ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXVIII.

An Act for the further Encouragement of *Britiſh* Mariners; and for other Purpoſes therein mentioned. [11th *June* 1794.]

Preamble. 12 *Car.* II. Cap. 18.

WHEREAS, by an Act, paſſed in the Twelfth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for the encouraging and increaſing of Shipping and Navigation*, and by ſeveral ſubſequent Acts, *Britiſh* Ships importing Goods of the Growth, Production, or Manufacture of *Aſia*, *Africa*, or *America*, are required to be navigated with a Maſter and Three Fourths of the Mariners *Britiſh* Subjects; and the like Ships, importing certain Goods particularly enumerated and deſcribed in the ſaid Acts, are required to be in like Manner navigated, under the Penalty of Forfeiture of all ſuch Goods as ſhall be loaden and carried in any ſuch Ship or Veſſel, with the Ship or Veſſel, and all her Guns, Ammunition, Tackle, and Apparel: And whereas the Safety and Strength of this Realm greatly depend on the giving all poſſible Encouragement to the training up and Employment of *Britiſh* Mariners, and it is therefore expedient that all *Britiſh* Ships and Veſſels ſhould be required to be navigated in ſuch Manner as will beſt tend to promote that important Object; be it therefore 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 the ſame, That, from and after the Expiration of Six Months from the Concluſion of the preſent War, to be notified in Manner herein-after mentioned, no Goods, Wares, or Merchandize whatever, ſhall be imported or brought into any Port or Place in the Kingdom of *Great Britain*, or in the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, on board any Ship or Veſſel which is or ſhall be regiſtered, or which by Law is or ſhall be required to be regiſtered as a *Britiſh* Ship or Veſſel, unleſs ſuch Ship or Veſſel ſhall be navigated by a Maſter and Three Fourths, at leaſt, of the Mariners *Britiſh* Subjects,

After Six Months from the Concluſion of the preſent War, no Goods, &c. to be imported into *Great Britain*, &c.

II. And be it further enacted by the Authority aforeſaid, That, from and after the Expiration of Six Months from the Concluſion of the preſent War, to be notified in Manner herein-after mentioned, no Goods, Wares, or Merchandize whatever, ſhall be exported, or ſhipped for the Purpoſe of Exportation, from any Port or Place in the Kingdom of *Great Britain*, or the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, on board any ſuch Ship or Veſſel as aforeſaid, unleſs ſuch Ship or Veſſel ſhall be navigated by a Maſter and Three Fourths, at leaſt, of the Mariners *Britiſh* Subjects.

nor any Goods exported from thence in *Britiſh* Veſſels, unleſs the Maſter and Three Fourths of the Crew are *Britiſh* Subjects;

III. And be it further enacted, That, from and after the Expiration of Six Months from the Concluſion of the preſent War, to be notified in Manner herein-after mentioned, no Ship or Veſſel which is or ſhall be regiſtered, or which by Law is or ſhall be required to be regiſtered as a *Britiſh* Ship or Veſſel in any of the Ports of *Great Britain*, *Guernſey*, *Jerſey*, or *The Iſle of Man*, or of any of the Colonies, Plantations, Iſlands, or Territories, belonging, or which may hereafter belong, to His Majeſty, His Heirs and Succeſſors, ſhall be navigated but by a Maſter and Three Fourths, at leaſt, of the Mariners *Britiſh* Subjects, except as is herein after provided.

nor any ſuch Veſſels regiſtered in *Great Britain*, &c. to be otherwiſe navigated but as herein provided.

IV. And whereas by the Laws now in force Ships or Veſſels employed in carrying any Goods or Things whatever from One Port or Creek of *Great Britain*, or of the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, to another Port or Creek of the ſame, or of any of them, are required to be navigated with a Maſter and Three Fourths of the Mariners, at leaſt, *Britiſh* Subjects, under the Penalty of Forfeiture of all ſuch Goods as ſhall be loaden and carried in any ſuch Ship or Veſſel, with the Ship or Veſſel, and all her Guns, Ammunition, Tackle, and Apparel: And whereas it is expedient that all Ships or Veſſels ſo employed, or ſailing in Ballaſt from One of the ſaid Ports or Creeks to another, ſhould be manned with, and navigated wholly and ſolely by, *Britiſh* Subjects; be it therefore further enacted by the Authority aforeſaid, That, from and after Six Months from the Concluſion of the preſent War, to be notified in Manner herein-after mentioned, no Goods, Wares, or Merchandizes whatever, ſhall be carried from any One Port, Member, or Creek, or Place, of *Great Britain*, or of the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, to any other Port, Member, Creek, or Place, of the ſame, or of any of them, in any ſuch Ship or Veſſel; nor ſhall any ſuch Ship or Veſſel be permitted to ſail in Ballaſt from One of the ſaid Ports or

No Goods to be carried from One Place to another in *Great Britain*, &c. nor any Veſſel to ſail in Ballaſt, nor to fiſh on the Coaſts, unleſs wholly manned with *Britiſh* Subjects.

