

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. XXXVI.

An Act to regulate the Trade to and from the Places within the Limits of the Charter of the *East India* Company, and certain Poſſeſſions of His Majeſty in the *Mediterranean*. [20th *June* 1817.]

WHEREAS an Act was paſſed in the Fifty-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 certain excluſive Privileges; for eſtabliſhing further Regulations for the Government of the ſaid Territories, and the better Adminiſtration of Juſtice within the ſame; and for regulating the Trade to and from the Places within the Limits of the ſaid Company's Charter:* And whereas by the ſaid recited Act it was enacted, that it ſhould be lawful for any of His Majeſty's Subjects, in common with the ſaid United Company, to export in Ships navigated according to Law, from any Port or Ports within the United Kingdom of *Great Britain* and *Ireland*, to all Ports and Places within the Limits referred to, ſave and except the Dominions of the Emperor of *China*, any Goods, Wares, and Merchandize which could then, or might at any Time or Times thereafter, be legally exported; and alſo in common with the ſaid Company to import in Ships navigated as aforeſaid, from any Port or Ports within the Limits aforeſaid, ſave and except as aforeſaid, into the ſaid United Kingdom, any Goods, Wares, and Merchandize, the Produce or Manufacture of any of the Countries within the ſaid Limits, which could or might at 53 G. 3. c. 155.

any Time or Times thereafter be legally imported; ſubject nevertheleſs to the ſeveral Reſtrictions, Conditions, and Limitations in the ſaid Act contained: And whereas it was alſo enacted by the ſaid Act, that nothing therein contained ſhould extend or be conſtrued to extend to prevent the making, during the further Term thereby granted to the ſaid Company, ſuch further Proviſions by Authority of Parliament, as might from Time to Time be deemed neceſſary for enabling His Majeſty's Subjects to carry on Trade and Traffick, directly or circuitouſly, as well between all Ports and Places ſituate without the Limits of the ſaid Company's Charter, and all Ports and Places (except the Dominions of the Emperor of *China*) ſituate within thoſe Limits, as between the ſaid United Kingdom and all the laſt-mentioned Ports and Places, except as aforeſaid: And whereas by an Act paſſed in the Fifty-fourth Year of His preſent Majeſty's Reign, intituled *An Act for the further Regulation of the Trade to and from the Places within the Limits of the Charter of the* Eaſt India *Company*, Proviſion was made for enabling the ſaid Company, and all other His Majeſty's Subjects, to carry on a circuitous Trade to, from, and between the Places within ſuch Limits: And whereas it is expedient to make Proviſion for the enabling the ſaid Company and all other His Majeſty's Subjects to carry on Trade within the Limits of the Charter of the ſaid Company, and certain Poſſeſſions of His Majeſty in the *Mediterranean*; 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,

54 G. 3. c. 34.

Trade to be carried on directly and circuitouſly between the Iſland of Malta and its Dependencies, or the Port of Gibraltar, and all Ports and Places within the Limits of the Company's Charter, except to China.

That from and after the paſſing of this Act it ſhall be lawful for the ſaid Company, and alſo for any other of His Majeſty's Subjects, to carry on Trade and Traffic, in Ships navigated according to Law, directly and circuitouſly between the Iſland of *Malta* and its Dependencies, or the Port of *Gibraltar*, and all Ports and Places within the Limits of the ſaid Company's Charter, except the Dominions of the Emperor of *China*; any Thing contained in any Charter of the ſaid Company, or in any Act or Acts of Parliament, to the contrary notwithſtanding: Provided always, that in carrying on ſuch Trade it ſhall not be lawful to trade to or at any Port or Place without the Limits of the ſaid Company's Charter, other than thoſe with which Trade is permitted by the ſaid Act of the Fifty-fourth Year of His preſent Majeſty: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to authorize any of His Majeſty's Subjects, other than the ſaid Company, or Perſons properly licenſed by them, to export or import from or to any ſuch Countries, Ports, and Places, within or without ſuch Limits, or to import into the United Kingdom, any Tea, or in any Manner to trade or traffic in Tea, between any ſuch Ports or Places as aforeſaid.

Cape of Good Hope to be conſidered within ſuch Limits.

