

No. CXVIII.
4 Geo. IV.
c. 41.

or vessels; nor shall such seaman or mariner, for such entry, forfeit the wages due to him during the term of his service in such merchant ship or vessel, nor shall such entry be deemed a desertion.

[No. CXVIII.] 4 Geo. IV. c. 41.—An Act for the registering of Vessels.—[27th June 1823.]

WHEREAS the wealth and strength of this kingdom and the prosperity and safety of every part of the *British Empire* greatly depend on the encouragement given to shipping and navigation: And whereas divers Acts have from time to time been passed for the purpose of confining to ships wholly built in His Majesty's dominions the advantages which were formerly given by the Legislature to ships owned and navigated by His Majesty's subjects, and for that purpose divers regulations have from time to time been made, for the registering of and the transferring of the property in such ships; which regulations have been found in some respects ineffectual, and in others inconvenient: And whereas the object of the Legislature in passing the said several Acts may be more effectually attained by repealing the same, and by comprising and consolidating in one Act the several provisions contained therein, but varied and altered in some respects; 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, That from and after the thirty-first day of *December* one thousand eight hundred and twenty-three, so much of an Act passed in the seventh and eighth years of the reign of His late Majesty King *William the Third*, intituled *An Act for preventing Frauds and regulating Abuses in the Plantation Trade*, as relates in any way to the registering of ships and vessels; and also so much of an Act passed in the fifteenth year of the reign of His late Majesty King *George the Second*, intituled *An Act for further regulating the Plantation Trade, and for Relief of Merchants importing Prize Goods from America, and for preventing collusive Captures there; and for obliging the Claimers of Vessels seized for Exportation of Wool, or any unlawful Importation, to give Security for Costs; and for allowing East India Goods to be taken out of Warehouses in order to be cleaned and refreshed*, as relates in any way to the proof to be given that the ship or vessel belongs to *British* subjects, before the same is permitted to trade; and as relates to the liberty to be given to trade where the certificate of the registry hath been lost; and as relates to the registering of a ship or vessel *de novo*; and also the whole of an Act of Parliament passed in the twenty-sixth year of the reign of His late Majesty King *George the Third*, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*; and also so much of an Act passed in the twenty-seventh year of the reign of His late Majesty King *George the Third*, intituled *An Act to enforce and render more effectual several Acts passed in the Twelfth Year of the reign of King Charles the Second, and other Acts made for the Increase and Encouragement of Shipping and Navigation*, as relates in any way to the registering of ships or vessels; and also so much of an Act passed in the twenty-eighth year of the reign of His late Majesty King *George the Third*, intituled *An Act more effectually to secure the Performance of Quarantine, and for amending several Laws relating to the Revenue of Customs*, as relates to masters of ships or vessels detaining the certificates of registry of the same; and also so much of an Act passed in the thirty-fourth year of the reign of His late Majesty King *George the Third*, intituled *An Act for the further Encouragement of British Mariners, and for other Purposes therein mentioned*, as relates to the transfer or contract, or agreement for transfer, and the alteration of property in any ship or vessel, and as relates to the certificate of registry being withheld or detained by the master of the ship or vessel, and as relates to the registering a ship or vessel *de novo*, under the several circumstances therein mentioned; and also the whole of an Act passed in the forty-eighth year of the reign of His late Majesty

Repeal of former Laws relating to Registry of Vessels.

7 & 8 W. 3.
c. 28.

15 G. 2. c. 81.

26 G. 3. c. 60.

27 G. 3. c. 19.

28 G. 3. c. 34.

34 G. 3. c. 68.

King George the Third, intituled *An Act to provide that British Ships which shall be captured by the Enemy, and shall afterwards become the Property of British Subjects, shall not be entitled to the Privileges of British Ships*; and also the whole of an Act passed in the forty-ninth year of the reign of His late Majesty, intituled *An Act to amend an Act made in the forty-eighth Year of His present Majesty, to provide that British Ships captured by the Enemy, becoming the Property of British Subjects, shall not be entitled to the Privileges of British Ships*; and also so much of an Act passed in the fifty-fifth year of the reign of His said late Majesty, intituled *An Act to make further Regulations for the Registry of Ships built in India*, as relates in any way to the registering of ships or vessels in *India*; and also the whole of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled *An Act to ascertain the Tonnage of Vessels propelled by Steam*; and also so much of an Act passed in the first year of the reign of His present Majesty King George the Fourth, intituled *An Act for granting the Privileges of British Ships to Vessels built at Malta, Gibraltar, and Heligoland, and certain of those Privileges to Vessels built in the British Settlements at Honduras*, as relates to the registering of ships or vessels at *Malta Gibraltar and Heligoland*; and also all and every other Act, or so much of any other Act, passed in *Great Britain or in Ireland*, as relates in any way to the registering of ships and vessels; shall be and the same are hereby respectively repealed.

II. And be it further enacted, That from and after the thirty-first day of *December* one thousand eight hundred and twenty-three, no ship or vessel having a deck, or being of the burthen of fifteen tons or upwards, shall be entitled to any of the privileges or advantages of a *British ship*, until the person or persons claiming property therein shall have caused the same to be registered in manner herein-after mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as herein-after directed; the form of which certificate shall be as follows; *videlicet*,

' THIS is to certify, That in pursuance of an Act passed in the fourth year of the reign of King George the Fourth, intituled *An Act* [*here insert the title of the Act, the names occupation and residence of the subscribing owners*], having taken and subscribed the oath required by this Act, and having sworn that [*he, or they*] together with [*names occupations and residence of non-subscribing owners*] [*is, or are*] sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the [*ship's name*] of [*place to which the vessel belongs*], which is of the burthen of [*number of tons*], and whereof [*master's name*] is master; and that the said ship or vessel was [*when and where built or condemned as prize, referring to builder's certificate, judge's certificate, or certificate of last registry then delivered up to be cancelled*], and [*name and employment of surveying officer*] having certified to us that the said ship or vessel has [*number*] decks and [*number*] masts, that her length from the fore part of the main stem to the after part of the stern post aloft is [*number of feet and inches*], her breadth at the broadest part [*stating whether that be above or below the main wales*] is [*number of feet and inches*], her [*height between decks, if more than one deck, or depth in the hold, if only one deck*] is [*number of feet and inches*], that she is [*how rigged*] rigged with a [*standing or running*] bowsprit, is [*description of stern*], sterned, [*carvel or clincker*] built, has [*whether any or no*] gallery, and [*kind of head if any*] head; and the said subscribing owners having consented and agreed to the above description, and having caused sufficient security to be given, as is required by the said Act, the said ship or vessels called the [*name*] has been duly registered at the port of [*name of port*]. Certified under our hands at the Custom House, in the said port of [*name of port*] this [*date*] day of [*name of month*] in the year [*words at length*].

' [*Signed*]

' [*Signed*]

Collector.

