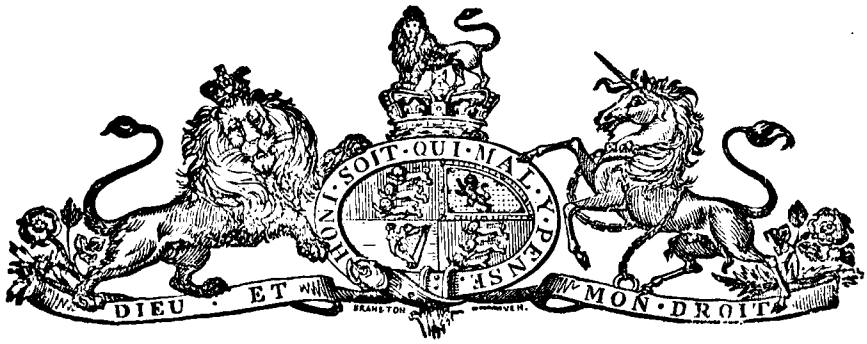


ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

CAP. LXXXIX.

An Act for the registering of *British* Vessels.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, whereby the Laws in relation to the Registration of *British* Vessels were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to Trade and Commerce that the said Act and Parts of Acts should be consolidated into One Act: 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 the same shall come into and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 55. Commencement of Act.

II. And be it enacted, That no Ship or Vessel shall be entitled to any of the Privileges or Advantages of a *British*-registered Ship, unless the Person or Persons claiming Property therein shall have caused the same to have been registered in virtue of the said Act, or of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for registering* British *Vessels*, or of an Act passed in the Fourth Year of His said late Majesty's Reign, intituled *An Act for the registering of* British *Vessels*, No Vessel to enjoy Privileges until registered. 6 G. 4. c. 110. 4 G. 4. c. 41.

Vessels, or until such Person or Persons 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*,)

Form of Certificate of Registry.

'THIS is to certify, That in pursuance of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act, the Names, Occupations, and Residence of the subscribing Owners*], having made and subscribed the Declaration required by the said Act, and having declared 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 Burden 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 inner Part of the Main Stem to the fore Part of the Stern-post aloft is [*Feet Tenths*], her Breadth in Midships is [*Feet Tenths*], her Depth in Hold at Midships is [*Feet Tenths*], that she is [*how rigged*] rigged, with a [*standing or running*] Bowsprit, is [*Description of Stern*] sterned, [*Carvel or Clincher*] built, has [*whether any or not*] 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 required by the said Act, the said Ship or Vessel 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) Collector.
'(Signed) Comptroller.'

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 the Form and Manner following:

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
[Name] - - -	- - - Thirty-two.
[Name] - - - -	- - - Sixteen.
[Name] - - -	- - - Eight.
[Name] - - - -	- - - Eight.

(Signed) Comptroller.
(Signed) Collector.

III. And

III. And be it enacted, That the Persons authorized and required to make such Registry and grant such Certificates shall be the several Persons herein-after mentioned and described; (that is to say,) Persons authorized to make Registry, &c.

The Collector and Comptroller of Her 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: In United Kingdom and Isle of Man:

The principal Officers of Her Majesty's Customs in the Islands 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: In Guernsey, &c.:

The Collector and Comptroller of Her Majesty's Customs of any Port in the *British* Possessions in *Asia*, *Africa*, and *America*, or the Collector of any such Port at which no Appointment of a Comptroller has been made, in respect of Ships or Vessels to be there registered: In Colonies in Asia, Africa, and America:

The Collector of Duties at any Port in the Territories under the Government of the *East India* Company, within the Limits of the Charter of 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 respect of Ships or Vessels to be there registered: In Territories of East India Company:

The Collector of Duties at any *British* Possession within the said Limits, and not under the Government of the said Company, and at which a Custom House is not established, together with the Governor, Lieutenant Governor, or Commander-in-Chief of such Possession, in respect of Ships or Vessels to be there registered: In other Places within Limits of the Charter of E. I. C.:

The Governor, Lieutenant Governor, or Commander-in-Chief of *Malta*, *Gibraltar*, and *Heligoland* respectively, in respect of Vessels or Ships to be there registered: In Malta, Gibraltar, &c.

