ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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C A P. XCV.

An Act to enable Her Majesty to carry into effect certain Stipulations contained in a Treaty of Commerce and Navigation between Her Majesty and the Emperor of *Austria*; and to empower Her Majesty to declare, by Order in Council, that Ports which are the most natural and convenient Shipping Ports of States within whose Dominions they are not situated may in certain Cases be considered, for all Purposes of Trade with Her Majesty's Dominions, as the National Ports of such States. [10th *August* 1840.]

WHEREAS by an Act passed in the Session of Parliament of the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation,* certain Goods therein enumerated, being the Produce of *Europe*, are prohibited to be imported into the United Kingdom to be used therein except in *British* Ships, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported: And whereas a Treaty of Commerce and Navigation was entered into in the Year One thousand eight hundred and thirty-eight between Her Majesty and the Emperor of *Austria*, 3 & 4 W. 4. c. 54.

whereby the Commercial Intercourse between *Great Britain* and *Austria* has been greatly increased: And whereas the *Danube* is the principal Outlet for the Produce of a great Part of the *Austrian* Dominions, and the Ports of the *Danube* which belong to the Dominions of *Turkey* are the natural Shipping Ports for such Produce; and by the Fourth Article of the said Treaty of Commerce and Navigation it was agreed that all *Austrian* Vessels arriving from the Ports of the *Danube* as far as *Galatz* inclusively should, together with their Cargoes, be admitted into the Ports of the United Kingdom of *Great Britain* and *Ireland*, and of all the Possessions of Her *Britannic* Majesty, exactly as if such Vessels came direct from *Austrian* Ports, with all the Privileges and Immunities stipulated by the said Treaty of Navigation and Commerce: And whereas it is desirable, both in order to preserve good Faith with *Austria* and to secure to *British* Subjects the Benefits of the said Treaty, that Her Majesty should be enabled to carry the Stipulations of the said Fourth Article into effect: 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 from and after the passing of this Act it shall be lawful, notwithstanding any thing contained in the said Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, for Her Majesty from Time to Time to declare by Her Order in Council, to be published in the *London Gazette*, that all *Austrian* Vessels arriving from the said Ports of the *Danube* as far as *Galatz* inclusively shall, together with their Cargoes, whether such Cargoes be the Produce of *Austria* or not, be admitted into the Ports of the United Kingdom of *Great Britain* and *Ireland*, and of all Possessions of Her Majesty, exactly in the same Manner as if such Vessels came direct from *Austrian* Ports; and thereupon, and for so long a Time as such Order shall be declared to be in force or shall remain unrevoked, it shall be lawful to import into the *British* Dominions from such Ports of the *Danube*, in *Austrian* Ships, any Goods which by the Laws in force at the Time of such Importation might be there imported in *Austrian* Ships from *Austrian* Ports.

Her Majesty, by Order in Council, may direct certain Austrian Vessels to be admitted into the Ports of the United Kingdom, although the Cargoes may not be the Produce of Austria.

II. And whereas by the Application of Steam Power to Inland Navigation, and the Facility thereby afforded of ascending Rivers in suitable Vessels with imported Goods, new Prospects of Commercial Adventure are opened to many States situated wholly or chiefly in the Interior of *Europe*, and whose most convenient Ports are not within their own Dominions, and consequently the Trade of this Country with such States might be greatly extended if the Ships of such States were permitted to use, for the Purposes of such Trade, some Ports of other States in like Manner as if such Ports were within their own Dominions, and accordingly Treaties of Commerce and Navigation beneficial to the Shipping and Trade of this Country might be made with such States if Her Majesty were enabled to carry such Treaties into effect; be it therefore enacted, That, notwithstanding any thing in the said Act of His late Majesty contained, it shall be lawful for Her Majesty from Time to Time to declare by Her Order in Council, to be published as aforesaid, that any Port or Ports to be named in such

Her Majesty, by Order in Council, may direct Foreign Vessels to be admitted to British Ports, although sailing from Ports not within the Dominions of the Country to which such Vessels belong.

such Order, being the most convenient Port or Ports for shipping the Produce of any State to be also named in such Order, shall, although not situated within the Dominions of such State, be Port or Ports for the Use of the Ships of such State in the Trade of such Ships with all Parts of the *British* Dominions, or with any Part or Parts of the same named and limited in such Order, in as full and ample a Manner as if such Port or Ports were within the Dominions of such State; and thereupon, and for so long a Time as such Order shall be declared to be in force or shall remain unrevoked, it shall be lawful to import into the *British* Dominions, or into such Parts of the same as shall be named and limited in such Order, from such Port or Ports, in the Ships of such State, any Goods which by the Laws in force at the Time of such Importation might then be imported in such Ships from a Port of the Country to which they belonged, and so to import such Goods upon the like Terms as the same could there be imported from the National Ports of such Ships.

Persons having acted under a certain Order of the Commissioners of Trade and Plantations indemnified.

III. And whereas, by virtue of a certain Order made by Her Majesty's Commissioners of Trade and Plantations, under the Directions of the Lords Commissioners of Her Majesty's Treasury, an *Austrian* Ship laden with *Turkish* Produce at a *Turkish* Port was in the Month of *September* last admitted to Entry at the Port of *Gloucester* on the Payment of a Fine of Ten Pounds: And whereas such an Importation is a direct Contravention of the Navigation Act, but the Order having been issued with a view to carry into effect the said Treaty concluded in the Year One thousand eight hundred and thirty-eight, it is expedient that all Persons advising, commanding, or carrying into execution such Order should be indemnified by Parliament in the Manner herein-after provided for; be it therefore enacted, That no personal Action or Suit, Indictment, Information, Prosecution, or Proceeding whatsoever, shall be commenced or prosecuted against any Person or Persons for having advised, commanded, or carried into execution such Order; and that if any Action or Suit, Indictment, Information, Prosecution, or Proceeding, shall be commenced or prosecuted against any Person or Persons for having so advised, commanded, or carried into execution such Order, it shall be lawful for the Defendant in any such Action, Suit, Indictment, or other Proceeding as aforesaid to apply to the Court in which such Action or other Proceeding shall be brought, prosecuted, or commenced, during the Sitting of the Court, or to any Judge of such Court during Vacation, to discontinue the Proceedings, and the same shall thereupon, by Order of such Court or Judge, be discontinued accordingly.

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