II. Provided always, and be it further enacted, That His Majeſty's Settlement at the *Cape of Good Hope* ſhall, as to all Trade allowed by this Act to be carried on, be deemed, conſtrued, and taken to be within the Limits of the *Eaſt India* Company's Charter: Provided alſo, that nothing herein contained, as to the ſaid Settlement being deemed as to ſuch Trade as aforeſaid to be within ſuch Limits, ſhall extend or be conſtrued to extend to prevent, or in any Manner to limit or affect, any other Trade which now may or which may hereafter be allowed to be carried on between the ſaid Settlement and any other Countries, Ports or Places whatever.

Trade not to be carried on in Ships under the Burden prescribed by 53 G. 3. c. 155.

III. Provided also, and be it further enacted, That it shall not be lawful for any Vessel carrying on Trade under the Provisions of this Act, to clear out from or be admitted to Entry at any Port in the United Kingdom, the registered Measurement of which Vessel shall be under the Burden prescribed by the said Act of the Fifty-third Year of His present Majesty, or which may be prescribed by any Act hereafter to be passed for Vessels carrying on Trade between the United Kingdom and the Places within the Limits of the *East India* Company's Charter.

Governors and Lieutenant Governors of Malta and Gibraltar to grant Licences;

IV. And whereas by the said Act of the Fifty-third Year of His present Majesty's Reign it is enacted, that no Ship or Vessel engaged in private Trade under the Authority of that Act, shall proceed to any Place situate on the Continent of *Asia*, from the River *Indus* to the Town of *Malacca* inclusive, or in any Island under the Government of the said Company lying to the North of the Equator, or to the said Company's Factory of *Bencoolen* or its Dependencies, or to any other Place or Places situate more to the Northward than Eleven Degrees of South Latitude, and between the Sixty-fourth and One hundred and fiftieth Degrees of East Longitude from *London*, without a Licence from the Court of Directors of the said Company, or from the Board of Commissioners for the Affairs of *India*, (as the Case may be); be it further enacted, That the Governors and Lieutenant Governors of the said Island of *Malta* and Port of *Gibraltar* respectively, shall be and they are hereby authorized to grant Licences to Ships or Vessels so proceeding as aforesaid from the said Island of *Malta* or Port of *Gibraltar*, in the same Manner and under the same Regulations and Provisions, in regard to the Grant and Form thereof, as are under the said recited Act applicable to Licences granted by the said Court of Directors and Board of Commissioners respectively: Provided always, that the said Governors and Lieutenant Governors shall not be empowered to grant any Licence specially authorizing any Ship or Vessel to proceed to any Place or Places upon the Continent of *Asia* from the River *Indus* to the said Town of *Malacca* inclusive, except the said Company's principal Settlements; and that in regard for such Licences as are under the Provisions of the said recited Act to be granted by the said Board of Commissioners, the said Governors and Lieutenant Governors shall conform themselves, as far as the Case may admit, to such Rules and Regulations in that Behalf, as may from Time to Time be framed and published by the said Commissioners.

and transmit Lists of Licences granted or refused.

V. And be it further enacted, That each such Governor or Lieutenant Governor shall transmit to One of His Majesty's Principal Secretaries of State annual Lists of all such Licences as shall have been granted by him as aforesaid, and of all Licences (if any) which such Governor or Lieutenant Governor may have, in consequence of any Instructions which he may have received in regard to such Licences, have refused to grant, together with his Reasons for such Refusal.

Ships not to sail without Lists of the Persons and Arms on board being delivered.

VI. Provided also, and be it further enacted, That no Ship or Vessel, other than the Ships of the said Company engaged in Trade under the Authority of this Act, shall be permitted to clear out from the said Island or Port for any Place or Places under the Government of His Majesty or of the said Company situate more to the Northward than Eleven Degrees of South Latitude, and between the Sixty-fourth and One hundred and fiftieth