Provided always, that no Ship or Vessel shall be registered at *Heligoland*, except such as is wholly of the Build of that Place, and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be registered elsewhere; and that Ships or Vessels registered at *Malta*, *Gibraltar*, or *Heligoland* shall not be entitled to the Privileges and Advantages of *British* Ships in any Trade between the said United Kingdom and any of the *British* Possessions in *America*: Limitation as to Vessels registered at Malta, Gibraltar, or Heligoland.

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 Her Majesty's Customs, the same shall or may be done or performed by, to, or with the several Persons respectively herein-before authorized and required to make Registry and to grant Certificates of Registry as aforesaid, 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: Certain Powers of Collectors and Comptrollers, by whom to be exercised in certain Cases.

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 Her Majesty's Customs, the same shall or may be done or performed by, to, or with the Powers of Commissioners of Customs in United King-

dom given to Governors, &c. abroad.

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.

Ships exercising Privileges before Registry to be forfeited;

IV. And be it enacted, That 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 Her 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 duly registered prior to the Commencement thereof.

but not to affect Vessels registered under previous Acts.

What Ships are entitled to be registered.

V. And be it 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 Build 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 belonged to Her Majesty, Her 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 as forfeited 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 Her Majesty's Subjects duly entitled to be Owners of Ships or Vessels registered by virtue of this Act.

Mediterranean Pass may be issued at Malta or Gibraltar for certain Ships only.

VI. And be it enacted, That no *Mediterranean* Pass shall be issued for the Use of any Ship as being a Ship belonging to *Malta* or *Gibraltar*, except such as be duly registered at those Places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the Tenth Day of *October* One thousand eight hundred and twenty-seven, and shall have continued wholly to belong, to Persons actually residing at those Places respectively as Inhabitants thereof, and entitled to be Owners of *British* Ships there registered, or who, not being so entitled, shall have so resided upwards of Fifteen Years prior to the said Tenth Day of *October* One thousand eight hundred and twenty-seven.

Ships disqualified if Foreign Repairs exceed 20*s.* per Ton,

VII. And be it 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 Burden 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 Her 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 in the said Dominions; and whenever any Ship or Vessel which has been so repaired in a Foreign Country shall

arrive at any Port in Her Majesty's Dominions as a *British*-registered Ship or Vessel, the Master or other Person having the Charge or Command of the same shall, upon the first Entry thereof, report to the Collector and Comptroller of Her 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 Burden of such Ship or Vessel, according to the Admeasurement thereof; and if it shall be proved to the Satisfaction of the Commissioners of Her Majesty's Customs that such Ship or Vessel was seaworthy at the Time when she last departed from any Port or Place in Her 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 Her 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.

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

VIII. And be it 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.

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

IX. And be it 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 afterwards 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.

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

X. And be it 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 be registered in manner herein-after directed; but all and every Registry and Certificate made and 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

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

Commissioners of Customs may permit Registry at other Ports.

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 Her Majesty's Customs, which Order the said Commissioners are hereby authorized and empowered to issue 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 the 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 furthest, transmit to the Commissioners of Her Majesty's Customs a true and exact Copy, together with the Number of every Certificate which shall be by them so granted.

Book of Registers to be kept, and Accounts to be transmitted to Commissioners.

Port to which Vessels shall be deemed to belong.

Change of subscribing Owner to require Registry de novo.

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 have a Certificate from the Collector, &c. to trade for Two Years or until Arrival in United Kingdom.