Comptroller.'

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4 Geo. IV.
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48 G. 3. c. 70.

49 G. 3. c. 41.

55 G. 3. c. 116.

59 G. 3. c. 5.

1 G. 4. c. 9.

No Vessel to
enjoy Privileges
until registered.

Certificate of
Registry.

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And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in form and manner following:

‘ Names of the several owners	Number of sixty-fourth shares	
‘ within mentioned.	held by each owner.	
‘ [Name _____		Thirty-two.
‘ Name _____		Sixteen.
‘ Name _____		Eight.
‘ Name _____		Eight.]
	‘ [Signed] _____	Collector.
	‘ [Signed] _____	Comptroller.’

27 G. 3. c. 19.

Provided always, that nothing in this Act shall extend to require any vessel not exceeding the burthen of thirty tons, and not having a whole or a fixed deck, and being employed solely in the fishery on the banks or shores of *Newfoundland*, and of the parts adjacent, or on the banks or shores of the provinces of *Quebec*, *Nova Scotia*, or *New Brunswick*, adjacent to the gulph of *Saint Lawrence*, and on the north of *Cape Canso*, or of the islands within the same, or in trading coastwise within the said limits, to be registered so long as such vessel shall be solely so employed.

Persons authorized to make Registry and grant Certificates.

III. And be it further enacted, That the persons authorized and required to make such registry, and grant such certificates, shall be the collector and comptroller of His Majesty's customs in any port in the United Kingdom of *Great Britain* and *Ireland*, and in the *Isle of Man* respectively, in respect of ships or vessels to be there registered; and the principal officers of His Majesty's customs in the island of *Guernsey* or *Jersey*, together with the Governor Lieutenant-Governor or Commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered; and the collector and comptroller of His Majesty's customs of any port in the colonies, plantations, islands, and territories, to His Majesty belonging in *Asia*, *Africa* and *America*, together with the Governor Lieutenant-Governor or Commander-in-chief of such colonies, plantations, islands, and territories, respectively, in respect of ships or vessels to be there registered; and the collector of duties at any port in the territories under the Government of the *East India* Company, and other territories belonging to His Majesty within the limits of the Charter of the said Company, payable to the said Company, or any other person of the rank, in the said Company's service, of senior merchant, or of six years' standing in the said service, being respectively appointed to act in the execution of this Act, by any of the Governments of the said Company in *India*, in any ports in which there shall be no collector and comptroller of His Majesty's customs in respect of ships or vessels to be there registered; and the Governor Lieutenant-Governor or Commander-in-chief of *Malta*, *Gibraltar*, *Heligoland*, and *Cape of Good Hope*, respectively, in respect of ships or vessels to be there registered: Provided always, that no ship or vessel registered by such collector or other person in *India* shall be entitled to the privileges and advantages of *British* ships in any trade or voyages beyond the limits of the said Company's Charter, other than and except such as are specified in an Act passed in the fifty-third year of the reign of His late Majesty King *George* the Third, and made for the regulation, among other things, of the trade to and from the places within the said Company's Charter, and in other subsequent Acts made and passed or to be hereafter made and passed for the further regulation of the trade to and from such places: Provided also, that no ship or vessel shall be registered at *Malta*, *Gibraltar* or *Heligoland*, except such as are wholly of the built of those places respectively, and such ships or vessels shall not be registered elsewhere; and that such ships or vessels so registered shall not be entitled to the privileges and advantages of *British* ships in any trade between the said United Kingdom and any of the colonies, plantations, islands, or territories, in *America* to His Majesty belonging: Provided also, that wherever in and by this Act it is directed or provided that any Act matter or thing shall and may be done or performed by to or with any collector and comptroller of His Majesty's

Provisions as to Vessels registered in India.

Provision as to Vessels registered at Malta, Gibraltar, or Heligoland.

Certain Powers of Collectors and Comptrollers, by whom to be exercised in certain Cases.

customs, the same shall or may be done or performed by to or with the principal officers of customs in the islands of *Guernsey* or *Jersey*, together with the Governor Lieutenant-Governor or Commander-in-chief of those islands respectively; and also by to or with such collector or other person in *India* in the service of the *East India* Company as aforesaid; and also by to or with the Governor Lieutenant-Governor or Commander-in-chief of *Malta*, *Gibraltar*, *Heligoland*, or *Cape of Good Hope*, and according as the same act matter or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any act matter or thing shall or may be done or performed by to or with the Commissioners of His Majesty's Customs, the same shall or may be done or performed by to or with the said Commissioners, or any two or more of them in *England* *Ireland* or *Scotland* respectively; and also 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 this Act, so far as such act matter or thing can be applicable to the registering of any ship or vessel at such place.

IV. And be it further enacted, That from and after the said thirty-first day of *December* one thousand eight hundred and twenty-three, in case any ship or vessel, not being duly registered, and not having obtained such certificate of registry as aforesaid, shall exercise any of the privileges of a *British* ship, the same shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel, to the same ship or vessel belonging, and shall and may be seized by any officer or officers of His Majesty's customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the privileges of any ship or vessel which shall have been registered by virtue of any Act or Acts in force for the registry of *British* ships, and granting certificates thereof prior to the said thirty-first day of *December* one thousand eight hundred and twenty-three, until such time or times as such ships or vessels shall be required by this Act to be registered *de novo*, under the regulations thereof.

V. And be it further enacted, That no ship or vessel shall be registered, or having been registered, shall be deemed to be duly registered by virtue of this Act, except such as are wholly of the built of the said United Kingdom, or of the *Isle of Man*, or of the islands of *Guernsey* or *Jersey*, or of some of the colonies, plantations, islands, or territories, in *Asia*, *Africa*, or *America*, or of *Malta*, *Gibraltar*, or *Heligoland*, which belong to His Majesty, his heirs or successors, at the time of the building of such ships or vessels; or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent court for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong, and continue wholly to belong, to His Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

VI. And be it further enacted, That no ship or vessel shall continue to enjoy the privileges of a *British* ship after the same shall have been repaired in a foreign country, if such repairs shall exceed the sum of twenty shillings for every ton of the burthen of the said ship or vessel, unless such repairs shall have been necessary by reason of extraordinary damage sustained by such ship or vessel during her absence from His Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place of the said dominions; and whenever any ship or vessel, which has been so repaired in a foreign country, shall arrive at any port in His Majesty's dominions, as a *British* registered ship or vessel, the master or other person having the command or charge of the same shall, upon the first entry thereof, report upon oath to the collector and comptroller of His Majesty's customs at such port, that such ship or vessel has been so repaired, under penalty of twenty shillings for every ton of the burthen of such ship or vessel, according to

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Acts may be done by Two Commissioners of Customs in England Ireland and Scotland, and by Governors, &c., where Vessels may be registered. Ships exercising Privileges before Registry to be forfeited.

But not to affect Vessels already registered till required to be registered *de novo*.

