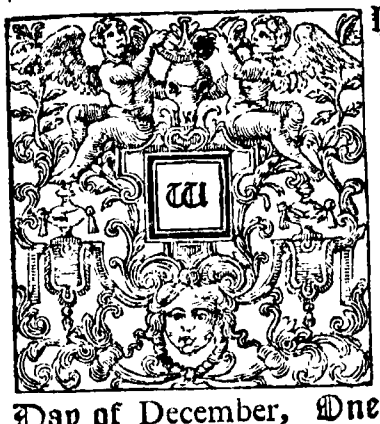
ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXVI.

An Act for preventing Abuſes in the Sale of Shares of *Britiſh*-built Ships to Foreigners.



WHEREAS by an Act of Parliament, made in the Twelfth Year of the Reign of His Majeſty King Charles the Second, (intituled, An Act for the encouraging and increaſing of Shipping and Navigation); it is, amongſt other Things, enacted, That from and after the Firſt Day of December, One thouſand ſix hundred and ſixty, and from thenceforward, no Goods or Commodities whatſoever ſhall be imported into, or exported out of, any Lands, Iſlands, Plantations, or Territories to His Majeſty belonging, or in His Poſſeſſion, or which may thereafter belong unto, or be in the Poſſeſſion of His Majeſty, His Heirs or Succeſſors, in Aſia, Africa, or America, in any other Ship or Ships, Veſſel or Veſſels Preamble. Act 12 *Car.* II.

Veſſels whatſoever, but ſuch Ships and Veſſels as did truly and without Fraud belong only to the People of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or were of the Built of, or belonging to, any of the ſaid Lands, Iſlands, Plantations, or Territories, as the Proprietors and right Owners thereof; and whereof the Maſter and Three-fourths of the Mariners at leaſt were Engliſh, under the Penalty of the Forfeiture and Loſs of all the Goods and Commodities which ſhould be imported into, or exported out of, any of the aforeſaid Places, in any other Ship or Veſſel, as alſo of the Ship or Veſſel, with all its Guns, Furniture, Tackle, Ammunition, and Apparel; One-third Part thereof to His Majeſty, His Heirs and Succeſſors; One-third Part to the Governor of ſuch Land, Plantation, Iſland, or Territory, where ſuch Default ſhould be committed, in caſe the ſaid Ship and Goods be there ſeized, or otherwiſe; that Third Part alſo to His Majeſty, His Heirs and Succeſſors, and the other Third Part to him or them who ſhould ſeize, inform, or ſue for the ſame, in any Court of Record, by Bill, Information, Plaint, or other Action, wherein no Eſſoin, Protection, or Wager of Law, ſhould be allowed; and all Admirals and other Commanders at Sea, of any of the Ships of War, or other Ships having Commiſſion from His Majeſty, His Heirs or Succeſſors, were thereby authoriſed and ſtrictly required, to ſeize and bring in as Prize, all ſuch Ships or Veſſels as ſhall have offended contrary hereunto, and deliver them to the Court of Admiralty, there to be proceeded againſt; and in caſe of Condemnation, One Moiety of ſuch Forfeiture ſhall be to the Uſe of ſuch Admirals or Commanders, and their Companies, to be divided and proportioned amongſt them, according to the Rules and Orders of the Sea, in caſe of Ships taken Prize, and the other Moiety to the Uſe of His Majeſty, His Heirs and Succeſſors: And it is alſo by the ſaid Act further enacted, That no Alien or Perſon not within the Allegiance of our Sovereign Lord the King, His Heirs and Succeſſors, or naturalized or made a free Denizen, ſhall, from and after the Firſt Day of February, which ſhould be in the Year of our Lord

One thousand six hundred and sixty-one, exercise the Trade or Occupation of a Merchant or Factor in any of the said Places, upon the Pain of the Forfeiture and Loss of all his Goods and Chattels, or which are in his Possession, One-third to His Majesty, His Heirs and Successors, One-third to the Governor of the Plantation where such Person shall so offend, and the other Third to him or them that shall inform or sue for the same, in any of His Majesty's Courts in the Plantation where such Offence shall be committed: And whereas by One other Act of Parliament, made and passed in the Seventh and Eighth Years of the Reign of His late Majesty King William the Third, (intituled, An Act for preventing Frauds, and regulating Abuses, in the Plantation Trade), it is, amongst other Things, enacted, That after the Twenty-fifth Day of March, One thousand six hundred and ninety-eight, no Goods or Merchandises whatsoever shall be imported into, or exported out of, any Colony or Plantation to His Majesty in Asia, Africa, or America, belonging, or in His Possession, or which may hereafter belong unto, or be in the Possession of His Majesty, His Heirs or Successors, as shall be laden in, or carried from, any One Port or Place in the said Colonies or Plantations to any other Port or Place in the same, the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, in any Ship or Bottom, but what is or shall be of the Built of England, or of the Built of Ireland, or the said Colonies or Plantations, and wholly owned by the People thereof, or any of them, and navigated with the Masters and Three-fourths of the Mariners of the said Places only, (except such Ships only as are or shall be taken as Prize, and Condemnation thereof made in One of the Courts of Admiralty in England, Ireland, or the said Colonies or Plantations), to be navigated by the Master and Three-fourths of the Mariners English, or of the said Plantations as aforesaid, and whereof the Property did belong to Englishmen; and also, except for the Space of Three Years, such foreign-built Ships as should be employed by the Commissioners of His Majesty's Navy for the Time being, or upon Contract with them, in bringing only Masts, Timber, and other Naval Stores, for the King's Service,

and 7 & 8 *Gul.* III. recited.