Creeks to another, nor ſhall any *Britiſh* Ship or Veſſel be permitted to ſail from the Ports or Coaſts of this Kingdom, or of the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, to be employed in fiſhing on the ſaid Coaſts, unleſs ſuch Ship or Veſſel ſhall reſpectively be wholly and ſolely manned with, and navigated by, a Maſter and Mariners all *Britiſh* Subjects: Provided always, that it ſhall and may be lawful for Four or more of the Commiſſioners of His Majeſty's Cuſtoms in *England*, and for Three or more of the Commiſſioners of His Majeſty's Cuſtoms in *Scotland* reſpectively, by Licence under their Hands, for which no Fee ſhall be taken, to authorize any ſuch Ship or Veſſel employed in fiſhing on the Coaſt of *Great Britain*, or of the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, to have on board any Foreign Mariner or Mariners, for the Purpoſe of inſtructing the *Britiſh* Mariners in ſuch Ship or Veſſel in the Art of Fiſhing, or taking or curing Fiſh, ſuch Foreign Mariner or Mariners not exceeding One Fourth of the Number of Mariners on board ſuch Ship or Veſſel.

Commiſſioners of the Cuſtoms may authorize Veſſels to have Foreign Mariners to inſtruct *Britiſh* Ones in Fiſhing.

V. And be it further enacted, That where it is required by this or any other Act that the Maſter, and the Whole or any Proportion of the Mariners, of any Ship or Veſſel ſhall be *Britiſh* Subjects, the true Intent and Meaning is, that the Maſter, and the Whole or ſuch Proportions ſhall be *Britiſh* Subjects during the whole Voyage, unleſs in caſe of Sickneſs, Death, Deſertion, or of the Whole or Part of the Crew being taken Priſoners in the Voyage, and in ſuch Caſe the Maſter, or other Perſon having the Charge or Command of ſuch Ship or Veſſel, ſhall ſpecify the ſame in his Report: Provided alſo, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to alter, or in anywiſe affect, any Regulation for navigating or manning of Ships employed in any of the Fiſheries carried on from this Kingdom, or any Part of His Majeſty's Dominions, for which any ſpecial Proviſion has been made by any Act or Acts in force before the Commencement of this Act.

Proportions of *Britiſh* Mariners to be ſo the Whole Voyage unleſs in certain Caſes.

Act not to alter any Regulations for which ſpecial Proviſion has been made.

VI. And, to prevent all Doubts reſpecting the various Terms made uſe of in the ſeveral Laws of Navigation with reſpect to who are to be deemed and taken to be qualified to be Maſters of *Britiſh* Ships, or to be *Britiſh* Sailors, Seamen, or Mariners; be it declared and enacted, That no Perſon ſhall from henceforth be deemed and taken to be qualified to be the Maſter of a *Britiſh* Ship, or to be a *Britiſh* Sailor, Seaman, or Mariner, within the Intent and Meaning of this Act, or of any other Act now in force, except the natural-born Subjects of His Majeſty, His Heirs and Succeſſors, or Perſons naturalized by or by virtue of any Act of Parliament, or made Denizens by Letters of Denization, or except Perſons who have become His Majeſty's Subjects by virtue of Conqueſt or Ceſſion of ſome newly acquired Country, and who ſhall have taken the Oath of Allegiance to His Majeſty, or the Oath of Fidelity required by the Treaty or Capitulation by which ſuch newly acquired Country came into His Majeſty's Poſſeſſion, except as is herein-after provided.

Who ſhall be deemed *Britiſh* Seamen.

VII. And whereas it is expedient that Foreigners who have ſerved or ſhall ſerve faithfully on board His Majeſty's Ships of War in the preſent or any future War for the Time and in the Manner herein-after

mentioned, ſhould be declared to be *Britiſh* Sailors, Seamen, or Mariners, within the Intent and Meaning of the Laws of Navigation under certain Regulations; be it further enacted, That every Foreign Sailor, Seaman, or Mariner, who ſhall have ſerved, or who ſhall ſerve, on board any of His Majeſty's Ships or Veſſels of War, in Time of War, for and during the Space of Three Years, either in One and the ſame Ship or Veſſel, or in different Ships or Veſſels, and who ſhall have obtained a Certificate or Certificates from the Captain or Commander, Captains or Commanders, of ſuch Ships or Veſſels on board of which he ſhall have ſo ſerved, or in caſe of the Death of ſuch Captain or Commander, then upon the Certificate of the Officer then living who ſhall have been next in Rank to ſuch Captain or Commander, teſtifying that he has ſo ſerved, and teſtifying his faithful Service and good Behaviour during the Time of ſuch Service, and who ſhall alſo have taken the Oath of Allegiance to His Majeſty before ſome Juſtice of the Peace or Principal Magiſtrate of ſome City or Town in His Majeſty's Dominions, or before the Principal Officer of His Majeſty's Cuſtoms in any Port of His Majeſty's Dominions, which Oath they are reſpectively hereby authorized to adminiſter, and who ſhall obtain a Certificate from ſuch Juſtice of the Peace, Principal Magiſtrate, or Chief Officer, of his having taken ſuch Oath, which Certificate they are hereby authorized and required to give upon the Payment of no greater Fee than that of One Shilling, ſhall, from and after the Concluſion of the preſent War, be entitled to be employed as a Maſter of a *Britiſh* Ship or Veſſel, or as a *Britiſh* Sailor, Seaman, or Mariner, on board any *Britiſh* Ship or Veſſel, within the Intent and Meaning of this Act, or any of the Laws now in force: Provided always, that no ſuch Foreigner ſhall be entitled to become the Maſter of any *Britiſh* Ship or Veſſel, or to be employed as a *Britiſh* Sailor, Seaman, or Mariner, unleſs he ſhall have delivered the before-mentioned Certificate or Certificates of the Time he ſhall have ſerved, and of his faithful Service and good Behaviour, and the before-mentioned Certificate of his ſo having taken the Oath of Allegiance to the Collector or other Chief Officer of His Majeſty's Cuſtoms in the Port of *London*, or in the Ports of *Chatham*, *Portſmouth*, or *Plymouth*, to be filed by ſuch Collector or other Chief Officer of the Cuſtoms, who are hereby required to deliver to ſuch Foreign Sailor, Seaman, or Mariner, an atteſted Copy thereof, upon paying the Fee of One Shilling, and no more.

