ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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C A P. LVI.

An Act further to regulate the Trade of Ships built and trading within the Limits of the *East India* Company's Charter. [7th *August* 1840.]

WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to make further Regulations for the* 55G.3.c.116.
Registry of Ships built in India, it was enacted, that nothing in that or in the therein-recited Acts or in any other Act contained should subject any Ship or Vessel built or to be built within the Limits of the Charter of the *East India* Company, which should not be of the Burthen of Three hundred and fifty Tons, or any Ship or Vessel built within the Limits of the Charter of the said Company, then the Property of any of His said Majesty's Subjects within the Limits aforesaid, and employed in Trade as theretofore solely within the said Limits, including the *Cape of Good Hope*, or any Ship or Vessel which then was, or at any Time before the First Day of *January* in the Year One thousand eight hundred and sixteen should be, building within the Limits aforesaid, on account of any of His said Majesty's Subjects within the said Limits, and should be employed in Trade

solely within the said Limits, including the *Cape of Good Hope*, to any Penalty, Forfeiture, Disability, or Impediment, by reason of such Ship or Vessel not being registered, and not being *British*-built, or to affect the Property or any Transfer of Property in any such Ship or Vessel as aforesaid which should not be registered: And whereas by an Act passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act for the registering of Vessels*, and by another Act passed in the same Session, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the* East India *Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the Registry of Vessels, so far as it relates to Vessels registered in* India, the said recited Act of the Fifty-fifth Year of King *George* the Third was repealed: And whereas by an Act passed in the Session held in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Trade of the* British *Possessions abroad*, it was among other things enacted, that all Ships built at any Place within the Limits of the *East India* Company's Charter prior to the First of *January* One thousand eight hundred and sixteen, and which then were and had continued ever since to be solely the Property of His Majesty's Subjects, should be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope*: And whereas, under and by virtue of an Act passed in the same Session, intituled *An Act for the registering of* British *Vessels*, Ships or Vessels built in any Ports in the Territories under the Government of the said Company, being owned by *British* Subjects, and being registered in manner therein provided for, are entitled to all the Privileges and Advantages of a *British* registered Ship; but it is expedient further to regulate the Trade of Ships built and trading within the Limits of the *East India* Company's Charter, including the *Cape of Good Hope* and the Territories and Dependencies thereof, and in the meantime to restore to the Ships or Vessels so described as aforesaid in the said recited Act of the Fifty-fifth Year of King *George* the Third the Enjoyment of the Privileges to which they were thereby entitled; and it is fit that Indemnity should be afforded in respect of the Consequences of the Repeal of such Privileges by the said Acts of the Fourth Year of King *George* the Fourth, or either of them; Be it therefore enacted by the Queen'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 in the meantime and until such Declaration by Proclamation shall be made by the Governor General in Council as herein-after is authorized, as well all Ships mentioned in the said Enactment contained in the said first-recited Act of King *William* the Fourth, as also all other Ships or Vessels so as aforesaid described in the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, shall have and enjoy the same Privileges as were thereby given to such Ships or Vessels.

4 G. 4. c. 41.

4 G. 4. c. 80.

3 & 4 W. 4. c. 59.

3 & 4 W. 4. c. 55.

Until Proclamation, all Vessels to be entitled to Privileges given by 55 G. 3. c. 116.

II. And

This Act to have the same Force as 55 Geo. 3. c. 116.

II. And be it enacted, That for all Purposes of Indemnity and Discharge from all Actions, Suits, Prosecutions, Penalties, Forfeitures, Disabilities, or Impediments, and for all Purposes of confirming and giving Validity to all Sales, Assignments, Mortgages, Contracts, Engagements, Bonds, Policies of Assurance, Gifts, Bequests, Rights, Titles, Interests, Matters, and Things whatsoever, which but for the said recited Repeal of the said Privileges would have been valid and effectual in Law, and for all other beneficial Purposes whatever, this Act shall have the same Force and Effect as if the said Act of the Fifty-fifth Year of the Reign of King *George* the Third had never been repealed.

Governor General enabled to declare what Ships shall be considered as British.

III. And be it enacted, That it shall be lawful for the Governor General of *India* in Council, by Proclamation, to declare that all Ships or Vessels built or to be built within the Limits of the Charter of the *East India* Company, being owned by Her Majesty's Subjects for whom the said Governor General in Council has Power to legislate, and belonging, under the Regulations herein-after provided for, to any Ports in the Territories under the Government of the said Company, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope* and the Territories and Dependencies thereof; provided that upon such Declaration being made the said Governor General in Council shall, and the said Governor General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable Penalties, concerning the registering, licensing, and ascertaining the Admeasurement of the Tonnage and Burden, and generally for the Trading within the Limits aforesaid of such Ships or Vessels, any thing in any Act to the contrary notwithstanding; which Regulations shall be of equal Force and Effect with any Laws and Regulations which the said Governor General in Council is authorized to make, but shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, and be laid before both Houses of Parliament, as in the Case of any other Laws or Regulations which the said Governor General in Council is now by Law empowered to make.

Ships belonging to Native Powers may be admitted to Privileges of British Ships.

IV. And whereas it may be expedient to admit to similar Privileges and Advantages any Ships or Vessels belonging to Native Princes or States in subordinate Alliance with or having subsidiary Treaties with the *East India* Company, or owned by Subjects of any such Princes or States; be it therefore enacted, That the Governor General of *India* in Council may by such Regulations as aforesaid, such Regulations being subject as aforesaid, admit to the Privileges and Advantages of *British* Ships, for the Purposes of Trade within the Limits of the Charter of the said Company, including the *Cape of Good Hope* and the Territories and Dependencies thereof, or to any of such Privileges and Advantages, any Ships or Vessels belonging to such Princes or States or any of them, or owned by Subjects of any such Princes or States; but any such Regulations shall provide for the granting to such Ships or Vessels fit and convenient Licences

or

or Passes, and generally for the Trading within the Limits aforesaid of such Ships or Vessels.

