

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

instrument; but certainly, if the parties chuse to convey by a written instrument, that shews what their intention and the rights of the parties were, and they shall not be permitted afterwards to refer to any other agreement. For if a person execute a bill of sale of goods without stamp, such an instrument cannot be received in evidence; yet the vendee cannot resort to any parole evidence of the agreement: so here, the title of the defendant being reduced to writing, he cannot refer to any other agreement, although the written instrument is void by the act. The words of the seventeenth section are *general*, and make no exception of cases where ships are at sea; and with respect to the impossibility of complying with the requisitions of the act while the ship was at sea, the parties might have extracted from the registry at the custom-house all that was necessary for this purpose. It was wholly unfounded to insist, that if the bill of sale did not take effect, there was a lien for the amount; for the bill of sale professes to transfer the absolute property; and though the property would be divested by the payment of the money, yet the intermediate property in the vendees under the bill of sale would not be divested. He likened this

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PART III.

PEACE 1783,
TO A. D. 1793.
BRITISH
SHIPS.

to the case of conditional surrenders by tenants for life before stat. 14. *Geo. 2. c. 20.* in which cases the whole property actually passed in the mean time, although it was devested on performance of the condition.

As to the assertion, that a court of equity would not compel the defendant to deliver up the ship till his demand was satisfied, he said he did not know that a court of equity would put a different construction on the act; but, at any rate, in a court of law they were to put on it a legal construction. Where the parties have relied on an invalid security, he did not know that a court of equity would decree a performance of the contract. As the instrument is not valid in point of law, the contract cannot be supported here on grounds on which they did not think a court of equity would act. The other Judges agreed in the same opinion in favour of the plaintiff.

MR. JUSTICE BULLER considered the other clauses of the act as decisively against the first ground taken by the counsel for the defendant; namely, that the statute did not apply to the case of a ship sold at sea, because the case of a sale of a ship, either
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at sea or in a foreign port, *to a foreigner*, is expressly provided for by the fifteenth section: then if we see that in one part of this statute the Legislature had in view the sale of a ship at sea, or in a foreign port, and made special provisions for such a purchase by a foreigner, it cannot be argued that the selling of a ship at sea in other cases was not in the contemplation of the Legislature; but it shews that they only intended to make one exception, leaving all other cases within the general words of the seventeenth section: besides, before such an argument is adopted, it ought to appear, beyond all controversy, that the parties could not comply with the requisites of the statute, and that this was a *casus omissus*; which is by no means to be collected from the statute.

PART III.
PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

As to the second ground, he said, the bill of sale purports to be an absolute transfer of the property; and the defendant having possession of the grand bill of sale, and also of this bill of sale, nothing could have prevented him navigating the ship but the provisions of the act. As to the difficulty of the defendant's taking the oath, all that the act requires was, that he should

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

state fairly and truly what his interest was. In the present case, the defendant had such a property as would have justified him taking the oath; for the bill of sale being *absolute* on the face of it, if the certificate of registry had been inserted, it could not have been disputed; and if there was any right of redemption in the bankrupt, that also might have been stated. As to what was said upon transfers *by operation of law*, these he held to be always excepted; but this is a *transfer by the party*; in which case the requisites of the act must be complied with. As to the arguments upon the equity of the case, they did not apply; and it must be remembered, that he who asks equity must first do equity; and if a bill was filed in this case, and was dismissed, it would be because the plaintiff's demand was *unconscientious*: but that would not decide *the property* of the ship; the argument, to be of force, should go further, and shew that a court of equity would have decreed a legal conveyance of the ship. But he knew of no case where that court had gone so far; if he did, it would have great weight with him; for in mercantile transactions especially, he thought where a defendant had a clear, indisputable, equitable title, they ought

ought not, sitting even in a court of law, to permit the possession to be taken from him.

PART III.

PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

ANOTHER judicial opinion on this act is contained in a judgment of the privy council delivered by the present lord president on an appeal from the vice-admiralty court at *Nassau* in the *Bahamas*. It was in *Macneal's* case, where a ship had been navigated without being registered, and no sufficient excuse could be shewn for such omission.

Macneal's
Case.

THE ship in question had originally been registered, and was said to be bought by *Macneal* at *Savannah* in *South Carolina*. Having taken in a cargo there, he sailed for *Nassau*, where he applied to the governor for a register. The officer whose duty it was to make out the certificate of registry, alledged that he had no printed forms left, but that he was ready to make an indorsement upon the old certificate, on *Macneal's* taking the oath prescribed by stat. 26. *Geo.* 3. *Macneal* afterwards sailed to *Savannah*, and returned again to *Nassau* with a cargo, where the ship was seized; but on a hearing in the court of admiralty, she was released as not forfeited.

PART III.

PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

ON the part of *Macneal* it was now contended, that the sale of a British ship in a foreign port was not an act forbid by any law; that he did all in his power to obtain a fair and legal registry; that it was a blunder in the collector not to give him a certificate, alledging he had no printed forms; that on his return to *Nassau* he meant to renew his endeavours to obtain a registry, his intention being to trade between *Nassau* and *Savannah*; and that in the case of a change of property in a foreign port, he was left at large as to the *proper* port for the registry of the ship; and having declared his intention to trade thereafter from *Nassau*, that, and that only, became the *proper* port where the ship should be registered.