Foreign Seamen ſerving Three Years in the Navy in Time of War may be employed as Maſters or *Britiſh* Seamen on Certificate of their Service, &c.

VIII. Provided always, and be it enacted, That no Perſon who is or ſhall become qualified to be the Maſter of a *Britiſh* Ship or Veſſel, or to be a *Britiſh* Sailor, Seaman, or Mariner, by Birth, Naturalization, Denization, Conqueſt, or Service, in Manner herein-before mentioned, and who has taken or ſhall take any Oath of Allegiance to any Foreign Sovereign or State whatſoever, for any Purpoſe whatſoever, except under the Terms of ſome Capitulation upon the Conqueſt of any of the Dominions of His Majeſty, His Heirs or Succeſſors, by any Enemy or Enemies, and for the Purpoſe of obtaining the Benefit of ſuch Capitulation only, ſhall be deemed and taken to be qualified to be the Maſter of a *Britiſh* Ship or Veſſel, or a *Britiſh* Sailor, Seaman, or Mariner, within the Intent and Meaning of any of the Laws of Navigation, unleſs ſuch Perſon ſhall have taken ſuch Oath of Allegiance before he became ſo qualified; and any Perſon who ſhall, after having become diſqualified by taking ſuch Oath of Allegiance as aforeſaid, take the Charge or Command of any

No Perſon who has taken an Oath of Allegiance to any Foreign State, except in certain Caſes, to be qualified to be a Maſter or a *Britiſh* Seaman.

Penalty on diſqualified Perſons acting.

any *Britiſh* Ship or Veſſel, as Maſter or Commander thereof, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; and every Perſon who ſhall, after having become ſo diſqualified as aforeſaid, engage to ſerve as a *Britiſh* Sailor, Seaman, or Mariner, on board any ſuch Ship or Veſſel, ſhall forfeit and pay for every ſuch Offence the Sum of Ten Pounds; ſuch Forfeitures reſpectively to be recovered upon Conviction before a Juſtice of the Peace, if ſuch Offence ſhall be committed in *Great Britain*, and before any Member of the Supreme Court of Juſtice, or any Juſtice of the Peace, if ſuch Offence ſhall be committed in the Iſlands of *Guernſey*, *Jerſey*, or *Man*, or in any Colony, Plantation, Iſland, or Territory, to His Majeſty belonging in *America*: Provided alſo, that no Ship or Veſſel, on board whereof any Perſon who is ſo diſqualified ſhall be employed as Maſter or Commander, ſhall be forfeited by reaſon thereof, if the Owner or Owners of ſuch Ship or Veſſel ſhall ſhew that ſuch Diſqualification of ſuch Maſter or Commander was unknown to ſuch Owner or Owners reſpectively, or to his, her, or their Agent or Agents, and that ſuch Diſqualification of ſuch Sailor, Seaman, or Mariner, was unknown to ſuch Owner or Owners reſpectively, or to his Agent or Agents, and to the Maſter or Commander of ſuch Ship or Veſſel at the Time of engaging ſuch Perſon ſo diſqualified to ſerve on board ſuch Ship or Veſſel: Provided always, that in the Navigation on the Seas of *America* and the *Weſt Indies*, from any Port of *America* and the *Weſt Indies* to any Port of *America* and the *Weſt Indies*, any Negroes belonging to any Perſon or Perſons being or having become His Majeſty's Subjects in Manner aforeſaid, and with the Qualifications aforeſaid, and in the Seas to the Eaſtward of the *Cape of Good Hope*, from any Port to the Eaſtward of the *Cape of Good Hope* to any other Port to the Eaſtward of the *Cape of Good Hope*, Laſcars and other Natives of any of the Countries to the Eaſtward of the *Cape of Good Hope* may be employed as *Britiſh* Sailors, Seamen, or Mariners, in Manner heretofore practiſed: Provided nevertheleſs, that no Negro belonging to any Perſon who has become a Subject of His Majeſty, in Manner before deſcribed, in any of the Iſlands or Colonies late under the Dominion of His Moſt Chriſtian Majeſty, ſhall be entitled to be employed in Manner before-mentioned as a *Britiſh* Sailor, Seaman, or Mariner, unleſs all the Conditions required by an Act, paſſed in the preſent Seſſion of Parliament, intituled, *An Act for granting to Foreign Ships put under His Majeſty's Protection, the Privileges of Prize Ships, under certain Regulations and Reſtrictions; for allowing Aliens in Foreign Colonies ſurrendered to His Majeſty, to exerciſe the Occupations of Merchants or Factors; and for repealing an Act, paſſed in the Twelfth Year of the Reign of His late Majeſty, intituled,* '*An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture, of any of His Majeſty's Sugar Colonies in* America, *from the ſaid Colonies directly to Foreign Parts, in Ships built in* Great Britain, *and navigated according to Law*;' *and alſo ſo much of an Act, paſſed in the Fifteenth Year of the Reign of His late Majeſty, as amends the ſaid Act*; ſhall have been complied with ſo long as the ſaid Act ſhall continue in force.

Veſſels not to be forfeited if the Diſqualification of Perſons was unknown to the Owners.

