ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

****

CAP. XXIII.

An Act for regulating the Intercourſe with the Iſland of *Saint Helena*, during the Time *Napoleon Buonaparté* ſhall be detained there; and for indemnifying Perſons in the Caſes therein mentioned.

[11th *April* 1816.]

WHEREAS *Napoleon Buonaparté* is now detained and kept in Cuſtody in the Iſland of *Saint Helena*: And whereas it is requiſite and neceſſary to prohibit all Intercourſe and Communication with the ſaid Iſland of *Saint Helena*, either by His Majeſty's Subjects or by any other Perſon or Perſons, except under the Reſtrictions and according to the Rules, Regulations, and Conditions herein-after ſet forth and preſcribed, during ſuch Time as the ſaid *Napoleon Buonaparté* ſhall be detained and kept, or ſhall be ordered by His Majeſty, His Heirs and Succeſſors, to be detained and kept in the ſaid Iſland of *Saint Helena*: Be it therefore enacted; and it is hereby 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 for and during ſuch Time as the ſaid *Napoleon Buonaparté* ſhall be detained and kept in Cuſtody, or ſhall be ordered by His Majeſty, His Heirs and Succeſſors, to be detained and kept in Cuſtody in the ſaid Iſland of *Saint Helena*, it ſhall not be lawful for any of His Majeſty's Subjects, or for any other Perſon or Perſons whatſoever, (except in Ships or Veſſels of and belonging to or chartered or employed by The United Company of Merchants of *England* trading to the *Eaſt Indies*, duly ordered to proceed to or to rendezvous at the ſaid Iſland, by the ſaid United Company, or by the Governor General of *Fort William*, the Governor of *Fort Saint George* or *Bombay*, or by the ſaid Company's Supra Cargoes in *China*) to trade, go, ſail, or repair to the ſaid Iſland of *Saint Helena*, without the Licence of His Majeſty, His Heirs or Succeſſors, ſigned by One of His Majeſty's Principal Secretaries of State, or without the Licence, Conſent, and Permiſſion of the Governor, or in his Abſence, of the Deputy Governor of the ſaid Iſland for the Time being, or of the Commander for the Time being of His Majeſty's Naval or Military Forces ſtationed off or at the ſaid Iſland; and if any Perſon or Perſons (except as before excepted) other than ſuch as ſhall be thereunto lawfully authorized by ſuch Licence of His Majeſty, His Heirs and Succeſſors, or of the Governor, Deputy Governor or Com-

During the Time Buonaparté ſhall be in Cuſtody in Saint Helena, no Communication to be permitted.

Commander, or ſuch Permiſſion or Conſent as aforeſaid, ſhall trade, go, ſail, repair to, or land upon the ſaid Iſland of *Saint Helena*, he or they ſhall be deemed guilty of a High Crime and Miſdemeanor, and ſhall and may be proſecuted for the ſame in His Majeſty's Court of King's Bench here in *England*, upon Information exhibited by His Majeſty's Attorney General, or upon Indictment found; in which Information or Indictment ſuch Offence may be laid and charged to have been committed in the County of *Middleſex*; and all and every Perſon or Perſons ſo offending ſhall on Conviction be liable to ſuch Puniſhment by Impriſonment and Fine, or either, as the Court ſhall adjudge or award, any Law, Statute, or Uſage to the contrary notwithſtanding.

Perſons offending may be ſeized, and brought to England, to await their Trial.

II. And be it further enacted, That all and every Perſon and Perſons ſo offending, ſhall and may be ſeized and brought to *England* for the Purpoſe of being ſo tried; and that it ſhall and may be lawful to and for any one or more of His Majeſty's Juſtices of the Peace, and he and they is and are authorized and required, to commit all and every ſuch Perſon and Perſons to the next County Gaol, there to remain until ſufficient Security be given by natural-born Subjects or Denizens, to appear in His Majeſty's Court of King's Bench at *Weſtminſter*, to anſwer any Information or Indictment exhibited or found, or to be exhibited or found, againſt him or them, and not to go or depart out of Court, or out of this Kingdom, without Leave of the ſaid Court.

Perſons landing (other than Officers and Seamen belonging to Ships of War) ſhall return to the Ship when ordered, or be taken into Cuſtody.

