ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. CXX.

An Act to authorize the Court of Directors of the *Eaſt India* Company to make extraordinary Allowances, in certain Caſes, to the Owners of certain Ships in the Service of the ſaid Company.

[11th *July* 1817.]

WHEREAS by an Act of Parliament made in the Thirty-ninth Year of the Reign of His preſent Majeſty, intituled *An Act* 39 G. 3. c. 89. *for the regulating the Manner in which the United Company of Merchants of* England *trading to the* Eaſt Indies *ſhall hire and take up Ships for their regular Service*, various Proviſions, regulating the Manner in which the ſaid United Company ſhall hire and take up Ships for their Service, are now in force; and according to the Effect of ſuch Proviſion the ſaid United Company are not at liberty to releaſe the Owners of Ships taken up for their Service from their ſeveral Contracts, or to grant them any Rate of Freight beyond what they are entitled to under ſuch Contracts: And whereas by reaſon of the long Duration of the late War, and the Continuance of the extraordinary Price of Articles of Equipment of Ships after the Concluſion of Peace, great Hardſhips might ariſe in compelling the Owners of certain Ships now in the Service of the ſaid United Company to a literal Execution of their Contracts; and therefore it is expedient that the Court of Directors of the ſaid United Company ſhould be empowered, under reaſonable Limitations, to give them ſome Relief in reſpect thereof; be it therefore enacted by the King's moſt Excellent

11 L. Majeſty,

East India Company may allow the Owners of certain Ships an additional Sum for Freight.

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 in caſe the Owners of all or any of the Ships hereafter mentioned; that is to ſay, *The Lady Melville*, *The Princeſs Amelia*, *The Lowther Caſtle*, *The Phœnix*, *The Charles Grant*, *The Aſia*, *The Roſe*, *The Prince Regent*, *The Marquis Wellington*, *The Carnatic*, *The William Pitt*, *The Marchioneſs of Ely*, *The Aſtell*, *The Marquis Camden*, *The Warren Haſtings*, *The Minerva*, *The Lord Caſtlereagh*, *The Princeſs Charlotte of Wales*, *The Streatham*, *The Bombay*, *The Inglis*, *The Marquis Huntley*, *The Caſtle Huntley*, and *The Cabalva*, ſhall pay or ſecure to the ſaid United Company by way of Penalty, for each and every of the Six Voyages contracted to be performed by each of the ſaid Ships reſpectively, on a permanent Peace Freight under the Proviſions of the ſaid Act, which had not been performed or commenced on the Twentieth Day of *November* One thouſand eight hundred and fifteen, the Sum of Eight hundred and thirty-three Pounds Six Shillings and Eight-pence, being One-ſixth Part of the Penalty of Five thouſand Pounds, incurred by not performing the Whole of ſuch Six Voyages according to the Terms of their reſpective Contracts; it ſhall and may be lawful to and for the Court of Directors of the ſaid United Company to make and allow, and to pay and cauſe to be paid, to the Owners of the ſaid Ships, or to ſuch of them who ſhall have ſo paid or given Security for Payment of the ſaid Penalty aforeſaid, ſuch Allowances and Payments over and above the Peace Freight and Demurrage which the ſaid Ships reſpectively ſhall be entitled to under and by virtue of their ſeveral Contracts, in reſpect of every Voyage performed or to be performed after the ſaid Twentieth Day of *November* One thouſand eight hundred and fifteen, as to the ſaid Court of Directors ſhall appear juſt and reaſonable, with Reference to the Prices and Expence of Stores and Articles of Outfit which prevailed in the Autumn of the Year One thouſand eight hundred and ſixteen, although ſuch Ship or Ships may have come afloat, or hereafter may come afloat in Time of Peace; the ſaid Act of Parliament paſſed in the Thirty-ninth Year of His Majeſty's Reign, or any Contract or Agreement, or any other Matter, Cauſe, or Thing to the contrary thereof in anywiſe notwithſtanding.

Such Allowance not to exceed the Rates per Ton herein mentioned.

II. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Court of Directors to make and allow, and to pay or cauſe to be paid to the Owners of any of the ſaid Ships of One thouſand Tons and upwards, any Sum or Allowance exceeding the Rate of Eight Pounds *per* Ton, nor to the Owners of any of the ſaid Ships of leſs than One thouſand Tons, any Sum or Allowance exceeding the Rate of Eight Pounds Ten Shillings *per* Ton according to Builders Meaſurement, over and above the Rate of Peace Freight which the Owners of the ſaid Ships reſpectively are entitled to receive under and by virtue of their exiſting Contracts; nor any Rate of Freight which, added to the Rate of Peace Freight, which the Owners of the ſaid Ships reſpectively are entitled to receive under and by virtue of their exiſting Contracts, would amount to more than the Rate of Twenty-ſix Pounds *per* Ton for Ships of One thouſand Tons and upwards, and Twenty-ſix Pounds Ten Shillings *per* Ton for Ships of leſs than One thouſand Tons, according to Builders Meaſurement.