vice, from his Majesty's Colonies or Plantations to this Kingdom, to be navigated as aforesaid, and whereof the Property doth belong to Englishmen, under Pain of Forfeiture of Ship and Goods, One-third whereof to be to the Use of his Majesty, his Heirs and Successors, One-third Part to the Governor of the said Colonies or Plantations, and the other Third Part to the Person who shall inform or sue for the same, by Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, or in any Court in his Majesty's Plantations, where such Offence shall be committed; and it is by the said last-recited Act further enacted, That from and after the Twenty-fifth Day of March, One thousand six hundred and ninety-eight, no Ship or Vessel whatsoever shall be deemed or pass as a Ship of the Built of England, Ireland, Wales, Berwick, Guernsey, Jersey, or any of his Majesty's Plantations in America, so as to be qualified to trade to, from, or in, any of the Plantations, until the Person or Persons claiming Property in such Ship or Vessel shall register the same as followeth; that is to say, If the Ship, at the Time of such Register, doth belong to any Port in England, Ireland, Wales, or to the Town of Berwick upon Tweed, then Proof shall be made, upon Oath, of One or more of the Owners of such Ship or Vessel before the Collector and Comptroller of his Majesty's Customs in such Port; or if at the Time of such Register the Ship belong to any of his Majesty's Plantations in America, or to the Islands of Guernsey or Jersey, then the like Proof to be made before the Governor, together with the principal Officer of his Majesty's Revenue residing on such Plantation or Island; which Oath the said Governor and Officers of the Customs respectively are thereby authorised to administer in the Tenor following; videlicet,

JURAT A. B. That the Ship [Name] of [Port] whereof [Master's Name] is at present Master, being a [kind of built] of [Burthen] Tons, was built at [Place where]

in

in the Year [Time when]
and that [Owners Name]
of and of *etcetera*, are at present Owners thereof; and that no Foreigner, directly or indirectly, hath any Share or Part or Interest therein.

Which Oath being attested by the Governor or Custom-house Officer respectively, who administered the same under their Hands and Seals, shall, after having been registered by them, be delivered to the Master of the Ship, for the Security of her Navigation, a Duplicate of which Register shall be immediately transmitted to the Commissioners of his Majesty's Customs in the Port of London, in order to be entered in a general Register to be there kept for this Purpose; with Penalty upon any Ship or Vessel trading to, from, in any of His Majesty's Plantations in America, after the said Twenty-fifth Day of March, and not having made Proof of her Built and Property, as is here directed, that she shall be liable, and she is thereby made liable to such Prosecution and Forfeiture, as any Foreign Ship, (except Prizes condemned in the High Court of Admiralty), would for trading with these Plantations by such Law be liable to: And it is also further enacted, That no Ships Name registered shall be afterwards changed without registering such Ship de novo, which is thereby required to be done, upon any Transfer of Property to another Port, and delivering up the former Certificate to be cancelled, under the same Penalties, and in the like Manner as is therein-before directed; and that in case there be any Alteration of Property in the same Port, by the Sale of One or more Shares of any Ship, after registering thereof, such Sale shall always be acknowledged by Indorsement on the Certificate of the Register, before Two Witnesses, in order to prove that the entire Property in such Ship remains in some of the Subjects of England, if any Dispute arises concerning the same: And whereas, notwithstanding the said good and wholesome Laws, many Inconveniencies have arisen, and may hereafter arise, by Foreigners, or other Persons not natural-born Subjects of His Majesty, becom-

ing poſſeſſed of, and intitled unto, any Part or Share of any Britiſh Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His Majeſty, whereby the other Part Owners of ſuch Ship or Veſſel cannot obtain the Regiſter required by the ſaid Act of the Seventh and Eighth Years of His ſaid late Majeſty King William the Third, for the Security of the Navigation of ſuch Ship or Veſſel, whereby the Trade and Commerce of this Kingdom hath been and may be greatly hindered and obſtructed: For Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and be it 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 ſame, That no Foreigner or other Perſon or Perſons whatſoever, not being a natural-born Subject of His Majeſty, His Heirs or Succeſſors, ſhall be intitled to or ſhall purchaſe or contract for any Part or Parts, Share or Shares, of any Britiſh Ship or Veſſel whatſoever, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, without the Conſent in Writing of the Owner or Owners of Three-fourth Parts in Value at leaſt of ſuch Ship or Veſſel, for that Purpoſe firſt had and obtained, and indorſed on the Certificate of the Regiſter of ſuch Ship before Two Witneſſes; and all Agreements, Contracts, Purchaſes, and Sales, of any Part or Share of any Britiſh Ship or Veſſel, belonging only to natural-born Subjects of His Majeſty, His Heirs or Succeſſors, made, entered into, contracted for, or concluded by any ſuch Foreigner or other Perſon or Perſons not being a natural-born Subject or Subjects of His Majeſty, His Heirs or Succeſſors, without ſuch Conſent firſt had and obtained, and indorſed as aforeſaid, ſhall be, and are hereby declared to be abſolutely null and void, to all Intents and Purpoſes whatſoever.

No Foreigner to contract for any Share of a *Britiſh* Ship without the Conſent of the Owners of Three-fourths of the Value.

FINIS.