fiftieth Degrees of Eaſt Longitude from *London*, until the Maſter or other Perſon having the Command of ſuch Ship or Veſſel ſhall have made out and exhibited to the principal Officer of the Cuſtoms, or other Perſon thereto authorized by ſuch Governor or Lieutenant Governor as aforeſaid, at the Port of Clearance, upon Oath (which Oath ſuch Officer or other Perſon is hereby authorized to adminiſter), a true and perfect Liſt, in ſuch Form as ſhall from Time to Time be ſettled by the ſaid Court of Directors, with the Approbation of the ſaid Board of Commiſſioners, ſpecifying and ſetting forth the Names, Capacities, and Deſcriptions of all Perſons embarked or intended to be embarked on board ſuch Ship or Veſſel, and all Arms on board or intended to be put on board the ſame; nor ſhall any ſuch Veſſel be admitted to Entry at the ſaid Iſland or Port until the Maſter or other Perſon having the Command of ſuch Ship or Veſſel ſhall in the like Manner have made out and exhibited to the principal Officer of the Cuſtoms, or other Perſon thereunto duly authorized, upon Oath (which Oath ſuch Officer or other Perſon is hereby authorized to adminiſter), a true and perfect Liſt, in Form to be ſettled as aforeſaid, ſpecifying the Names, Capacities, and Deſcriptions of all Perſons on board or who ſhall have been on board ſuch Ship or Veſſel, from the Time of the Sailing thereof to the Time of Arrival, and of all Arms on board of which ſhall during that Time have been on board ſuch Ship or Veſſel, and the ſeveral Times and Places at which ſuch of the ſaid Perſons as may have died or left the ſaid Ship or Veſſel, ſhall have ſo died or left ſuch Ship or Veſſel, or ſuch of the ſaid Arms as may have been diſpoſed of, have been ſo diſpoſed of.

For Tranſmiſſion of ſuch Liſts.

VII. Provided alſo, and be it further enacted, That ſuch Governors or Lieutenant Governors ſhall and they are hereby required to cauſe every ſuch Liſt, which ſhall be ſo received at the ſaid Iſland or Port, to be tranſmitted with all reaſonable Diſpatch to the Court of Directors of the ſaid United Company; and all ſuch Ships or Veſſels trading under the Authority of this Act ſhall, on their Arrival at any Port or Place under the Government of the ſaid Company in *India*, be ſubject to all the Regulations, Reſtrictions, and Proviſions preſcribed by the ſaid Acts of the Fifty-third Year of His preſent Majeſty's Reign; and that all Trade with all Ports and Places upon the Continent of *Aſia*, from the River *Indus* to the Town of *Malacca* incluſive, or any Iſland under the Government of the ſaid Company lying to the North of the Equator, or the ſaid Company's Factory at *Bencoolen* and its Dependencies, ſhall remain and continue ſubject to all ſuch Regulations, Proviſions, and Reſtrictions as ſhall from Time to Time be in force in relation to Trade, at any ſuch Ports and Places under the Authority of any of the Governments of the ſaid Company at their ſeveral Preſidencies in *India*.

Allowing Cargoes to be diſcharged at Malta and Gibraltar, ſubject to Regulations.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Company, and for any other of His Majeſty's Subjects, to trade (in Ships navigated according to Law, and proceeding upon any Voyage between any Ports or Places within the Limits of the ſaid Company's Charter and the United Kingdom) to and at the ſaid Iſland of *Malta* and Port of *Gibraltar*, and for that Purpoſe to diſcharge the Whole or any Part of the Cargo of any ſuch Ship or Veſſel at ſuch Iſland or Port, and in the Proſecution of ſuch circuitous Voyage to take on board any other Goods, Wares, and Merchandize, which can be legally carried from ſuch Ports or Places

Places within the Limits aforeſaid, to ſuch Iſland or Port; and in like Manner to trade in any ſuch Ship or Veſſel, in any Voyage from the United Kingdom to any Ports or Places within the Limits aforeſaid, to and at the ſaid Iſland of *Malta* and Port of *Gibraltar*: Provided always, that all ſuch Ships and Veſſels ſhall be ſubject to all the Regulations, Reſtrictions, and Proviſions to which Ships and Veſſels carrying on Trade circuitouſly, between the United Kingdom and the Limits of the ſaid Company's Charter, are by the ſaid Acts of the Fifty-third and Fifty-fourth Years of His Majeſty's Reign made liable.

Allowing Goods to be re-exported from Malta or Gibraltar.