III. And be it further enacted, That if any Perſon who ſhall arrive at the ſaid Iſland on board any Ship or Veſſel of and belonging to, or chartered or employed by the ſaid United Company as aforeſaid, ſhall land on the ſaid Iſland from on board the ſame, or ſhall land on the ſaid Iſland from any of His Majeſty's Ships or Veſſels of War, (except the Officers and Seamen of and belonging to ſuch Ship or Veſſel of War) ſhall not, when thereunto ordered and required by the ſaid Governor, or in his Abſence the Deputy Governor for the Time being of the ſaid Iſland, forthwith return to and repair on board ſuch Ship or Veſſel from which he ſhall have ſo landed as aforeſaid, it ſhall and may be lawful for the ſaid Governor, or in his Abſence the Deputy Governor for the Time being, to ſeize and detain every ſuch Perſon until he or ſhe can be ſent, and to ſend him or her on board the ſaid Ship or Veſſel from which he or ſhe ſo landed as aforeſaid; and every Perſon who ſhall have ſo landed from any ſuch Ship or Veſſel as laſt aforeſaid, who ſhall, after the Departure of ſuch Ship or Veſſel from the ſaid Iſland, remain on the ſaid Iſland without the Licence, Permiſſion, and Conſent of the ſaid Governor, or in his Abſence the Deputy Governor for the Time being, ſhall be deemed guilty of a Miſdemeanor, and ſhall and may be dealt with, proſecuted, and puniſhed in the ſame Manner and Form as Perſons who ſhall, without Licence, Permiſſion, and Conſent as aforeſaid, land from any other Ship, Veſſel, or Boat not belonging to, chartered, or employed by the ſaid United Company, or ordered by the ſaid Company, or their Servants as aforeſaid, to proceed to or rendezvous at the ſaid Iſland.

For preventing Veſſels (except Veſſels belonging to the Company, &c.) from trading or touching at Saint Helena.

IV. And be it further enacted, That it ſhall and may be lawful to and for the Governor, or in his Abſence, the Deputy Governor of the ſaid Iſland for the Time being, or for the Commander for the Time being of His Majeſty's Naval or Military Forces ſtationed off or at the ſaid Iſland reſpectively, and the Perſons acting under his or their Orders and Commands reſpectively, by all neceſſary Ways and Means to hinder and prevent any Ship, Veſſel, or Boat, Ships or Veſſels or Boats, (except Ships and Veſſels of and belonging to or chartered by the ſaid United Company of Merchants, and alſo duly licenſed by the ſaid Company for that Purpoſe, as herein-before mentioned) from repairing to, trading, or

touching at the ſaid Iſland, or having any Communication with the ſame; and to hinder and prevent any Perſon or Perſons from landing upon the ſaid Iſland from ſuch Ships, Veſſels, or Boats, and to ſeize and detain all and every Perſon and Perſons that ſhall land upon the ſaid Iſland from the ſame; and all ſuch Ships, Veſſels, or Boats (except as above excepted) as ſhall repair to, or trade, or touch at the ſaid Iſland, or ſhall be found hovering within Eight Leagues of the Coaſt thereof, and which ſhall or may belong, in the Whole or in Part, to any Subject or Subjects of His Majeſty, or to any Perſon or Perſons owing Allegiance to His Majeſty, ſhall and are hereby declared to be forfeited to His Majeſty, and ſhall and may be ſeized and detained, and brought to *England*, and ſhall and may be proſecuted to Condemnation by His Majeſty's Attorney General, in any of His Majeſty's Courts of Record at *Weſtminſter*, in ſuch Manner and Form as any Ship, Veſſel, or Boat may be ſeized, detained, or proſecuted, for any Breach or Violation of the Navigation or Revenue Laws of this Country; and the Offence for which ſuch Ship, Veſſel, or Boat, ſhall be proceeded againſt, ſhall and may be laid and charged to have been done and committed in the County of *Middleſex*; and if any Ship, Veſſel, or Boat, not belonging in the Whole or in Part to any Perſon or Perſons, the Subject or Subjects of, or owing Allegiance to His Majeſty, His Heirs and Succeſſors, ſhall repair to, or trade or touch at the ſaid Iſland of *Saint Helena*, or ſhall be found hovering within Eight Leagues of the Coaſt thereof, and ſhall not depart from the ſaid Iſland or the Coaſt thereof, when and ſo ſoon as the Maſter or other Perſon having the Charge and Command thereof, ſhall be ordered ſo to do by the Governor or Lieutenant Governor of the ſaid Iſland for the Time being, or by the Commander of His Majeſty's Naval or Military Force ſtationed at or off the ſaid Iſland for the Time being (unleſs in caſe of unavoidable Neceſſity, or Diſtreſs of Weather) ſuch Ship or Veſſel ſhall be deemed forfeited, and ſhall and may be ſeized and detained and proſecuted in the ſame Manner as is herein-before enacted as to Ships, Veſſels, or Boats of or belonging to any Subject or Subjects of His Majeſty.

Proviſion in caſe of Veſſels driven by Streſs of Weather into Saint Helena.