What Ships are entitled to be registered.

Foreign Repairs not to exceed 20s. per Ton.

The Master on Arrival to report such Repairs.

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Necessity of such Repairs to be proved to Commissioners of Customs.

Ships declared unseaworthy, to be deemed Ships lost or broken up.

British Ships captured, not to be again entitled to Registry. But Ships condemned in Courts of Admiralty may be registered.

Ships shall be registered at the Port to which they belong.

Commissioners of Customs may permit Registry at other Ports.

Book of Registers to be kept.

Ports to which Vessels shall be deemed to belong. Change of subscribing Owners to require Registry *de novo*.

the admeasurement thereof; and if it shall be proved, to the satisfaction of the Commissioners of His Majesty's Customs, that such ship or vessel was seaworthy at the time when she last departed from any port or place in His Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full consideration of all the circumstances, to direct the collector and comptroller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel, that it has been proved to the satisfaction of the Commissioners of His Majesty's Customs, that the privileges of the said ship or vessel have not been forfeited; notwithstanding the repairs which have been done to the same in a foreign country.

VII. And be it further enacted, That if any ship or vessel, registered under the authority of this or any other Act, shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered or repaired to the advantage of the owners thereof, and shall for such reasons be sold by order or decree of any competent court, for the benefit of the owners of such ship or vessel, or other persons interested therein, the same shall be taken and deemed to be a ship or vessel lost or broken up, to all intents and purposes within the meaning of this Act, and shall never again be entitled to the privileges of a *British*-built ship, for any purposes of trade or navigation.

VIII. And be it further enacted, That no *British* ship or vessel which has been or shall hereafter be captured by, and become prize to an enemy, or sold to foreigners, shall again be entitled to the privileges of a *British* ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever, which shall be condemned in any Court of Admiralty as prize of war, or in any competent court for breach of laws made for the prevention of the slave trade.

IX. And be it further enacted, That no such registry shall hereafter be made, or certificate thereof granted, by any person or persons herein-before authorized to make such registry, and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong, except so far as relates to such ships or vessels as shall be condemned as prizes in any of the islands of *Guernsey Jersey* or *Man*; which ships or vessels shall in future be registered in manner herein-after directed; but that all and every registry and certificate granted in any port or place to which any such ship or vessel does not properly belong, shall be utterly null and void, to all intents and purposes, unless the officers aforesaid shall be specially authorized and empowered to make such registry, and grant such certificate in any other port, by an order in writing under the hands of the Commissioners of His Majesty's Customs, which order the said Commissioners are hereby authorized and empowered to issue in manner aforesaid, if they shall see fit; and at every port where registry shall be made in pursuance of this Act, a book shall be kept by the collector and comptroller, in which all the particulars contained in the form of the certificate of registry herein-before directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year; and such collector and comptroller shall forthwith, or within one month at the farthest, transmit to the Commissioners of His Majesty's Customs a true and exact copy, together with the number of every certificate which shall be by them so granted.

X. And be it further enacted, That every ship or vessel shall be deemed to belong to some port at or near to which some or one of the owners who shall take and subscribe the oath required by this Act, before registry be made, shall reside; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered *de novo*, before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the United Kingdom, or the same

colony, plantation, island, or territory, as the said port shall be in: Provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and comptroller of the port where such ship or vessel may then be, to certify upon the back of the existing certificate of registry of such ship or vessel, that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart: Provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories, in *Asia Africa or America*, to His Majesty belonging, for owners residing in the United Kingdom, it shall be lawful for such ship or vessel to proceed to any part of the United Kingdom, whether by a direct or circuitous voyage, and there to import a cargo, before registry shall have been made of such ship or vessel; provided the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and comptroller of the port at or near to which such ship or vessel was built, or from which she shall be cleared for her voyage as aforesaid, the certificate of the builder required by this Act, and shall have made oath before such collector and comptroller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no foreigner, to the best of his knowledge and belief, has any interest therein; whereupon the collector and comptroller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where, and by whom such ship or vessel was built, the description tonnage and other particulars required on registry of any ship or vessel, and the voyage for which such ship or vessel is cleared by them; and such certificate shall for such voyage have all the force and virtue of a certificate of registry under this Act, and such collector and comptroller shall transmit a copy of such certificate to the Commissioners of His Majesty's Customs.

XI. And be it further enacted, That no person who has taken the oath of allegiance to any foreign state, except under the terms of some capitulation, unless he shall afterwards become a denizen or naturalized subject of the United Kingdom by His Majesty's letters patent, or by Act of Parliament, nor any person usually residing in any country not under the dominion of His Majesty, his heirs and successors, unless he be a member of some *British* factory, or agent for or partner in any house or copartnership actually carrying on trade in *Great Britain or Ireland*, shall be entitled to be the owner in whole or in part, directly or indirectly, of any ship or vessel required and authorized to be registered by virtue of this Act.

XII. And be it further enacted, That no registry shall henceforth be made or certificate granted, until the following oath be taken and subscribed, before the person or persons herein-before authorized to make such registry and grant such certificate respectively (which they are hereby respectively empowered to administer), by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such register is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, or by one of such owners, if all shall be resident at a greater distance:

‘ I *A. B.* of [*place of residence and occupation*] do make oath, That the ship or vessel [*name*] of [*port or place*], whereof [*master's name*] is at

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If Registry *de novo* cannot be made, Ship may go one Voyage with permission endorsed on Certificate of Registry.

Ships built in Foreign Possessions for Owners resident in United Kingdom may proceed on their Voyage, on receiving Certificate from the Collector, &c.

Persons residing in Foreign Countries may not be Owners;

unless in British Factories; or Agents for or Partners in British Houses.

Oath to be taken by subscribing Owners previous to Registry.

Proportion of Owners who shall subscribe and take the Oath.

Form of Oath.

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‘ present master, being [*kind of built burthen et cetera, as described in the certificate of the surveying officer*], was [*when and where built, or if prize, captured and condemnation*], and that I, the said *A. B.* [*and the other owners, names and occupations, if any, and where they respectively reside; videlicet, town place or parish and county; or if member of and resident in any factory in foreign ports, or in any foreign town or city, being an agent for or partner in any house or copartnership, actually carrying on trade in Great Britain or Ireland, the name of such factory foreign town or city, and the names of such house or copartnership*], am [*or are*] sole owner [*or owners*] of the said vessel, and that no other person or persons what-
‘ ever hath or have any right, title, interest, share, or property therein or
‘ thereto; and that I the said *A. B.* [*and the said other owners if any*], am
‘ [*or are*] truly and *bonâ fide* a subject [*or subjects*] of *Great Britain*; and
‘ that I the said *A. B.* have not, (nor have any of the other owners, to the
‘ best of my knowledge and belief), taken the oath of allegiance to any
‘ foreign state whatever, [*except under the terms of some capitulation,*
‘ *describing the particulars thereof*], or that since my taking [*or his or*
‘ *their taking*] the oath of allegiance to [*naming the foreign states respec-*
‘ *tively to which he or any of the said owners shall have taken the same*], I have
‘ [*or he or they hath or have*] become a denizen [*or denizens, or naturalized*
‘ *subject or subjects, as the case may be*] of the United Kingdom of *Great*
‘ *Britain and Ireland*, by His Majesty’s letters patent, or by an Act of
‘ Parliament, [*naming the times when such letters of denization have been grant-*
‘ *ed respectively, or the year or years in which such Act or Acts for naturalization*
‘ *have passed respectively*]; and that no foreigner, directly or indirectly, hath
‘ any share or part interest in the said ship or vessel.’