IX. And be it further enacted, That all Goods and Commodities ſo imported into the Iſland of *Malta* or its Dependencies, or into the Port of *Gibraltar*, from any Ports or Places within the Limits of the ſaid Company's Charter, may be re-exported from the ſaid Iſland of *Malta* or its Dependencies, or the Port of *Gibraltar*, to the United Kingdom, and imported at any of the Ports where ſuch Goods and Commodities may lawfully be imported, in like Manner, and ſubject to all ſuch Regulations, Reſtrictions, and Proviſions, as if ſuch Goods and Commodities were imported directly from the Place of their Growth, Production, or Manufacture; and in Veſſels of ſuch Tonnage as is preſcribed by the ſaid Act made in the Fifty-third Year of the Reign of His preſent Majeſty, or as may be preſcribed by any Act hereafter to be paſſed, for Veſſels carrying on Trade between the United Kingdom and the Places within the Limits of the *Eaſt India* Company's Charter; any Thing in an Act paſſed 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*, or in any other Act to the contrary notwithſtanding.

Malta deemed to be in Europe.

X. And be it further enacted, That for the Purpoſes of this Act, and for all other Purpoſes whatever, the Iſland of *Malta* and its Dependencies ſhall be deemed and taken to be in *Europe*.

Not to prevent the Introduction of Goods into Malta, which may now be imported into the United Kingdom.

XI. Provided nevertheleſs, and be it further enacted, That nothing in this or in any other Act ſhall extend or be conſtrued to extend to prevent the Introduction (under the Proviſions of this Act) into the Iſland of *Malta* and its Dependencies, or into the Port of *Gibraltar*, of any Articles being of the Growth, Produce, or Manufacture of any of the Countries between which and the ſaid Iſland and Port Trade is allowed to be carried on by this Act, which may now or may hereafter be imported into the United Kingdom.

No Aſiatic Sailor to be taken on board without Licence, and under certain Regulations.

XII. And be it further enacted, That it ſhall not be lawful for any Ship or Veſſel engaged in any Voyage under the Authority of this Act, from any Port or Place in the *Eaſt Indies* to the ſaid Iſland of *Malta* or Port of *Gibraltar*, and not deſtined to any Port in the United Kingdom, to take or have on board any *Laſcars* or other *Aſiatic* Seamen: Provided always, that it ſhall be lawful for any of the Governments of the *Eaſt India* Company in *India*, or for any Governor or Lieutenant Governor of any Colony, Territory or Iſland belonging to His Majeſty within the Limits of the ſaid Charter, and they and he are hereby required, on Application made by the Owner or Commander of any Ship or Veſſel, and after having aſcertained by due Inquiry that a ſufficient Number of *Britiſh* Seamen cannot be procured for the Crew of any Ship or Veſſel ſailing from *India*

within Ten Days from such Application, to certify the same, and license such Ship or Vessel to sail with such Proportion of *Lascars* or *Asiatic* Seamen as may be specified in such Certificate and Licence; and the Governor General in Council at *Fort William* is hereby authorized and required to make Rules and Regulations, that all such *Asiatic* Sailors, *Lascars*, or Natives aforesaid, shall be duly supplied with Provisions and Clothing, and other necessary Accommodation, while employed and while absent from the Countries or Places to which they respectively belong, and until they shall be carried back to *India* or any other Country or Place to which they respectively belong, and until they shall be carried back to *India* or any other Country or Place from whence they were respectively brought, and for the Conveyance back of such *Asiatic* Sailors, *Lascars*, and Natives aforesaid, within a reasonable Time, to be specified in such Bond, or ascertained by such Rules and Regulations.

Masters to enter into Securities.

XIII. Provided also, and be it enacted, That no Ship or Vessel so licensed to take on board *Lascars* or *Asiatic* Seamen shall be permitted to clear out from any Port or Place within the Limits of the said Company's Charter unless and until the Owner or Captain or Master of such Ship shall have first given Security by Bond, in Manner directed by an Act passed in the Fifty-fourth Year of His present Majesty, and subject to all the Provisions of that Act, for the Maintenance and Conveyance back to *India*, or for the Conveyance to *England* and Maintenance while in *England*, and Return to *India*, of such *Lascars* or *Asiatic* Seamen which may be received on board of such Ship.

Act may be altered in this Session.

XIV. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this Session of Parliament.

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