XI. And be it 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 make and subscribe the Declaration 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 Her Majesty belonging, for Owners residing in the United Kingdom, and 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 the Certificate of the Builder required by this Act, and shall have made and subscribed a Declaration 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, 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

required on Registry of any Ship or Vessel, and such Certificate shall have all the Force and Virtue of a Certificate of Registry under this Act, during the Term of Two Years, unless such Ship shall sooner arrive at some Place in the United Kingdom; and such Collector and Comptroller shall transmit a Copy of such Certificate to the Commissioners of Her Majesty's Customs.

Foreigners and Persons residing in Foreign Countries may not be Owners, unless Members of British Factories, or Agents for or Partners in British Houses.

XII. And be it 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 Her Majesty's Letters Patent or by Act of Parliament, nor any Person usually residing in any Country not under the Dominion of Her Majesty, Her 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.

Declaration to be made by subscribing Owners previous to Registry.

XIII. And be it enacted, That no Registry shall henceforth be made or Certificate granted until the following Declaration be made and subscribed, before the Person or Persons herein-before authorized to make such Registry and grant such Certificate respectively, 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 Registry 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, unless a greater Number shall be desirous to join in making and subscribing the said Declaration, or by One of such Owners if all, or all except One, shall be resident at a greater Distance:

Form of Declaration.

'I *A. B.* of [*Place of Residence and Occupation*] do truly declare, That the Ship or Vessel [*Name*] of [*Port or Place*], whereof [*Master's Name*] is at present Master, being [*Kind of Build, Burden, et cætera, as described in the Certificate of the Surveying Officer*], was [*when and where built, or, if Prize or forfeited, Capture and Condemnation as such*], 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 Parts, 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

'Person or Persons whatever 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 Capitu-* '*lation, describing the Particulars thereof*], or that since my taking '[*or* his *or* their taking] the Oath of Allegiance to [*naming the* '*Foreign States respectively 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 Her Majesty's Letters Patent, or by an Act of Parlia- 'ment [*naming the Times when such Letters of Denization have* '*been granted 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:'

Declaration by Corporation.

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration in lieu of the Declaration herein-before directed shall be taken and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

'I *A.B.*, Secretary [*or* Officer] of [*Name of Company or Corpora-* '*tion*], do truly declare, That the Ship or Vessel [*Name*] of [*Port*] 'whereof [*Master's Name*] is at present Master, being [*Kind of* '*Build, Burden, et cæterâ, as described in the Certificate of the Sur-* '*veying Officer*], was [*when and where built, or, if Prize or forfeited,* '*Capture and Condemnation as such*], and that the same doth wholly 'and truly belong to [*Name of Company or Corporation*].'

Addition to Declaration in case the required Number of Owners do not attend.

XIV. And be it enacted, That in case the required Number of joint Owners or Proprietors of any Ship or Vessel shall not personally attend to make and subscribe the Declaration herein-before directed to be made and subscribed, then and in such Case such Owner or Owners, Proprietor or Proprietors, as shall personally attend and make and subscribe the Declaration aforesaid, shall further declare 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 making the Declaration herein-before directed to be made and subscribed, or is or are prevented by Illness from attending to make and subscribe the said Declaration.

Survey.

Vessels to be surveyed previous to Registry.

XV. And in order to enable the Collector and Comptroller of Her 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 Her 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,

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 Her 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 Build, 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.

Survey.

Certificate of Survey to be given.

Owner or Master concurring therein.