Addition to
Oath in case the
required Num-
ber of Owners
do not attend.

XIII. And be it further enacted, That in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to take and subscribe the oath herein-before directed to be taken and subscribed, then and in such case such owner or owners, proprietor or proprietors, as shall personally attend, and take and subscribe the oath aforesaid, shall further make oath that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves, in order to avoid the taking the oath herein-before directed to be taken and subscribed, or is or are prevented by illness from attending to take and subscribe the said oath.

Vessels to be
surveyed previ-
ous to Registry.

XIV. And in order to enable the collector and comptroller of His Majesty’s customs to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of His Majesty’s customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted; be it enacted, That previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the Commissioners of His Majesty’s Customs, (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships,) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate herein-before directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the built description and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited, to the collector and comptroller authorized as aforesaid to make such registry, and grant such certificate of registry; and the said master, or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of such surveying or examining officer in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of
Survey to be
given;

Owner or Mas-
ter concurring
therein.

Mode of Ad-
measurement to ascertain Tonnage.

XV. And be it further enacted, That for the purpose of ascertaining the

tonnage of ships or vessels, the rule for admeasurement shall be as follows; *videlicet*, the length shall be taken on a straight line along the rabbet of the keel from the back of the main stern post to a perpendicular line from the fore part of the main stem under the bowsprit, from which subtracting three-fifths of the breadth, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from the outside of the outside plank in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of doubling planks that may be wrought upon the sides of the ship; then multiplying the length of the keel by the breadth so taken, and that product by half the breadth, and dividing the whole by ninety-four, the quotient shall be deemed the true contents of the tonnage.

XVI. And whereas it would in some cases endanger ships or vessels, to cause them to be laid on shore; be it therefore enacted, That in cases where it may be necessary to ascertain the tonnage of any ship or vessel when afloat, according to the foregoing rule, the following method shall be observed; that is to say, drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern post at the load water mark; then measure from the top of the plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load water mark at the fore part of the main stem, subtracting from such measurement the above distance, the remainder will be the ship's extreme, from which is to be deducted three inches for every foot of the load draught of water for the rake abaft, also three-fifths of the ship's breadth for the rake forward, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank, in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought on the side of the ship; then multiplying the length of the keel for tonnage by the breadth so taken, and that product by half the breadth, and dividing by ninety-four, the quotient shall be deemed the true contents of the tonnage.

XVII. Provided always, and be it further enacted, That in each of the several rules herein-before prescribed, when used for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the length of the engine room shall be deducted from the whole length of such ship or vessel, and the remainder shall, for such purpose, be deemed the whole length of the same.

XVIII. And be it further enacted, That whenever the tonnage of any ship or vessel shall have been ascertained according to the rule herein prescribed (except in the case of ships or vessels which have been admeasured afloat), such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel; unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

XIX. And be it further enacted, That at the time of obtaining the certificate of registry as aforesaid, sufficient security by bond shall be given to His Majesty, his heirs and successors, by the master and such of the owners as shall personally attend as is herein-before required, such security to be approved of and taken by the person or persons herein-before authorized to make such registry, and grant such certificate of registry, at the port or place in which such certificate shall be granted, in the penalties following; that is to say, if such ship or vessel shall be a decked vessel, or be above the burthen of fifteen tons, and not exceeding fifty tons, in the penalty of one hundred pounds; if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of three hundred pounds; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, in the penalty of one thousand pounds; and the con-

No. CXVIII.

4 Geo. IV.

c. 41.

Ascertaining
Tonnage when
Vessels are
afloat.

Engine Room
in Steam Ves-
sels to be de-
ducted.

Tonnage when
so ascertained,
to be ever after
deemed the
Tonnage.

Bond to be
given at the
Time of Re-
gistry.

No. CXVIII.

4 Geo. IV.

c. 41.

Conditions that
the Certificate
shall be solely
made use of for
the Service of
the Vessel, &c.

dition of every such bond shall be, that such certificate shall not be sold lent or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost or taken by the enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on any account have lost and forfeited the privileges of a *British* ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt, and sold by due process of law, or shall have been sold to the crown, or shall, under any circumstances, have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in His Majesty's dominions, to the collector and comptroller of some port in *Great Britain*, or of the *Isle of Man*, or of the *British* plantations, or to the Governor Lieutenant-Governor or Commander-in-chief for the time being of the islands of *Guernsey* or *Jersey*; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or the *British* colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons herein-before authorized to make registry and grant certificate of registry at such port or place respectively as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul or other chief *British* officer resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul or other chief *British* officer at the foreign port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master or other person who had the command thereof at the time of such purchase or transfer of property at sea shall not arrive at a foreign port, but shall arrive at some port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or His Majesty's said colonies, plantations, islands, or territories, then that the same shall be delivered up in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or any of His Majesty's said colonies, plantations, islands, or territories: Provided always, that if it shall happen that at the time of registry of any ship or vessel, the same shall be at any other port than the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry, to join with the owner or owners in such bond as aforesaid, it shall be lawful for him to give a separate bond to the like effect at the port where such ship or vessel may then be, and the collector and comptroller of such other port shall transmit such bond to the collector and comptroller of the port where such ship or vessel is to be registered; and such bond, and the bond also given by the owner or owners, shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one bond.

If Ship, at the
time of Regis-
try, be at any
other Port than
that of Regis-
try, the Master
may there give
Bond.

When Master
is changed new
Master to give
similar Bond,
and his Name
to be endorsed
on Certificate of
Registry.

XX. And be it further enacted, That when and so often as the master or other person having or taking the charge or command of any ship or vessel registered in manner herein-before directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons herein-before authorized to make such registry and grant such certificates of registry at the port where such change shall take place, the certificate of registry belonging to such ship or vessel, who shall thereupon

endorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers, which is hereby directed and required to be kept, and shall forthwith give notice thereof to the Commissioners of His Majesty's Customs: Provided always, that before the name of such new master shall be endorsed on the certificate of registry, he shall be required to give and shall give a bond in the like penalties and under the same conditions as are contained in the bond herein-before required to be given at the time of registry of any ship or vessel.