V. Provided always, and be it enacted, That if any Ship or Veſſel ſhall happen, by Streſs of Weather, Peril of the Sea, or other inevitable Accident, or other urgent Neceſſity, to be driven or forced to the ſaid Iſland, and from ſuch Cauſe to touch thereat, and the Maſter or other Perſon having the Command of ſuch Ship or Veſſel ſhall forthwith give Notice thereof, and of the Cauſe thereof, to the Governor, or in his Abſence to the Deputy Governor of the ſaid Iſland for the Time being, or to the Commander of His Majeſty's Naval or Military Forces for the Time being, or one of them; and ſhall, during the Time that ſuch Ship or Veſſel ſhall be permitted to remain at the ſaid Iſland, in all Things conform to the Directions and Orders of the ſaid Governor, or in his Abſence of the ſaid Deputy Governor for the Time being; and the ſaid Ship or Veſſel ſhall quit the ſaid Iſland, and depart therefrom, with all the Crew and Paſſengers of and belonging to the ſaid Ship or Veſſel, as and when the ſaid Governor, or in his Abſence the Deputy Governor for the Time being, or the Commander of His Majeſty's Naval and Military Forces at the ſaid Iſland for the Time being, or either of them, ſhall direct and require; ſuch Ship or Veſſel ſhall not be ſubject to Forfeiture, nor ſhall the Owners or Maſter or Crew thereof, or any Perſon or Perſons on board the ſame, who ſhall ſo conform to ſuch Directions and Orders as aforeſaid, be liable to any of the Pains, Penalties, or Puniſhments herein-before mentioned: Provided nevertheleſs, that the Proof of ſuch Ship or Veſſel having been driven or forced to repair to and touch at the ſaid Iſland, by Streſs of Weather, Peril of the Sea, or other inevitable Accident or urgent Neceſſity, and of having quitted and departed from the ſaid Iſland as herein-before mentioned, ſhall lie upon the

Party

Party claiming such Exemption from the Pains, Penalties, and Punishments aforesaid; any Thing in this Act or any other Act contained to the contrary notwithstanding.

Indemnifying Persons acting in detaining Buonaparté in Custody.

VI. And whereas in consequence of *Napoleon Buonaparté* having been detained and kept in Custody in the Island of *Saint Helena*, and in order to the safely and securely detaining and keeping him in such Custody, it may have happened that the Commissioners for executing the Office of Lord High Admiral, or the Governor of the said Island for the Time being, or the Commander of His Majesty's Naval or Military Forces respectively, or other Officers and Persons acting or who have acted in their Aid and Assistance, or under their Advice, Orders, or Commands, may from the Urgency of the Occasion have given Orders, done Acts, or used Means for the Purpose, which may not be strictly justified by Law; and in such Case it is highly fit that they should be justified and indemnified by Act of Parliament for the same; be it therefore enacted, That the said Commissioners for executing the Office of Lord High Admiral, and the Governor of the said Island of *Saint Helena* for the Time being, and the Commander or Commanders of His Majesty's Naval or Military Forces for the Time being, and all and every Officer and Officers, Person and Persons, who have acted in their Aid and Assistance, or under their respective Advice, Orders, and Commands, shall be and they are hereby indemnified for the same.

General Issue.

VII. And be it further enacted, That all Actions, Suits, Indictments, Prosecutions, and Proceedings whatsoever, which may have been or which shall be hereafter prosecuted or commenced against any Person or Persons, for or by reason of any Advice, Orders, or Commands issued, or for or by reason of any Act, Matter, or Thing advised, commanded, appointed, ordered, or done by the said Commissioners for executing the Office of Lord High Admiral, or by the Governor of the said Island for the Time being, or the Commander of His Majesty's Naval or Military Forces respectively, or by any Officer or Officers, Person or Persons, acting in their Aid and Assistance, or under their or either of their Advice, Orders, or Commands, at any Time before the passing of this Act, be and shall be discharged and made void by virtue of this Act; and that in any Action, Suit, Indictment, Prosecution, or Proceeding now commenced or which shall or may hereafter be prosecuted and commenced, against any of the said Commissioners, Governor or Governors, Commanders, Officers, or Person or Persons as aforesaid, for or by reason of any such Advice, Order, or Command, or for or by reason of any Act, Matter, or Thing, done in such Aid and Assistance, or under such Advice, Order, or Command respectively, he, she, or they may plead the General Issue, and give this Act and the Special Matter in Evidence.

Not to extend to prejudice the Right of the East India Company to trade with Saint Helena.

VIII. Provided always, That this Act, or any Thing herein contained, shall not extend or be construed to extend to restrain or prejudice the Trade or Right of Trade or Navigation of the said United Company of Merchants of *England* trading to the *East Indies*, to the said Island of *Saint Helena*, in Ships of and belonging to or chartered by the said Company, and duly licensed by them for that Purpose, or to prejudice or infringe the Rights of the said Company to and over the said Island and the Inhabitants thereof, except as is herein-before specially enacted and contained.

Act may be altered this Session.

IX. And be it further enacted, That this Act may be altered, varied, or repealed, by any Act to be made in this present Session of Parliament.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1816.