XVI. And be it enacted, That from and after the Commencement of this Act the Tonnage of every Ship or Vessel required by Law to be registered shall, previous to her being registered, be measured and ascertained while her Hold is clear, and according to the following Rule; (that is to say,) divide the Length of the upper Deck between the after Part of the Stem and the fore Part of the Stern-post into Six equal Parts; Depths, at the foremost, the middle, and the aftermost of those Points of Division, measure in Feet and decimal Parts of a Foot the Depths from the under Side of the upper Deck to the Ceiling at the Limber Strake; in the Case of a Break in the upper Deck the Depths are to be measured from a Line stretched in a Continuation of the Deck; Breadths, divide each of those Three Depths into Five equal Parts, and measure the inside Breadths at the following Points; (*videlicet,*) at One Fifth and at Four Fifths from the upper Deck of the foremost and aftermost Depths, and at Two Fifths and Four Fifths from the upper Deck of the Midship Depth; Length, at Half the Midship Depth measure the Length of the Vessel from the after Part of the Stem to the fore Part of the Stern-post; then to Twice the Midship Depth add the foremost and the aftermost Depths for the Sum of the Depths; add together the upper and lower Breadths at the foremost Division, Three Times the upper Breadth and the lower Breadth at the Midship Division, and the upper and Twice the lower Breadth at the after Division, for the Sum of the Breadths; then multiply the Sum of the Depths by the Sum of the Breadths, and this Product by the Length, and divide the final Product by Three thousand five hundred, which will give the Number of Tons for Register; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead; multiply these Three Measurements together, and dividing the Product by 92·4, the Quotient will be

The Rule by which Tonnage of Vessels is to be ascertained.

Survey.

the Number of Tons to be added to the Result as above found; in order to ascertain the Tonnage of open Vessels the Depths are to be measured from the upper Edge of the upper Strake.

Mode of ascertaining Tonnage of Steam Vessels.

XVII. Provided always, and be it enacted, That in each of the several Rules herein-before prescribed, when applied for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Tonnage due to the Cubical Contents of the Engine Room shall be deducted from the total Tonnage of the Vessel as determined by either of the Rules aforesaid, and the Remainder shall be deemed the true Register Tonnage of the said Ship or Vessel; the Tonnage due to the Cubical Contents of the Engine Room shall be determined in the following Manner; (that is to say,) measure the inside Length of the Engine Room in Feet and decimal Parts of a Foot from the foremost to the aftermost Bulkhead, then multiply the said Length by the Depth of the Ship or Vessel at the Midship Division as aforesaid, and the Product by the inside Breadth at the same Division at Two Fifths of the Depth from the Deck, taken as aforesaid, and divide the last Product by 92·4, and the Quotient shall be deemed the Tonnage due to the Cubical Contents of the Engine Room.

Length and Cubical Contents of Engine Room to be set forth in Description of Steam Vessel.

XVIII. Provided always, and be it enacted, That the Tonnage due to the Cubical Contents of the Engine Room, and also the Length of the Engine Room, shall be set forth in the Certificate of Registry as Part of the Description of the Ship or Vessel, and that any Alteration of such Tonnage due to the Cubical Contents of the Engine Room, or of such Length of the Engine Room after Registry, shall be deemed to be an Alteration requiring Registry *de novo* within the Meaning of this Act.

Rule for measuring Ships with Cargoes on board.

XIX. And be it enacted, That for the Purpose of ascertaining the Tonnage of all such Ships as there shall be occasion to measure while their Cargoes are on board, the following Rule shall be observed, and is hereby established; (that is to say,) measure first the Length on the upper Deck between the after Part of the Stem and the fore Part of the Stern-post; secondly, the inside Breadth on the under Side of the upper Deck at the middle Point of the Length; and, thirdly, the Depth from the under Side of the upper Deck down the Pump Well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnages of such Ships; if the Vessel have a Poop or Half Deck or a Break in the upper Deck, measure the inside mean Length, Breadth, and Height of such Part thereof as may be included within the Bulkhead, multiply these Three Measurements together, and, dividing the Product by Ninety-two and Four Tenths, the Quotient will be the Number of Tons to be added to the Result above found.

Amount of registered Tonnage to be carved on Main Beam.

XX. And be it enacted, That the true Amount of the Register Tonnage of every Ship or Vessel required by Law to be registered, ascertained according to the Rule by this Act established, shall be deeply carved or cut in Figures at least Three Inches in Length on the Main Beam of every such Ship or Vessel prior to her being registered.