XXI. And be it further enacted, That if any person whatever shall at any time have possession of, and wilfully detain, any certificate of registry granted under this or any other Act, which ought to be delivered up to be cancelled, according to any of the conditions of the bond herein-before required to be given, upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver up such certificate of registry, in manner directed by the conditions of such bond in the respective cases, and under the respective penalties therein provided.

XXII. And be it further enacted, That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel, other than that by which she was first registered in pursuance of this or any other Act; and that the owner or owners of all and every ship or vessel which shall be so registered, shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint or cause to be painted in white or yellow letters of a length not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done (unless in the case of square-rigged vessels in time of war), or shall in any written or printed paper, or other document, describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of His Majesty's revenue in the due execution of his or their duty, then and in every such case such owner or owners, or master or other persons having or taking the charge or command of such ship or vessel, shall forfeit the sum of one hundred pounds.

XXIII. And be it further enacted, That all and every person and persons who shall apply for a certificate of the registry of any ship or vessel, shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when, and the place where such ship or vessel was built; and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate as aforesaid); and shall also make oath before the person or persons herein-before authorized to grant such certificate (which oath he or they is or are hereby authorized to administer), that the ship or vessel for which such certificate is required, is the same with that which is so described by the builder as aforesaid.

XXIV. And be it further enacted, That if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and

No. CXVIII.
4 Geo. IV.
c. 41.

Certificate of
Registry to be
given up, as di-
rected by the
Bond.

Name of Vessel
which has been
registered, ne-
ver afterwards
to be changed.
Names to be
painted on the
Stern.

Builder's Certi-
ficate of Parti-
culars of Ship.

Oath to be made
thereto.

Certificate of
Registry lost or
mislaid.

No. CXVIII.

4 Geo. IV.

c. 41.

Commissioners may permit Registry *de novo*; or grant a Licence.

Bond respecting lost Certificate of Registry.

Condition.

Oath to be made before Licence be granted.

Before Licence be granted, Ship to be surveyed as if for Registry;

and Registry may be made after Departure of the Ship,

and Certificate transmitted to be exchanged for the Licence.

Persons detaining Certificate of Registry to forfeit 100*l*.

proof thereof shall be made to the satisfaction of the Commissioners of His Majesty's Customs, such Commissioners shall and may permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: Provided always, that if such ship or vessel be absent, and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Commissioners shall and may grant a licence for the present use of such ship or vessel, which licence shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry, granted under this Act: Provided always, that before such registry *de novo* be made, the owner or owners and master shall give bond to the Commissioners aforesaid, in such sum as to them shall seem fit, with a condition, that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of His Majesty's customs to be cancelled, and that no illegal use has been or shall be made thereof, with his or their privity or knowledge; and further, that before any such licence shall be granted as aforesaid, the master of such ship or vessel shall also make oath that the same has been registered as a *British* ship, naming the port where, and the time when such registry was made, and all the particulars contained in the certificate thereof, to the best of his knowledge and belief; and shall also give such bond, and with the same condition as is before mentioned: Provided also, that before any such licence shall be granted, such ship or vessel shall be surveyed in like manner as if a registry *de novo* were about to be made thereof, and the certificate of such survey shall be preserved by the collector and comptroller of the port to which such ship or vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners, and they are hereby required to permit such ship or vessel to be registered after her departure, whenever the owner or owners shall personally attend to take and subscribe the oath required by this Act before registry be made, and shall also comply with all other requisites of this Act, except so far as relates to the bond to be given by the master of such ship or vessel; which certificate of registry the said Commissioners shall and may transmit to the collector and comptroller of any other port, to be by them given to the master of such ship or vessel upon his giving such bond, and delivering up the licence which had been granted for the then present use of such ship or vessel.

XXV. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted; be it therefore enacted, That in case the master of any ship or vessel, or any other person who shall have received or obtained by any means, or for any purpose whatever, the certificate of the registry thereof, (whether such master or other person shall be a part owner or not) shall wilfully detain and refuse to deliver up the same to the proper officers of His Majesty's customs for the purposes of such ship or vessel as occasion shall require, it may and shall be lawful to and for any owner or owners of such ship or vessel, the certificate of registry of which shall be detained and refused to be delivered up as aforesaid, to make complaint on oath against the master of the ship or vessel, or other person who shall so detain and refuse to deliver up the same, of such detainer and refusal, to any Justice of the Peace residing near to the place where such detainer and refusal shall be in *Great Britain* or *Ireland*, or to any member of the supreme court of justice, or any Justice of the Peace in the islands of *Jersey* *Guernsey* or *Man*, or in any colony, plantation, island, or territory, to His Majesty belonging, in *Asia* *Africa* or *America*, or *Malta* *Gibraltar* or *Heligoland*, where such detainer and refusal shall be in any of the places last-mentioned; and on such complaint the said Justice or other magistrate shall and is hereby required, by warrant under his hand and seal, to cause such master or other person to be brought before him, to be examined touching such detainer and refusal; and if it shall appear to

the said Justice or other magistrate; on examination of the master or other person, or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said master or other person, such master or other person shall be thereof convicted, and shall forfeit and pay the sum of one hundred pounds, and on failure of payment thereof, he shall be committed to the common gaol, there to remain without bail or mainprize for such time as the said Justice or other Magistrate shall in his discretion deem proper, not being less than three months, nor more than twelve months; and the said Justice or other magistrate shall and is hereby required to certify the aforesaid detainer refusal and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof, conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if such master or other person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice or other magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Commissioners of His Majesty's Customs, it shall be lawful for the said Commissioners to permit such ship or vessel to be registered *de novo*, or otherwise in their discretion to grant a licence for the present use of such ship or vessel, in like manner as is herein-before provided, in the case wherein the certificate of registry is lost or mislaid.

XXVI. And be it further enacted, That if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island, or territory, as the said port shall be in, on failure whereof such ship or vessel shall to all intents and purposes be considered and deemed and taken to be a ship or vessel not duly registered.

XXVII. And be it further enacted, That the owner or owners of all such ships and vessels as shall be taken by any of His Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of such ships or vessels as shall be condemned in any competent court for breach of the laws for the prevention of the slave trade, shall, upon registering such ship or vessel, before he or they shall obtain such certificate as aforesaid, produce to the proper officers of His Majesty's customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the Judge of the court in which such ship or vessel shall have been condemned (which certificate such Judge is hereby authorized and required to grant), and also a true and exact account in writing of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful person or persons, to be appointed by the court then and there to survey such ship or vessel, and shall also make oath before the said officer (which he is hereby authorized and required to administer), that such ship or vessel is the same vessel which is mentioned in the certificate of the Judge aforesaid.