In *America* and the *Weſt Indies*, and to the Eaſtward of the *Cape of Good Hope*, Negroes, &c. may be employed as heretofore.

No Negro of a Colony late under the Dominion of the *French* King to be employed as a Seaman unleſs the Conditions of 34 *Geo.* III. Cap. 42, be complied with.

IX. Provided always, and be it enacted, That nothing in this Act contained ſhall extend to take away or reſtrain the Effect of any ſuch Proclamation as His Majeſty, His Heirs or Succeſſors, are impowered to make by virtue of an Act, paſſed in the Thirteenth Year of His late Majeſty's

Act not to affect any Proclamation under 13 *Geo.* II. Cap. 3.

jesty's Reign, intituled, *An Act for the better Supply of Mariners and Seamen to serve in His Majesty's Ships of War, and on board Merchant Ships, and other trading Ships and Privateers.*

Goods imported, &c. contrary to this Act to be forfeited with the Vessels, &c.

X. And be it further enacted by the Authority aforesaid, That if any Goods, Wares, or Merchandize whatever, shall be imported or brought, exported or carried Coastwise, contrary to the Provisions of this Act, or any of them, all such Goods, Wares, and Merchandize, and also the Ship or Vessel in which the same shall be so imported or brought, exported or carried Coastwise, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, shall be forfeited; and also if any Ship or Vessel shall sail in Ballast, or shall sail to be employed in Fishing on the Coast in Manner herein-before mentioned, or being required to be manned and navigated with a Master and a certain Proportion of *British* Mariners in Manner herein-before directed, shall not be manned and navigated according to the Provisions of this Act, such Ship or Vessel, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, and all the Goods, Wares, and Merchandize, on board the same, shall be forfeited.

By whom Goods, &c. forfeited may be seized, and how Forfeitures may be sued for and how applied.

XI. And be it further enacted by the Authority aforesaid, That all and every the Goods, Wares, or Merchandize, and all Ships or Vessels forfeited by this Act, may and shall be seized by the Commander or Commanders of any of His Majesty's Ships of War, or any Commissioned, Warrant, or Petty Officer, specially appointed by him or them, or by any Officer or Officers of His Majesty's Customs; and that every Forfeiture incurred by this Act, and whereof the Recovery is not specially provided for by this Act, may and shall respectively be sued for, prosecuted, and recovered, in such Courts, and by such and the like Ways, Means, and Methods, and the Produce thereof respectively disposed of and applied in such and the like Manner, and to such and the like Uses and Purposes, as any Forfeiture incurred by any Law respecting the Revenue of Customs may now be sued for, prosecuted, or recovered, disposed of, and applied, either in this Kingdom, or in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or in any of His Majesty's other Dominions in or out of *Europe* respectively, as the Case may happen to be.

On Production of Certificates of the Necessity of engaging Foreign Mariners, no Vessel to be detained, but the Persons authorized to make Seizures to indorse the Certificates for the Consideration of the Commissioners of Customs.

XII. Provided always, and be it further enacted by the Authority aforesaid, That in case any *British* Ship or Vessel shall be found at Sea, having on board a greater Number of Foreign Mariners than is allowed by this Act, or any Law now in force, or hereafter to be made, and the Master of such Ship or Vessel shall produce a Certificate of the actual Necessity of engaging such Foreign Mariners in some Foreign Port, by Occasion of the Sickness, Death, or Desertion, of the like Number of *British* Mariners, or of the same having been taken Prisoners during his Voyage, and that *British* Mariners could not be engaged at such Foreign Port to supply their Room, and that, for the safe Navigation of such Ship or Vessel, it became necessary to engage and employ such Foreign Mariners, under the Hand of His Majesty's Consul at the Foreign Port where the said Foreign Mariners were so engaged, or if there is not any such Consul there, under the Hands of Two known *British* Merchants at such Foreign Port, it shall not be lawful for any of the Persons au-

thorized by this Act to make Seizures of Ships or Veſſels navigated contrary to the Directions of this Act, to ſtop or detain any ſuch Ship or Veſſel ſo found at Sea, or to hinder her from proceeding on her Voyage, but ſuch Perſons ſhall, and are hereby required to indorſe the Certificate ſo produced, teſtifying the Production thereof, and when and where met with at Sea, and that the Number of Foreign Mariners correſpond with the Certificate of ſuch *Britiſh* Conſul, or ſuch known *Britiſh* Merchants, for the Conſideration and Inveſtigation of the Commiſſioners of His Majeſty's Cuſtoms in *England* and *Scotland* reſpectively.

Notification in the *Gazette* to be deemed the Concluſion of the War.

XIII. And be it further enacted, That for the Purpoſes of this Act, the Concluſion of the preſent War ſhall be holden to be from the Time that the ſame ſhall be notified by Proclamation or Order of His Majeſty in Council, to be publiſhed in *The London Gazette*.

26 *Geo.* III, Cap. 60. recited, and after *Jan.* 1, 1795, no Transfer of Property in any Veſſel to be valid, unleſs made agreeably thereto.