XXI. And

Not to alter Tonnage of Vessels already registered.

XXI. And be it enacted, That nothing herein contained shall extend to alter the present Measure of Tonnage of any Ship or Vessel which shall have been registered prior to the Commencement of this Act, unless in Cases where the Owners of any such Ships shall require to have their Tonnage established according to the Rule herein-before provided, or unless there shall be occasion to have any such Ship admeasured again on account of any Alteration which shall have been made in the Form or Burden of the same, in which Cases only such Ships shall be re-admeasured according to the said Rule, and their Tonnage registered accordingly.

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

XXII. And be it enacted, That whenever the Tonnage of any Ship or Vessel shall have been ascertained according to the Rules herein prescribed, 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 Burden of such Ship or Vessel, or it shall be discovered that the Tonnage of such Ship or Vessel had been erroneously taken and computed.

Bond to be given at the Time of Registry.

XXIII. And be it enacted, That at the Time of the obtaining of the Certificate of Registry as aforesaid sufficient Security by Bond shall be given to Her Majesty, Her 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 Burden of Fifteen Tons, and not exceeding Fifty Tons, then in the Penalty of One hundred Pounds; if exceeding the Burden of Fifty Tons, and not exceeding One hundred Tons, then in the Penalty of Three hundred Pounds; if exceeding the Burden of One hundred Tons, and not exceeding Two hundred Tons, then in the Penalty of Five hundred Pounds; if exceeding the Burden of Two hundred Tons, and not exceeding Three hundred Tons, then in the Penalty of Eight hundred Pounds; and if exceeding the Burden of Three hundred Tons, then in the Penalty of One thousand Pounds; and the Condition 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 Her 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,

Conditions that the Certificate shall be solely made use of for the Service of the Vessel, or given up to be cancelled, in certain Cases.

Registry.

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 the Use and Benefit of any Foreigner, shall purchase or otherwise become entitled to the whole or to 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*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of 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 Property shall take place, then that the Certificate 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 Property shall take place, then that the Certificate 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*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of Her Majesty's said Colonies, Plantations, Islands, or Territories, then that the Certificate 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*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of any of Her 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 Registry be at any other Port than that of Registry, 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.

XXIV. And be it 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

Registry.

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 Her 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.

Bonds liable to same Duties as Bonds for Customs.

XXV. And be it enacted, That all Bonds required by this Act shall be liable to the same Duties of Stamps as Bonds given for or in respect of the Duties of Customs are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

Certificate of Registry to be given up by all Persons as directed by the Bond.

XXVI. And be it 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.

Name of Vessel which has been registered never afterwards to be changed, and to be painted on the Stern.

XXVII. And be it 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 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 of not less than Four Inches, upon a Black Ground, upon some conspicuous Part of the Stern, the Name by which such Ship or Vessel shall have been registered, and the Port to which she belongs, in a distinct and legible Manner, and shall so keep and preserve the same; and 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, 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 Her 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 Person having or taking the Charge or Command of such Ship or Vessel, shall forfeit the sum of One hundred Pounds.

Penalty for Omission, 100*l.*

Builder's Certificate of Particulars of Ship.

XXVIII. And be it 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 of such Vessel, 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 and subscribe a Declaration before the Person or Persons herein-before authorized to grant such Certificate 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: Provided always, that where by reason of the Death of such Builder, or some other nuavoidable Cause, such Certificate cannot be produced, it shall be lawful for the Commissioners of Her Majesty's Customs, on Proof being made to their Satisfaction of all the Particulars required as aforesaid, to dispense with the Account hereby required under the Hand of the Builder, and to allow the Certificate of Registry to be granted.

Declaration to be made thereto.

Power to Commissioners of Customs to dispense with Builder's Certificate.