XXVIII. Provided always, and be it further enacted, That no ship or vessel which shall be taken and condemned as prize in any Court of Admiralty as aforesaid, or other competent court, shall be registered in the islands of *Guernsey Jersey* or the *Isle of Man*, although belonging to His Majesty's subjects residing in those islands, or in some one or other of them; but the same shall be registered either at *Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven*, by the collector and comptroller at such ports respectively; who are hereby authorized

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4 Geo. IV.

c. 41.]

Justice to certify Detainer,

and Ship to be registered *de novo*,

If Person detaining Certificate have absconded,

Ship may be registered as in case of lost Certificate.

Ship altered in certain manner to be registered *de novo*.

Vessels condemned as Prize;

or for Breach of Laws against Slave Trade;

Certificate of Condemnation to be produced.

Prize Vessels not to be registered at *Guernsey, Jersey, or Man*.

Where to be registered.

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4 Geo. IV.

c. 41.

Transfers of Interest to be made by Bill of Sale.

Rectifying Certificate of Registry.

Bill of Sale not void by Error of Recital, &c.

Property in Ships to be divided into Sixty-four Parts or Shares.

Oath upon first Registry to state the Number of such Shares held by each Owner.

Smaller Portions may be conveyed without Stamp.

Joint Stock Companies.

Only Thirty-two Persons to be Owners at one time.

Not to affect the equitable Title of Heirs, &c.

Trustees may apply to have Registry made.

and required to register such ship or vessel, and to grant a certificate thereof, in the form and under the regulations and restrictions in this Act contained.

XXIX. And be it further enacted, That when and so often as the property in any ship or vessel, or any part thereof, belonging to any of His Majesty's subjects, shall, after registry thereof, be sold to any other or others of His Majesty's subjects, the same shall be transferred by bill of sale, or other instrument in writing, containing a recital of the certificate of registry of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual for any purpose whatever, either in law or in equity: Provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of registry instead of the existing certificate, provided the identity of the ship or vessel therein intended be effectually proved thereby.

XXX. And be it further enacted, That the property in every ship or vessel of which there are more than one owner, shall be taken and considered to be divided into sixty-four parts or shares; and the proportion held by each owner shall be described in the registry as being a certain number of sixty-fourth parts or shares; and that no person shall be entitled to be registered as an owner of any ship or vessel, in respect of any proportion of such ship or vessel, which shall not be an integral sixty-fourth part or share of the same: Provided always, that upon the first registry of any ship or vessel, after the said thirty-first day of *December* one thousand eight hundred and twenty-three, the owner or owners who shall take and subscribe the oath required by this Act before registry be made, shall also declare upon oath the number of such parts or shares then held by each owner, and the same shall be so registered accordingly: Provided always, that if it shall at any time happen that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, it shall and may be lawful for the owner or owners of such fractional parts as shall be over and above such number of integral sixty-fourth parts or shares, into which such property in any ship or vessel can be reduced by division, to transfer the same one to another, or jointly, to any new owner, by memorandum upon their respective bills of sale, or by fresh bill of sale, without such transfer being liable to any stamp duty: Provided also, that the right of such owner or owners to such fractional parts, shall not be affected by reason of the same not having been registered: Provided also, that it shall be lawful for any number of such owners named and described in such registry, being partners in any house or copartnership actually carrying on trade in any part of His Majesty's dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or copartnership as joint owners thereof, without distinguishing the proportionate interest of each of such owners; and that such ship or vessel, or the share or shares thereof so held in copartnership, shall be deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules, both in law and equity, as relate to and govern all other partnership property in any other goods chattels and effects whatsoever.

XXXI. And be it further enacted, That no greater number than thirty-two persons shall be entitled to be the legal owners at one and the same time of any ship or vessel, as tenants in common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number, registered as legal owners of any share or shares of such ship or vessel: Provided also, that if it shall be proved to the satisfaction of the Commissioners of His Majesty's Customs that any number of persons have associated themselves as a joint stock company, for the purpose of owning any ship or vessel, or any number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number not less than three of the

members of the same to be trustees of the property in such ship or vessel or ships or vessels so owned by such company, it shall be lawful for such trustees, or any three of them, with the permission of such Commissioners, to take the oath required by this Act before registry be made, except that instead of stating therein the names and descriptions of the other owners, they shall state the name and description of the company to which such ship or vessel, or ships or vessels, shall in such manner belong: Provided also, that if it shall become necessary to register any ship or vessel, or ships or vessels, belonging to any corporate body in the United Kingdom, the oath required by this Act to be taken before registry be made, shall be taken by the secretary or other proper officer of such corporate body, who shall in such oath declare the name and description of such corporate body, instead of the names and descriptions of the owners of such ship or vessel.

XXXII. And be it further enacted, That whenever any ship or vessel, which shall have been registered before the said thirty-first day of *December* one thousand eight hundred and twenty-three, shall be registered *de novo*, the number of such shares held by each owner shall be registered as far as the same be practicable; and to that intent the owner or owners who shall take and subscribe the oath required by this Act before registry be made, shall produce the bills of sale or other titles of themselves and of the other owners, in order that the number of such shares held by each of them may be ascertained and registered accordingly; and if the registry of such ship or vessel then in force shall be the first registry, and the shares of any of the owners shall remain the same as they were at the time of such registry, and the owner or owners or any one of them who shall attend to take and subscribe the oath required by this Act, before registry be made, shall be the same as was or were the owner or owners, or one of them, who took and subscribed such oath before such first registry was made, such original owner or owners, instead of producing the bills of sale, shall declare upon oath, to the best of his or their knowledge and belief, the number of such shares held by him or them, and by any other original owner or owners, whose proportionate property in such ship or vessel shall have remained unchanged: Provided always, that if at the time of such registry *de novo*, such owner or owners shall make oath, that he and they and each of them are unable to produce the bill or bills of sale, or to give any certain account or proof of the share or shares of the other previous owners, or some or any one of them, it shall be lawful for the collector and comptroller to register such ship or vessel, without requiring the share of shares of such owner or owners to be declared and specified.

XXXIII. Provided also, and be it further enacted, That from and after the expiration of two years from the said thirty-first day of *December* one thousand eight hundred and twenty-three, or from and after the first arrival and entry of any ship or vessel, after the expiration of such two years, at the port to which she belongs, or at any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island or territory as the said port shall be in, no certificate of registry shall be in force, except such as shall be granted under the authority of this Act, and in which the share or shares herein-before described held by each owner shall be set forth; unless it shall be certified thereon by the collector and comptroller of the port to which such ship or vessel belong, that farther time has been granted by the Commissioners of His Majesty's Customs, for ascertaining and registering the number or numbers of such shares as cannot then be ascertained.

XXXIV. And be it further enacted, That upon the first registry in compliance with this Act, of any ship or vessel which had been before registered, no stamp duty shall be charged upon the bond therein required to be given; and if the certificate of such former registry then delivered up to be cancelled shall have a *Mediterranean* pass attached thereto, no stamp duty shall be charged on account of the new *Mediterranean* pass, which shall be obtained in lieu of the one so delivered up and cancelled.