XIV. And whereas, by an Act, paſſed in the Twenty-ſixth Year of His Majeſty's Reign, intituled, *An Act for the further Increaſe and Encouragement of Shipping and Navigation*, it is, amongſt other Things, enacted, that when and ſo often as the Property in any Ship or Veſſel belonging to any of His Majeſty's Subjects ſhall be transferred to any other or others of His Majeſty's Subjects, in Whole or in Part, the Certificate of the Regiſtry of ſuch Ship or Veſſel ſhall be truly and accurately recited in Words at Length, in the Bill or other Inſtrument of Sale thereof, and that otherwiſe ſuch Bill of Sale ſhall be utterly null and void, to all Intents and Purpoſes: And whereas Doubts have ariſen whether, by the ſaid Proviſion, every Transfer of Property in any Ship or Veſſel is required to be made by ſome Bill, or other Inſtrument in Writing, and whether Contracts or Agreements for the Transfer of ſuch Property may not be made without any Inſtrument in Writing; be it enacted, That no Transfer, Contract or Agreement for Transfer, of Property, in any Ship or Veſſel, made, or intended to be made, after the Firſt Day of *January* One thouſand ſeven hundred and ninety-five, ſhall be valid or effectual for any Purpoſe whatſoever, either in Law or in Equity, unleſs ſuch Transfer, or Contract or Agreement for Transfer, of Property, in ſuch Ship or Veſſel, ſhall be made by Bill of Sale or Inſtrument in Writing, containing ſuch Recital as preſcribed by the ſaid recited Act.

On Alteration of Property in Veſſels in the Port to which they belong, after *Jan.* 1, 1795, the Indorſement to be made in a certain Form, &c.

XV. And whereas, by the Laws now in force, upon any Alteration of Property in any Ship or Veſſel in the ſame Port to which ſuch Ship or Veſſel belongs, an Indorſement upon the Certificate of Regiſtry is required to be made; be it enacted, That ſuch Indorſement ſhall, from and after the Firſt Day of *January* One thouſand ſeven hundred and ninety-five, be made in the Manner and Form herein-after expreſſed, and ſhall be ſigned by the Perſon or Perſons transferring the Property of the ſaid Ship or Veſſel, by Sale, or Contract or Agreement for Sale thereof, or by ſome Perſon legally authorized for that Purpoſe by him, her, or them, and a Copy of ſuch Indorſement ſhall be delivered to the Perſon or Perſons authorized to make Regiſtry, and grant Certificates of Regiſtry, otherwiſe ſuch Sale, or Contract or Agreement for the Sale thereof, ſhall be utterly null and void, to all Intents and Purpoſes whatſoever; and ſuch Perſon or Perſons ſo authorized to make Regiſtry, and grant Certificates of Regiſtry, are hereby required to cauſe an Entry thereof to be in-

dorſed on the Oath or Affidavit upon which the Original Certificate of Regiſtry of ſuch Ship or Veſſel was obtained, and ſhall alſo make a Memorandum of the ſame in the Book of Regiſtry, and ſhall forthwith give Notice thereof to the Commiſſioners of His Majeſty's Cuſtoms in *England* and *Scotland*, under whom they reſpectively act:

Form of Indorſement on Change of Property.

Form of Indorſement.

'BE it remembered, That [I *or* we] [*Names, Reſidence, and Occupation, of the Perſons ſelling*] have this Day ſold and transferred all '[my *or* our] Right, Share, or Intereſt, in and to the Ship or Veſſel '[*Name of the Ship or Veſſel*], mentioned in the within Certificate of 'Regiſtry, unto [*Names, Reſidence, and Occupation, of the Purchaſers*]. 'Witneſs [my *or* our Hand *or* Hands] this [*Date in Words at full 'Length.*]

'Signed in the Preſence of
'[*Two Witneſſes*].'

If Veſſels be abſent from the Port to which they belong, when Alteration in the Property ſhall be made, the Sale ſhall ſtill be made as before directed, *&c.*

XVI. Provided always, That if any Ship or Veſſel ſhall be at Sea, or abſent from the Port to which ſhe belongs, at the Time when ſuch Alteration in the Property thereof ſhall be made as aforeſaid, ſo that an Indorſement or Certificate cannot be immediately made, the Sale, or Contract or Agreement for the Sale thereof, ſhall notwithſtanding be made by a Bill of Sale or other Inſtrument in Writing as before directed, and a Copy of ſuch Bill of Sale, or other Inſtrument in Writing, ſhall be delivered, and an Entry thereof ſhall be indorſed on the Oath or Affidavit, and a Memorandum thereof ſhall be made in the Book of Regiſters, and Notice of the ſame ſhall be given to the Commiſſioners of the Cuſtoms, in the Manner herein-before directed; and within Ten Days after ſuch Ship or Veſſel ſhall return to the Port to which ſhe belongs, an Indorſement ſhall be made and ſigned by the Owner or Owners, or ſome Perſon legally authorized for that Purpoſe by him, her, or them, and a Copy thereof ſhall be delivered in Manner herein-before mentioned, otherwiſe ſuch Bill of Sale, or Contract or Agreement for Sale thereof, ſhall be utterly null and void, to all Intents and Purpoſes whatſoever, and Entry thereof ſhall be indorſed, and a Memorandum thereof made, in the Manner herein-before directed.

Regulations for Transfer of Property where Owners reſide in any Country not under the Dominion of His Majeſty.