Certificate of Registry lost or mislaid.

XXIX. And be it 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 Proof thereof shall be made to the Satisfaction of the Commissioners of Her 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: Provided also, 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 Her 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 and subscribe a Declaration 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 herein-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

Commissioners may permit Registry de novo, or grant Licence.

Registry.

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 Declaration 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 or 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.

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

XXX. 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 any Person who shall have received or obtained, by any Means or for any Purpose whatever, the Certificate of the Registry of any Ship or Vessel, (whether such Person shall claim to be the Master or to be the Owner or one of the Owners of such Ship or Vessel or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Her Majesty's Customs for the Purposes of such Ship or Vessel, as Occasion shall require, or to the Person or Persons having the actual Command, Possession, and Management of such Ship or Vessel as the ostensible and reputed Master, or as the ostensible and reputed Owner or Owners thereof, it shall be lawful to and for any such last-mentioned Person to make Complaint, on Oath, 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 to any Deemster or Justice of the Peace, in the Islands of *Jersey*, *Guernsey*, or *Man*, or in any Colony, Plantation, Island, or Territory to Her Majesty belonging in *Asia*, *Africa*, or *America*, or in *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 the Person so complained against 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 such Person or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said Person, such 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 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.

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 such Ship or Vessel was so registered *de novo*; and if the 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 Her 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.

Ship altered in certain Manner to be registered de novo.

XXXI. And be it enacted, That if any Ship or Vessel, after she shall have been registered, 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.

Vessels condemned as Prize, or for Breach of Laws against Slave Trade, Certificate of Condemnation to be produced.

XXXII. And be it enacted, That the Owner or Owners of all Ships and Vessels taken by any of Her 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 Ships or Vessels condemned in any competent Court as forfeited for Breach of the Laws for the Prevention of the Slave Trade, shall, for the Purpose of registering any such Ship or Vessel, produce to the Collector and Comptroller of Her 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 and subscribe a Declaration before the Collector and Comptroller that such Ship or Vessel is the same Vessel which is mentioned in the Certificate of the Judge aforesaid.

Prize Vessels not to be registered at Guernsey, Jersey, or Man, but at certain Ports.

XXXIII. Provided always, and be it enacted, That no Ship or Vessel which shall be taken and condemned as Prize or Forfeiture as aforesaid shall be registered in the Islands of *Guernsey*, *Jersey*, or *Man*, although belonging to Her 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 and

required

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.

Transfers.

Transfer of Interest to be made by Bill of Sale.

XXXIV. And be it enacted, That when and so often as the Property in any Ship or Vessel, or any Part thereof, belonging to any of Her Majesty's Subjects, shall, after Registry thereof, be sold to any other or others of Her 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 intended in the Recital be effectually proved thereby.

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

XXXV. And be it 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 equal 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; and upon the first Registry of any Ship or Vessel, the Owner or Owners who shall take and subscribe the Declaration required by this Act before Registry be made shall also declare 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 any Owner or Owners to any 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 Her 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.

Only Thirty-two Persons to be Owners of any Ship at One Time.

XXXVI. And be it enacted, That no greater Number than Thirty-two Persons shall be entitled to be 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 Her 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 make and subscribe the Declaration 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.

Joint Stock Companies.

Trustees may apply to have Registry made.

Bills of Sale not effectual until produced to Officers of Customs, and entered in the Book of Registry or of intended Registry.

XXXVII. And be it 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 at which such Ship or Vessel is already registered, or to the Collector and Comptroller of any other Port at which she is about to be registered *de novo*, as the Case may be, nor until such Collector and Comptroller respectively shall have entered in the Book of such last Registry in the one Case, or in the Book of such Registry *de novo*, after all the Requisites of Law for such Registry *de novo* shall have been duly complied with, in the other Case, (and which they are respectively 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, if such Ship or Vessel is not about to be registered *de novo*, the Collector and Comptroller of the Port where such Ship is registered 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*,)

Form of Endorsement.