Corporate
Bodies.

Shares to be
registered on
Registry *de
novo* under this
Act.

If Shares of
Owners cannot
be ascertained,
Registry for
that time may
be made without
stating them.

Within Two
Years all Ves-
sels and Shares
must be regis-
tered;

unless Commis-
sioners give
further Time.

No Stamp
Duty on First
Registry.

No. CXVIII.

4 Geo. IV.
c. 41.

Bills of Sale
not effectual
until produced
to Officers of
Customs, and
entered in the
Book of Regis-
try.

XXXV. And be it further enacted, That no bill of sale or other instrument in writing shall be valid and effectual to pass the property in any ship or vessel or in any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the collector and comptroller of the port to which such ship or vessel belongs, and until the collector and comptroller shall have entered in the book of registry of such ship or vessel, and which they are hereby required to do upon the production of the bill of sale or other instrument for that purpose, the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale or other instrument, and of the production of it; and further the said collector and comptroller shall and they are hereby required to endorse the aforesaid particulars of such bill of sale or other instrument on the certificate of registry of the said ship or vessel, when the same shall be produced to them for that purpose, in manner and to the effect following; *videlicet*,

' Custom House [*port and date*; *name residence and description of vendor or mortgagor*] has transferred by [*bill of sale or other instrument*] dated '*[date*; *number of shares*] to [*name residence and description of purchaser or mortgagee.*]

' A. B. Collector.

' C. D. Comptroller.'

And forthwith to give notice thereof to the Commissioners of Customs: And in case the collector and comptroller shall be desired so to do, and the bill of sale or other instrument shall be produced to them for that purpose, then the said collector and comptroller are hereby required to certify, by endorsement upon the said bill of sale or other instrument, that the particulars before-mentioned have been so entered in the book of registry and endorsed upon the certificate of registry as aforesaid.

Entry of Bill of
Sale to be valid,
except in cer-
tain Cases.

XXXVI. And be it further enacted, That when and so soon as the particulars of any bill of sale or other instrument, by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred, as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the endorsement to be made upon the certificate of registry of such ship or vessel in manner herein-after mentioned.

When a Bill of
Sale has been
entered for any
Shares, Thirty
Days shall be
allowed for en-
dorsing the Cer-
tificate of Re-
gistry, before
any other Bill
of Sale for the
same shall be
entered.

XXXVII. And be it further enacted, That when and after the particulars of any bill of sale or other instrument, by which any ship or vessel or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or instrument purporting to be a transfer by the same vendor or mortgagor or vendors or morgagors, of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry; or in case the ship or vessel was absent from the port to which she belonged at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged; and in case the particulars of two or more such bills of sale or other instruments as aforesaid, shall at any time have been entered in the book of registry of the said ship or vessel, the collector and comptroller shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid, unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bills of sale or other instrument were entered in the books of registry, or from the day on which the ship or vessel arrived at the port

to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the same owner or owners of the same property, in any ship or vessel entered in the book of registry as aforesaid, the collector and comptroller are hereby required to endorse upon the certificate of registry of such ship or vessel, the particulars of that bill of sale or other instrument under which the person or persons claims or claim property; who shall produce the certificate of registry for that purpose within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of registry within either of the said spaces of thirty days, then it shall be lawful for the collector and comptroller, and they are hereby required to endorse upon the certificate of registry the particulars of the bill of sale or other instrument to such person or persons as shall first produce the certificate of registry for that purpose, it being the true intent and meaning of this Act that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appear to claim the same property, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them were entered in the book of registry as aforesaid, but according to the time when the endorsement is made upon the certificate of registry as aforesaid: Provided always, that if the certificate of registry shall be lost or mislaid, or shall be detained by any person whatever, so that the endorsement cannot, in due time, be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Commissioners of His Majesty's Customs, it shall be lawful for the said Commissioners to grant such further time as to them shall appear necessary for the recovery of the certificate of registry, or for the registry *de novo* of the said ship or vessel, under the provisions of this Act; and thereupon the collector and comptroller shall make a memorandum in the book of registers of the further time so granted; and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof.

XXXVIII. And be it further enacted, That if the certificate of registry of such ship or vessel shall be produced to the collector and comptroller of any port where she may then be, after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale, containing a notification of such record, signed by the collector and comptroller of such port as before directed, it shall be lawful for the collector and comptroller of such other port to endorse on such certificate of registry, being required so to do, the transfer mentioned in such bill of sale, and such collector and comptroller shall give notice thereof to the collector and comptroller of the port to which such ship or vessel belongs, who shall record the same in like manner as if they had made such endorsement themselves, but inserting the name of the port at which such endorsement was made: Provided always, that the collector and comptroller of such other port shall first give notice to the collector and comptroller of the port to which such ship or vessel belongs, of such requisition made to them, to endorse the certificate of registry; and the collector and comptroller of the port to which such ship or vessel belongs, shall thereupon send information to the collector and comptroller of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel; and the collector and comptroller of such other port having such information, shall proceed in manner directed by this Act, in all respects, to the endorsing of the certificate of registry, as they would do if such port were the port to which such vessel belonged.

XXXIX. And be it further enacted, That if it shall become necessary to register any ship or vessel *de novo*, and any share or shares of such ship

Bill of Sale shall not have been recorded, the same shall then be produced.

Provision in case Certificate be mislaid.

Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers endorsed on Certificate of Registry.

Previous Notice to be given to Officers at the Port of Registry.

If, upon Registry *de novo*, any Bill of Sale shall not have been recorded, the same shall then be produced.

No. CXVIII.

4 Geo. IV.
c. 41.

Bills of Sale, previous to Registry, may afterwards be recorded.

Upon Change of Property, Registry *de novo* may be granted if desired, although not required by Law.

Copies of Oaths and Extracts from Books of Registry admitted in Evidence.

Vessels or Shares sold in the absence of Owners without formal Powers.

Commissioners may permit Record of such Sales or Registry *de novo*, as the case may require; and in other Cases where Bills of Sale cannot be produced;

or vessel shall have been sold since she was last registered, and the transfer of such share or shares shall not have been recorded and endorsed, in manner herein-before directed, the bill of sale thereof shall be produced to the collector and comptroller of His Majesty's customs, who are to make registry of such ship or vessel, otherwise such sale shall not be noticed in such registry *de novo*, except as herein-after excepted: Provided always, that upon the future production of such bill of sale, and of the existing certificate of registry, such transfer shall and may be recorded and endorsed, as well after such registry *de novo* as before.

XL. And be it further enacted, That if upon any change of property in any ship or vessel, the owner or owners shall desire to have the same registered *de novo*, although not required by this Act, and the owner, or proper number of owners, shall attend at the Custom House at the port to which such ship or vessel belongs for that purpose, it shall be lawful for the Collector and Comptroller of His Majesty's Customs at such port, to make registry *de novo* of such ship or vessel at the same port, and to grant a certificate thereof, the several requisites herein-before in this Act mentioned and directed being first duly observed and complied with.