XVII. Provided alſo, and be it enacted, That in all Caſes where the Owner or Owners of any Ship or Veſſel ſhall reſide in any Country not under the Dominion of His Majeſty, His Heirs and Succeſſors, as Member or Members of ſome *Britiſh* Factory, or Agent or Agents for, or Partner or Partners in, any Houſe or Co-partnerſhip actually carrying on Trade in *Great Britain* or *Ireland* at the Time when he, ſhe, or they ſhall transfer ſuch Property in any Ship or Veſſel, ſo that an Indorſement cannot be made immediately, nor a Copy of ſuch Bill of Sale, or other Inſtrument in Writing, be delivered, nor an Entry thereof indorſed on the Oath or Affidavit, nor a Memorandum thereof made in the Book of Regiſters, nor Notice of the ſame given to the Commiſſioners of the Cuſtoms, in the Manner before-mentioned, the ſame may be done at any Time within Six Months after ſuch Transfer ſhall have been made, and that within Ten Days after, ſuch Owner or Owners, or ſome Perſon legally authorized for that Purpoſe by him, her, or them, ſhall arrive-

in

in this Kingdom, if ſuch Ship or Veſſel ſhall then be in any Port of this Kingdom, and if not, then within Ten Days after ſuch Ship or Veſſel ſhall ſo arrive, an Indorſement ſhall be made by the Owner or Owners, or ſome Perſon legally authorized for that Purpoſe by him, her, or them, and a Copy thereof ſhall be delivered in Manner herein-before mentioned, otherwiſe ſuch Bill of Sale, or Contract or Agreement for Sale thereof, ſhall be utterly null and void, to all Intents and Purpoſes whatſoever, and Entry thereof ſhall be indorſed, and a Memorandum thereof made, in the Manner herein-before directed.

XVIII. And whereas, by an Act, paſſed in the Twenty-eighth Year of the Reign of His preſent Majeſty, intituled, *An Act more effectually to ſecure the Performance of Quarantine, and for amending ſeveral Laws relating to the Revenue of Cuſtoms*, certain Proviſions were, amongſt other Things, made to prevent the Maſters of Ships or Veſſels from wilfully and maliciouſly detaining and refuſing to deliver up the Certificates of Ships Regiſtry, to the Prejudice of the Owners of ſuch Ships or Veſſels: And whereas the good Purpoſes intended by thoſe Proviſions have not been effected; and it is therefore expedient to make further Proviſions for preventing the Maſters of Ships or Veſſels from withholding Certificates of Regiſtry, to the Prejudice of the Owners of ſuch Ships or Veſſels: Be it therefore enacted by the Authority aforeſaid, That in caſe the Maſter of any Ship or Veſſel, who ſhall have received the Certificate of the Regiſtry thereof, (whether ſuch Maſter ſhall be a Part Owner or not), ſhall wilfully detain and refuſe to deliver up the ſame to the proper Officers impowered to make Regiſtry and grant a Certificate thereof, on the Owner or Owners, or the major Part of the Owners, of ſuch Ship or Veſſel, if ſuch Maſter has not any Property therein, or on the other Owner or Owners, or the major Part of the other Owners, of ſuch Ship or Veſſel, if ſuch Maſter hath any Share or Property therein, requiring him ſo to do, it may and ſhall be lawful to and for the Owner or Owners, or the major Part of the Owners, of ſuch Ship or Veſſel, the Certificate of Regiſtry of which ſhall be detained and refuſed to be delivered up as aforeſaid, to make Complaint on Oath againſt the Maſter of the Ship or Veſſel who ſhall ſo detain and refuſe to deliver up the ſame, of ſuch Detainer and Refuſal, to any Juſtice of the Peace reſiding near to the Place where ſuch Detainer and Refuſal ſhall be in *Great Britain*, or to any Member of the Supreme Court of Juſtice, or any Juſtice of the Peace in the Iſlands of *Jerſey*, *Guernſey*, or *Man*, or in any Colony, Plantation, Iſland, or Territory, to His Majeſty belonging in *America* or the *Weſt Indies*, where ſuch Detainer and Refuſal ſhall be in any of the Places laſt-mentioned, and on ſuch Complaint the ſaid Juſtice or other Magiſtrate ſhall, and is hereby required, by Warrant under his Hand and Seal, to cauſe ſuch Maſter to be brought before him, to be examined touching ſuch Detainer and Refuſal; and if it ſhall appear to the ſaid Juſtice or other Magiſtrate, on Examination of the Maſter, or otherwiſe, that the ſaid Certificate of Regiſtry is not loſt or miſlaid, but is wilfully detained by the ſaid Maſter, ſuch Maſter ſhall be thereof convicted, and ſhall forfeit and pay the Sum of One hundred Pounds, and on Failure of Payment thereof, he ſhall be committed to the Common Gaol, there to remain, without Bail or Mainprize, for ſuch Time as the ſaid Juſtice or

28 *Geo.* III. Cap. 34.

Mode of Proceedings when Maſters withhold Certificates of Regiſtry.

Penalty for withholding Certificates.

or other Magiſtrate ſhall in his Diſcretion deem proper, not being leſs than Six Months, nor more than Twelve Months.

Juſtices to certify Detainer of Certificates, on which Regiſtry may be made *de novo*.

XIX. And be it further enacted, That the ſaid Juſtice or other Magiſtrate ſhall, and he is hereby required to certify the aforeſaid Detainer, Refuſal, and Conviction, to the Perſon or Perſons who granted ſuch Certificate of Regiſtry for ſuch Ship or Veſſel, who ſhall, on the Terms and Conditions of Law being complied with, make Regiſtry of ſuch Ship or Veſſel *de novo*, and grant a Certificate thereof conformably to Law, notifying on the Back of ſuch Certificate the Ground upon which the Ship or Veſſel was ſo regiſtered *de novo*.