Giving legal Validity to Acts of Governors of Presidencies for regulating Trade.

V. And whereas Vessels exceeding the Burden of Three hundred and fifty Tons, built in Ports within the Limits of the *East India* Company's Charter since the First Day of *January* One thousand eight hundred and sixteen, and owned by *British* Subjects, and Vessels built in Ports within the Limits aforesaid, owned by Native Princes or States in subordinate Alliance with or having subsidiary Treaties with the *East India* Company, or by the Subjects of such Princes or States, may have heretofore engaged and may be now engaged in Trade within such Limits, under some Licence, Authority, or Sanction of the respective Governments of the several Presidencies in *India*; and it is expedient that full legal Validity and Effect should be given to all Acts of the said Government respectively in reference to any Trading; be it therefore enacted, That all Acts and Documents whatever, done, given, or issued by any of the said Governments in reference to the Trading of the Two Classes of Vessels last herein-before mentioned, shall be deemed and construed to have had for all Purposes full legal Validity and Effect from the respective Times when such Acts and Documents may have been done, given, or issued respectively, and shall for all Purposes continue to have such Validity and Effect until the Governor General of *India* in Council shall make other Provisions in respect of the trading of such Classes of Vessels respectively under the Authority of this Act.

Provisions of Act for registering British Vessels to have full force in East Indian Territories.

VI. And whereas Doubts have been entertained whether the Provisions and Remedies enacted and contained in an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, in Cases of the wilful Detention and Refusal to deliver up the Certificate of the Registry of any Ship or Vessel to the proper Officer or other Persons authorized and entitled in that Behalf, as in the said last-mentioned Act is specified, extend to and are in force in the Territories under the Government of the *East India* Company; and it is expedient that such Doubts should be removed; be it therefore declared and enacted, That the said several Provisions and Remedies in the said last-mentioned Act contained touching the wilful Detention of such Certificate of Registry, or the absconding of any Person in Possession of the same, shall be deemed and taken to extend to, and shall extend to and be in force in the said Territories under the Government of the *East India* Company.

Matters directed to be performed before Governors of any particular Place may be performed

VII. And be it enacted, That wherever in and by the said Act it is directed or provided that any Act, Matter, or Thing shall and may be done or performed by, to, or with the Governor, Lieutenant Governor, or Commander in Chief of any Place where any Ship or Vessel may be registered under the Authority of the same Act, the same shall or may be done or performed in the Territories under the Government of the *East India* Company by, to, or with the Governor General

of *India* in Council, or the Governor of the Presidency of *Fort William* in *Bengal*, or the respective Governors in Council or Governors of the Presidencies of *Fort Saint George* and *Bombay*, or the Governor of *Prince of Wales Island*, *Singapore*, and *Malacca*, or the respective resident Councillors at *Singapore* and *Malacca*, according to Circumstances, and as the Case may be. in Presence of Governor General of India, &c.

VIII. And be it enacted, That in all Cases in which by the said last-mentioned Act it is made lawful for any Governor, Lieutenant Governor, or Commander in Chief of any of Her Majesty's Colonies, Plantations, Islands, or Territories, and they are thereby authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding, of any Nature or Kind whatever, shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander in Chief, to cause all Proceedings thereon to be stayed, as in the said last-mentioned Act is provided, it shall be lawful, in the Territories under the Government of the *East India* Company, for the Governor General of *India* in Council, or the Governor of the said Presidency of *Fort William* in *Bengal*, or for the respective Governors in Council or Governors of the said Presidencies of *Fort Saint George* and *Bombay*, or the Governor of *Prince of Wales Island*, *Singapore*, and *Malacca*, according to Circumstances, and as the Case may be, and they are respectively authorized and required, if any such Suit, Information, Libel, or other Prosecution or Proceeding whatever shall have been commenced or shall hereafter be commenced in any of Her Majesty's Courts whatever, in or in any Place subordinate to the said several Presidencies, or the Government of *Prince of Wales Island*, *Singapore*, and *Malacca* respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor General of *India* in Council, or Governor of the said Presidency of *Fort William* in *Bengal*, or Governors in Council or Governors of the said Presidencies of *Fort Saint George* and *Bombay* respectively, or such Governor of *Prince of Wales Island*, *Singapore*, and *Malacca*, according to Circumstances, and as the Case may be, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until Her Majesty's Pleasure shall be known and certified to him by Her Majesty, by or with the Advice of Her Majesty's Privy Council; and such Governor General of *India* in Council, or Governor of the said Presidency of *Fort William* in *Bengal*, or Governor in Council or Governor of the said Presidencies of *Fort Saint George* and *Bombay* respectively, or such Governor of *Prince of Wales Island*, *Singapore*, and *Malacca* respectively, is hereby required to transmit to the Court of Directors of the *East India* Company, to be by them forthwith forwarded to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such For staying Proceedings in certain Cases.

Documents properly verified as he may judge necessary for the Information of Her Majesty.

Construction of Term.

IX. And be it enacted, That the Term "Limits of the *East India* Company's Charter" shall for all Purposes of this Act be construed to mean all Places and Seas Eastward of the *Cape of Good Hope* to the Straits of *Magellan*.

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