XLI. And whereas great inconvenience hath arisen from the registering officers being served with subpoenas requiring them to bring with them, and produce on trials in courts of law relative to the ownery of vessels, or otherwise, the oaths or affidavits required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom: And whereas it would tend much to the dispatch of business, if the attendance of such registering officers with the same upon such trials were dispensed with; be it therefore enacted, That the Collector and Comptroller of His Majesty's Customs at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his her or their inspection and examination, any oath or affidavit taken or sworn by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept relative to any ship or vessel, and shall upon every reasonable request by any person or persons whomsoever, permit him her or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy or copies of any such oath or affidavit, register or entry, shall, upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any collector or comptroller, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals, if produced by any collector or collectors comptroller or comptrollers or other person or persons acting for them, could or might legally be admitted or received in evidence.

XLII. And be it further enacted, That if the ship or vessel, or the share or shares of any owner thereof, who may be out of the kingdom, shall be sold in his absence by his known agent or correspondent, under his directions either expressed or implied, and acting for his interest in that behalf, and such agent or correspondent who shall have executed a bill of sale to the purchaser of the whole of such ship or vessel, or of any share or shares thereof, shall not have received a legal power to execute the same, it shall be lawful for the Commissioners of His Majesty's Customs, upon application made to them, and proof to their satisfaction of the fair dealings of the parties, to permit such transfer to be registered, if registry *de novo* be necessary, or to be recorded and endorsed, as the case may be, in manner directed by this Act, as if such legal power had been produced; and if it shall happen that any bill of sale cannot be produced, or if, by reason of distance of time or the absence or death of parties concerned, it cannot be proved that a bill of sale for any share or shares in any ship or vessel had been executed, and registry *de novo* of such ship or vessel shall have become necessary, it shall be lawful for the

Commissioners of His Majesty's Customs, upon proof to their satisfaction of the fair dealings of the parties, to permit such ship or vessel to be registered *de novo*, in like manner as if a bill of sale for the transfer of such share or shares had been produced: Provided always, that in any of the cases herein mentioned, good and sufficient security shall be given to produce a legal power or bill of sale, within a reasonable time, or to abide the future claims of the absent owner, his heirs and successors, as the case may be; and at the future request of the party whose property has been so transferred, without the production of a bill of sale from him or from his lawful attorney, such bond shall be available for the protection of his interest, in addition to any powers or rights which he may have in law or equity against the ship or vessel, or against the parties concerned, until he shall have received full indemnity for any loss or injury sustained by him.

XLIII. And be it further enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage or of assignment to a trustee or trustees, for the purpose of selling the same for the payment of any debt or debts, then and in every such case the collector and comptroller of the port where the ship or vessel is registered, shall, in the entry in the book of registry, and also in the indorsement on the certificate of registry in manner herein-before directed, state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, or to that effect; and the person or persons to whom such transfer shall be made, or any other person or persons claiming under him or them as a mortgagee or mortgagees, or a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer be deemed, by reason thereof, to have ceased to be an owner or owners of such ship or vessel, any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares so transferred, available by sale or otherwise, for the payment of the debt or debts for securing the payment of which such transfer shall have been made.

XLIV. And be it further enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall have been made as a security for the payment of any debt or debts, either by way of mortgage or of assignment as aforesaid, and such transfer shall have been duly registered according to the provisions of this Act, the right or interest of the mortgagee or other assignee as aforesaid, shall not be in any manner affected by any act or acts of bankruptcy committed by such mortgagor or assignor, mortgagors or assignors, after the time when such mortgage or assignment shall have been so registered as aforesaid, notwithstanding such mortgagor or assignor, mortgagors or assignors, at the time he or they shall so become bankrupt as aforesaid, shall have in his or their possession order and disposition, and shall be the reputed owner or owners of the said ship or vessel, or the share or shares thereof so by him or them mortgaged or assigned as aforesaid; but that such mortgage or other assignment shall take place of and be preferred to any right claim or interest, which may belong to the assignee or assignees of such bankrupt or bankrupts in such ship or vessel, share or shares thereof, any law or statute to the contrary thereof notwithstanding.

XLV. And be it also further enacted, That the Commissioners of His Majesty's Customs in *Scotland* and *Ireland* respectively shall transmit, at the end of every month in each year, to the Commissioners of His Majesty's Customs in *England*, true and exact copies of all such certificates as shall be granted by them, or by any officer or officers within the limits of their commission, in pursuance of this Act.

XLVI. And be it further enacted, That it shall and may be lawful for any Governor Lieutenant Governor or Commander-in-Chief of any of His Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, if any suit, information,

No. CXVIII.

4 Geo. IV.

c. 41.

Security being given to produce legal Powers, or abide future Claims.

Transfer by way of Mortgage.

Mortgagee not to be deemed an Owner.

Transfers of Ships for Security of Debts being registered, Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor, &c.

Commissioners in Scotland, &c., to transmit Copies of Certificates to Commissioners in England. Governors may cause Proceedings in Suits to be stayed.

No. CXIX.
4 Geo. IV.
c. 80.

Punishing Per-
sons making
false Oath ;
or falsifying any
Document.

How Penalties
are to be reco-
vered,

and Officers'
Shares.

Act may be
altered this
Session.

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 if he shall see just cause so to do, until His Majesty's pleasure shall be known and certified to him by His Majesty, by and with the advice of His Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander-in-Chief, is hereby required to transmit to one of His Majesty's Principal Secretaries of State, to be laid before His 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 documents (properly verified) as he may judge necessary for the information of His Majesty.

XLVII. And be it further enacted, That if any person or persons shall falsely make oath to any of the matters herein-before required to be so verified, such person or persons shall suffer the like pains and penalties as are incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing, required or directed to be obtained granted or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate, or other instrument in writing, knowing it to be false, such person or persons shall, for every such offence forfeit the sum of five hundred pounds.

XLVIII. And be it further enacted, That all the penalties and forfeitures inflicted and incurred by this Act, shall and may be sued for, prosecuted and recovered in such courts, and be disposed of in such manner, and by such ways means and methods as any penalties or forfeitures inflicted, or which may be incurred for any offence committed against the laws of customs, may now legally be sued for, prosecuted, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act, shall be entitled to and receive the same share of the produce arising from such seizures, as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act, as any officer or officers is or are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

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

[No. CXIX.] 4 Geo. IV. c. 80.—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 registering of Vessels, so far as it relates to Vessels registered in *India*.—[18th July 1823.]

53 G. 3. c. 155.

WHEREAS an Act was passed in the fifty-third year of the reign of His late Majesty King *George the Third*, 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 Act it was enacted, that it should be