Where Property is tranſferred no Veſſel to be regiſtered *de novo* by the Regiſter unleſs Inſtrument of Sale be produced;

XX. And whereas it is expedient that the Officers impowered to make Regiſtry of Ships and Veſſels, and to grant Certificates thereof, in caſe any ſuch Ship or Veſſel is required to be regiſtered *de novo*, ſhould be authorized to require the Production of every Bill or other Inſtrument of Sale, by which the Property in any Ship or Veſſel is transferred; be it therefore enacted by the Authority aforeſaid, That when and ſo often as the Property in any Ship or Veſſel belonging to any of His Majeſty's Subjects ſhall by Sale be transferred, in Whole or in Part, to any other or others of His Majeſty's Subjects, and ſuch Ship or Veſſel ſhall be required to be regiſtered *de novo*, it ſhall and may be lawful to and for all and every the Officer and Officers impowered to make Regiſtry of Ships and Veſſels, and to grant Certificates thereof, to require, and he and they are hereby authorized and directed to require, the Bill or other Inſtrument of Sale thereof to be produced to him or them; and in caſe ſuch Bill or other Inſtrument of Sale ſhall be ſo required to be produced, and the ſame ſhall not be produced to ſuch Officer or Officers, the ſaid Officer or Officers ſhall not make a Regiſtry, nor grant a Certificate of Regiſtry *de novo*, for any ſuch Ship or Veſſel: Provided always, that it ſhall and may be lawful for the Commiſſioners of His Majeſty's Cuſtoms in *England*, or any Four or more of them, and the Commiſſioners of His Majeſty's Cuſtoms in *Scotland*, or any Three or more of them reſpectively, if Application ſhall be made to the ſaid Commiſſioners of the Cuſtoms in *England* and *Scotland* reſpectively, and for the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, of the Iſlands of *Guernſey* or *Jerſey*, or of any Colony, Plantation, Iſland, or Territory, to His Majeſty belonging, if ſuch Application ſhall be made to any of them reſpectively, upon due Conſideration of the particular Circumſtances of the Caſe, to give Direction for regiſtering ſuch Ship or Veſſel *de novo*, and granting a Certificate of ſuch Regiſtry, notwithſtanding ſuch Bill or other Inſtrument of Sale ſhall not have been produced as aforeſaid, and ſuch Regiſtry ſhall be made, and ſuch Certificate thereof ſhall be granted accordingly: Provided always, that all the other Regulations required by the Laws in force concerning the Regiſtry *de novo* of Ships and Veſſels be complied with.

but the Commiſſioners of the Cuſtoms, &c. may give Directions for the Regiſtry.

7 and 8 *Gul.* III, Cap. 22.

XXI. And whereas, by an Act, 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 in caſe there be any Alteration of Property in the ſame Port, by the Sale of One or more Shares in any Ship, after regiſtering thereof, ſuch Sale ſhall always be acknowledged

ledged by Indorſement on the Certificate of the Regiſter before Two Witneſſes, in order to prove that the entire Property in ſuch Ship remains to ſome of the Subjects of *England:* And whereas it is expedient to authorize and require the proper Officers impowered to regiſter Ships and Veſſels, and to grant Certificates thereof, to iſſue Regiſters *de novo* in any Caſe where Part of the Property of any Ship or Veſſel ſhall be ſo tranſferred, if the Owners or Proprietors of ſuch Ship or Veſſel, who were Owners thereof at the Time ſuch Ship or Veſſel was laſt regiſtered, or whoſe Property therein has not been ſo transferred, ſhall be deſirous of having a Certificate of Regiſtry *de novo*, inſtead of the Indorſement on the old Regiſter, as now required: Be it therefore enacted by the Authority aforeſaid, That in caſe there ſhall be any Alteration of Property in the ſame Port, by the Sale of One or more Shares in any Ship or Veſſel, after regiſtering thereof, and the Owner or Owners, Proprietor or Proprietors, of ſuch Ship or Veſſel, who were Owners or Proprietors thereof at the Time ſuch Ship or Veſſel was laſt regiſtered, or whoſe Property therein has not been ſo transferred, ſhall be deſirous of having the Ship or Veſſel regiſtered *de novo*, it ſhall and may be lawful to and for the proper Officers impowered to regiſter Ships and Veſſels, and to grant Certificates thereof, and ſuch Officers are hereby authorized and required to regiſter every ſuch Ship or Veſſel *de novo*, provided all the Rules, Regulations, and Conditions of the before recited Act, paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, and of all other Laws in force concerning the Regiſtry of Ships and Veſſels *de novo*, be complied with.

On Alteration of Property in Veſſels in the ſame Port, they may be regiſtered *de novo*.

XXII. And whereas *Britiſh* Ships or Veſſels, the Property of which is in Whole or in Part transferred to Perſons not being Subjects of His Majeſty, are not entitled to the Privileges of *Britiſh* Ships and Veſſels; and to prevent Frauds in the Employment of ſuch Ships or Veſſels as *Britiſh* Ships or Veſſels, contrary to the Intention of the Laws of Navigation, they are now by Law required, in certain Caſes, to be regiſtered *de novo*; for which Purpoſe it is neceſſary that ſuch Ship or Veſſel ſhould proceed, with all due Diligence, to the Port to which ſhe belongs, or to any other Port in which ſhe may be legally regiſtered, by virtue of the ſaid Act, paſſed in the Twenty-ſixth Year of His preſent Majeſty's Reign, in order to be regiſtered *de novo*; be it enacted, That, from and after the Firſt Day of *March* One thouſand ſeven hundred and ninety-five, as often as any ſuch Transfer of Property in any Ship or Veſſel ſhall be made, while ſuch Ship or Veſſel is upon the Sea, on a Voyage to a Foreign Port or Ports, in caſe the Maſter of ſuch Ship or Veſſel is privy to ſuch Transfer, or, in caſe he is not ſo privy, as ſoon as he ſhall become acquainted therewith, ſuch Ship or Veſſel ſhall proceed directly to the Port or Ports for which the Cargo then on board is deſtined, and ſhall ſail from ſuch Port or Ports, to which the Cargo then on board is deſtined, to the Port of His Majeſty's Dominions to which ſhe belongs, or to any other ſuch Port in which ſhe may be legally regiſtered by virtue of the ſaid Act, and ſuch Ship or Veſſel may take on board, in the Port or Ports for which her original Cargo was deſtined, or in any other Port or Ports, being in the Courſe of her Voyage to the Port of His Majeſty's Dominons in which ſhe may be ſo regiſtered *de novo*, ſuch Cargo, and no other, as ſhall be deſtined and may be legally carried to ſuch Port of His Majeſty's Dominions, where ſhe may be ſo regiſtered *de novo*;