'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

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 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 certain Cases.

XXXVIII. And be it 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 endorsing the Certificate of Registry before any other Bill of Sale for the same shall be entered.

XXXIX. And be it 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 Mortgagors 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

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, or to claim Security on the same Property, in the same Rank and Degree, 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 Her 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, or for giving the same Security thereon.

Nature of the Priority intended in this Act.

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.

XL. And be it 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 or 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

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

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.

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

XLI. And be it enacted, That if it shall become necessary to register any Ship or Vessel *de novo*, and any Share or Shares of such Ship 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 Her 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.

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

XLII. And be it 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 Her 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.

Copies of Declarations, &c., and of Extracts from Books of Registry, admitted in Evidence.

XLIII. And whereas great Inconvenience hath arisen from the Registering Officers being served with Subpœnas, 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 Declarations 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 Despatch 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 Her 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 Declaration sworn or made 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 and Copies of any such Oath or Declaration, 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

Transfers.

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.

If 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;

XLIV. And be it 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 Her 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 also 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 Her 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.

and also in other Cases where Bills of Sale cannot be produced;

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

Transfer by way of Mortgage.

XLV. And be it 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 Endorsement 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

Mortgagee not to be deemed an Owner.

Owner

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. *Transfers.*

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

XLVI. And be it 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, her, 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 such Mortgage or 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.

Governors of Colonies, &c. may cause Proceedings in Suits to be stayed.

XLVII. And be it enacted, That it shall and may be lawful for any Governor, Lieutenant Governor, or Commander-in-Chief of any of Her Majesty's Colonies, Plantations, Islands, or Territories, and they are hereby respectively authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding of any Nature or Kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander-in-Chief, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until Her Majesty's Pleasure shall be known and certified to him by Her Majesty, by and with the Advice of Her Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander-in-Chief is hereby required to transmit to one of Her Majesty's Principal Secretaries of State, to be laid before Her Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents (properly verified) as he may judge necessary, for the Information of Her Majesty.

Penalty for making false Declaration or falsifying any Document.

XLVIII. And be it enacted, That if any Person or Persons shall falsely make Declaration to any of the Matters herein-before required to be verified by Declaration, or if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or other Instrument in Writing

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.

Owners of British Vessels to give Notice to Collectors of Customs at the Port of Registry of the Loss, &c. of such Vessels.

XLIX. And be it enacted, That the Person or Persons registered as Owner or Owners of any *British* Ship or Vessel which shall have been lost or taken by the Enemy, or burnt or broken up, or otherwise prevented from returning to the Port to which such Ship or Vessel belongs, or which shall on any account have lost or forfeited the Privileges of a *British* Ship, shall, immediately upon obtaining Knowledge of any of the Circumstances aforesaid, give Notice in Writing of such Circumstances to the Collector or Comptroller of the Customs at the Port of Registry of such Ship or Vessel.

Or if Vessels absent from the Port of Registry for Three Years, to state the Cause.

L. And be it enacted, That in all Cases where any *British*-registered Ship or Vessel shall have been absent from the Port of Registry for the Space of Three Years, the Person or Persons registered as the Owner or Owners of such Ship or Vessel shall in like Manner give Notice in Writing to the Collector or Comptroller of the Customs at such Port, stating therein the Cause of such Absence, and that the said Vessel has not forfeited her Privileges as a *British* Ship.

Failing to give such Notices, &c., to forfeit 5*l.*

LI. And be it enacted, That every such Owner or Owners failing to give such Notice in either of the Cases aforesaid, or making any untrue Statement in respect of any such Ship or Vessel, shall forfeit the Sum of Five Pounds.

How Penalties are to be recovered;

and Officers Shares.

LII. And be it enacted, That all the Penalties and Forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and 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 Offences committed against any Law relating to the 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.

Alteration of Act.

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

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