III. Provided alſo, and be it further enacted, That in caſe on any Voyage or Voyages which the ſaid Ships, or any of them, ſhall have to perform under and by virtue of their ſaid Contracts, the Prices and Expence of Stores and Articles of Outfit ſhall be reduced below the Prices and Expence thereof which prevailed in the Autumn of the Year One thouſand eight hundred and ſixteen, then there ſhall be a proportionable Abatement made from any extra Payment which ſhall have been agreed to be allowed under the Authority of this Act, to the Owners of any of the ſaid Ships in reſpect of ſuch Voyage or Voyages. Allowance to be abated in caſe of Reduction in Price of Articles.

IV. Provided alſo, and be it further enacted, That if any ſuch Ship ſhall be loſt or captured on any ſuch Voyage as aforeſaid, or ſhall meet with any Accident, whereby her Owners ſhall, according to their reſpective Agreements or Charterparties, loſe or be deprived of any Claim upon the ſaid United Company for any Payment of Freight in reſpect of ſuch Voyage, then and in every ſuch Caſe it ſhall not be lawful for the ſaid United Company to exact from the Owners of ſuch Ship, for and in reſpect of ſuch Voyage, the Payment of the ſaid Sum of Eight hundred and thirty-three Pounds Six Shillings and Eight-pence; and in caſe the ſaid Sum ſhall have been actually paid to the ſaid United Company, the ſame ſhall be refunded to the ſaid Owners. In caſe the Ship is loſt, Owners not to pay the Sum herein mentioned.

V. Provided alſo, and be it further enacted, That in caſe on any Voyage or Voyages which any of the ſaid Ships ſhall have to perform under their ſeveral exiſting Contracts, the Owners of ſuch Ships ſhall hereafter become entitled under and by virtue of ſuch Contracts to any Allowance in reſpect of additional Charges ariſing to them in Time of War and Hoſtilities, or Preparations for War and Hoſtilities, then and in ſuch Caſe the Owner ſhall not be entitled to have for ſuch Voyage or Voyages any Payment or Allowance under or by virtue of this Act; but the Payments to be made for ſuch Ships in reſpect of ſuch Voyage or Voyages ſhall be regulated and aſcertained and made as they would have been according to the Rights of the Parties in caſe this Act had not been made. If the Owners become entitled to additional Charges ariſing in Time of War, then no Allowance ſhall be made under this Act.

VI. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, be deemed or taken to prejudice, or in any Manner to affect the Rights of ſuch Owners of any of the ſaid Ships as ſhall not pay or ſecure ſuch Penalty as is herein-before mentioned, but the Rights of ſuch Owners ſhall be and remain as if this preſent Act had not paſſed; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding. Rights of Owners not paying Penalty, not to be prejudiced.

VII. Provided alſo, and be it further enacted, That the Owners of any of the ſaid Ships, who ſhall take any Advantage under or by virtue of this Act for any Voyage, ſhall not be entitled to any increaſed Peace Freight which they might otherwiſe have been entitled to under their exiſting Contracts in purſuance of the ſaid Act of the Thirty-ninth Year of the Reign of His preſent Majeſty. Owners not entitled to demand Peace Freight.

VIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall be deemed or taken to have Reference to or in any Manner to affect any Contracts exiſting between the ſaid United Company and the Owners of any Ships now in their Service, other than thoſe Contracts Act not to affect exiſting Contracts, except for Ships herein enumerated.

Contracts between the ſaid United Company and the Owners of the Ships herein enumerated.

Nor to vacate any other Contracts reſpecting the Hire of Ships.

IX. Provided alſo, and be it further enacted, That this Act ſhall not, nor ſhall any Thing to be done by virtue thereof, extend or be conſtrued to extend to releaſe or diſcharge the ſaid United Company, or the Owners of the ſaid ſeveral Ships, from any Part of the Contracts and Agreements by which the ſaid Ships are ſeverally agreed to be hired by or let to the ſaid United Company, nor to alter or vary the Terms of the ſaid Contracts further or otherwiſe than as by this Act is expreſsly provided and enacted.

Proceedings of Court of Directors relative to this Act to be laid before Parliament.

X. And be it further enacted, That the Court of Directors of the ſaid United Company ſhall, and they are hereby required from Time to Time hereafter, to lay Copies of all Proceedings of the ſaid Court touching the Execution of this Act before both Houſes of Parliament, at the ſame Time and together with the Accounts required to be annually laid before Parliament by an Act paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled *An Act for continuing in the* Eaſt India *Company for a further Term the Poſſeſſion of the* Britiſh *Territories in* India, *together with their exclusive Trade, under certain Limitations; for eſtabliſhing further Regulations for the Government of the ſaid Territories, and the better Adminiſtration of Juſtice within the ſame; for appropriating to certain Uſes the Revenues and Profits of the ſaid Company; and for making Proviſion for the good Order and Government of the Towns of* Calcutta, Madras, *and* Bombay.

33 G. 3. c. 52.

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