From *March* 1, 1795, on Transfer of Property to Perſons not Subjects of His Majeſty, Maſters of Veſſels to act as herein directed;

novo; and if such Transfer of Property shall be made while such Ship or Vessel is in any Foreign Port, and the Master of such Ship or Vessel is privy to such Transfer, or, in case he is not so privy, as soon as he shall become acquainted therewith, such Ship or Vessel, after having delivered the Cargo then on board such Ship or Vessel at the Port or Ports for which it is destined, shall sail from such Port or Ports to the Port of His Majesty's Dominions to which she belongs, or to any other such Port in which she may be legally registered by virtue of the said Act, and may take on board, at the Port or Ports for which her original Cargo was so destined, or at any other Port, being in the Course of her Voyage to the Port of His Majesty's Dominions in which she may be so registered *de novo*, such Cargo, and no other, as shall be destined, and may be legally carried to such Port of His Majesty's Dominions, where she may be so registered *de novo*; and if such Transfer of Property shall be made while such Ship or Vessel is on a Fishing Voyage, and the Master of such Ship or Vessel is privy to such Transfer, or, in case he is not so privy, as soon as he shall become acquainted therewith, such Ship or Vessel, after having finished such Fishing Voyage, without touching at any Foreign Port or Ports, except for the Purpose of Repairs or Refreshments, or for delivering any Part of the Cargo she may have on board destined for such Foreign Port or Ports, shall sail to the Port of His Majesty's Dominions to which she belongs, or to any other such Port where she may be legally registered by virtue of the said Act, and may take on board, at the Foreign Port or Ports last described, or at any other Port or Ports, being in the Course of her Voyage to the Port of His Majesty's Dominions where she may be so registered *de novo*, such Cargo, and no other, as shall be destined and may be legally carried to such Port of His Majesty's Dominions, and every such Ship or Vessel as aforesaid shall be registered *de novo* as soon as she returns to the Port of His Majesty's Dominions to which she belongs, or to any other such Port in which she may be legally registered by virtue of the said Act; on Failure whereof such Ship or Vessel shall, to all Intents and Purposes, be from thenceforth considered, and deemed and taken to be a Foreign Ship or Vessel, and shall not again be registered, and be entitled to the Privileges of a *British* Ship or Vessel, unless upon special Representation of the Circumstances of the Case to Four or more of the Commissioners of His Majesty's Customs in *England*, or to Three or more of the Commissioners of His Majesty's Customs in *Scotland*, or to the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, of the Islands of *Guernsey* or *Jersey*, or of any Colony, Plantation, Island, or Territory, to His Majesty belonging, as the Case may be, the said Commissioners, Governor, Lieutenant Governor, or Commander in Chief, shall respectively, on Consideration of the special Circumstances of the Case, think fit to order; and in such Case, they are hereby authorized to order that the said Ship or Vessel shall be registered, and be thereby again entitled to the Privileges of a *British* Ship or Vessel, and such Registry shall be made, and such Certificate thereof shall be granted accordingly: Provided always, that all the Regulations required by the Laws in force, concerning the First Registry of Ships and Vessels, shall in every such Case be complied with: Provided nevertheless, that in no Case of the Transfer of Property, in Whole or in Part, of any Ship or Vessel, in the Manner herein-before mentioned, the Ship or Vessel, of which the Property is so transferred, shall be registered *de novo*, or be

and on Failure of Compliance, the Vessels to be deemed foreign, and not entitled to the Privileges of *British* Vessels, unless the Commissioners of the Customs *&c.* think fit, *&c.*

On Transfer of Property Vessels to be registered *de novo* within limited Times.

entitled to the Privileges of a *Britiſh* Ship or Veſſel, unleſs ſuch Ship or Veſſel ſhall return to the Port of His Majeſty's Dominions to which ſhe belongs, or to ſuch other Port in which ſhe may be regiſtered *de novo*, within the Period of Twelve Months after the Date of ſuch Transfer of Property, if ſuch Ship or Veſſel ſhall not be on a Voyage to the Eaſt of the *Cape of Good Hope*, or to the Weſt of *Cape Horn*, or within Two Years, if the Ship or Veſſel is on a Voyage to the Eaſt of the *Cape of Good Hope*, or to the Weſt of *Cape Horn*, at the Time ſuch Transfer of Property ſhall take place, except by the Order of the ſaid Commiſſioners, Governor, Lieutenant Governor, or Commander in Chief reſpectively, upon ſpecial Repreſentation of the Circumſtances of the Caſe, in Manner herein-before authorized.

FINIS.