UPON which it was observed by the lord president, how material it was to ascertain, in cases where a ship was sold, whether in a foreign or British port, what shall be the port to which such ship shall be said to belong, and within what space of time she shall repair to such port? For if it should once be laid down that such a ship might register in any other port than that where she was first registered, he was satisfied the act of the 26th of the king, which, he said,
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is founded upon the best principles, and is wisely and sagaciously contrived by the noble person who was the author of it to prevent the many frauds committed under the act of king *William*, would be wholly disappointed of its effect.

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

HE then considered the defects in stat. 7. & 8. *Will.* 3. the frauds that were committed under it, and to what those frauds were owing. It directs, that in all cases of change, whether of the name or the property of the ship, if in another port, it should be registered *de novo*; but in neither case does the act give any direction to point out the particular port where such ship should be registered. The consequence of this want of provision in the act had been the multitude of frauds that were continually practised in the registry of ships; for in any port whatsoever, if a person presented himself and took the oath required by that act, he was intitled to have the ship registered. For it was remarkable, that that act required no other security than the transient oath, as he called it, of any man whatsoever who chose to offer himself, and who the next minute might slip away and never be heard of afterwards. He said, he did not

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

wonder that the noble person who framed the statute of the 26th of the king considered these frauds, and the preventing of them, as particularly deserving his attention; and he was very happy to say, that if they were right in the judgment they were then going to give, he believed they should so fully second the design of this act, that he would defy any man finding a loop-hole to evade it.

HE thought that stat. 26. *Geo.* 3. was an act which in every view of it should be considered as a remedial act; it was for preventing a public mischief, to amend and alter stat. 7. & 8. *Will.* 3. It had appeared that frauds without number were committed under that act; and that was, and was stated to be, the reason of making this act.

THE rule, therefore, of construction in applying and explaining the act, should be such as will most aid in advancing the means of relief and in suppression of fraud. And should it be considered in any light as a penal act, he was clearly of opinion, that every thing arising from such a consideration

tion should be controlled by the other character of it as a remedial act.

PART III.
PEACE 1781.
TO A. D. 1792.
BRITISH
SHIPS.

HE observed, that by sect. 5. of the act, the port where the registry ought to be made, was expressly defined *the port from and to which she has usually traded*; and if a new ship, *the port to and from which she intends to trade*. It is essentially necessary, and expressly required, that the husband's or acting owner's residence should be near such port. This circumstance of residence seems to be made the most indispensable requisite in the section. Besides this there are added securities, controls, surveys of the ship; all which if complied with, especially that of residence near the port, it should seem that fraud would be almost impossible.

HE forbore making more observations on the act, except only as to one point; that is, *how long time should be allowed after the change of property in the ship for arriving at the proper port where the ship ought to be registered*: for if the time allowed were indefinite, so that a ship might be trading from port to port without registering, the design and object of the act would be at an end.

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

It is remarkable, that stat. 7. & 8. *Will.* 3. specifies no time for new registering; no more does stat. 26. *Geo.* 3.; but the latter act does in one clause (a) decide what is to be done in a particular case; and he thought the direction there given might, by analogy, be applied to all cases of a new registry—"or to any other port in which she can be legally registered by this act."—Now there is no case under this act but that of a change of property in a foreign port. Every court before which a case of this sort comes, is to consider *the time*. Common sense and common reason must say, a ship shall be at liberty to navigate without a register, and shall be protected by law, if in the mean time she is using due diligence to reach a port where a register may be obtained. As for instance, suppose a ship is sold at sea, and she is then making a voyage under a charter-party, and the port at which she first arrives after such sale is not a proper port for her registering, he held she would be justified in going to such port; but that no further delay would be excused, as she ought in convenient time

(a) Sect. 24.

to proceed to the port where she can be registered.

PART III.
PEACE 1783.
TO A. D. 1792.
BRITISH
SHIPS.

UPON the whole the rule is this : Where the property of a ship is transferred in a foreign port, she must with all due diligence proceed to the proper port where she may be registered : this port must be that of which she is, as it were, an inhabitant. This circumstance is a part of the certificate, is a part of the oath, and is essentially necessary to the registry.

COMPARE *Macneal's* situation with these requisites. He was said to be the purchaser of this ship at *Savannah* ; nothing more appears of him : it might fairly be asked, Who is he ? Whence comes he ? What property has he ? what relations ? what friends ? By his own account he paid only a part of the purchase-money, for the remainder he was to draw on merchants in *Jamaica* : whether those bills were paid or not, does not appear. These merchants, by his account, were to become part owners of the ship ; which alone makes his oath incorrect, and brings great suspicion on the whole transaction. He comes to *Savannah* with a cargo belonging to some American merchants,

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

merchants, but which in the bill of lading, is made to belong to *Macneal*; all which was probably a mere colour to give him the credit of the property, in order to enable him to obtain a registry.

He considered it as a fundamental objection to this ship, that *Macneal* had no known residence. He looked upon him as a sea-vagabond; and observed, that he felt he was under the necessity of swearing with care; for in his oath he did not go farther than to say, "he had not been a resident in any country not under the dominion of his majesty."

ON this single objection, without taking into consideration any other, the court might decide against this ship. But he had thought it proper to give more at large the sense of the court upon the policy of the act, because it is extremely material that its principle should be thoroughly understood; and as to the point in question, if the act was not scrupulously adhered to, he was persuaded the whole of its regulations would be futile and useless. It became the more necessary to be thus explicit, as the Judge below had seemed greatly to have misunder-

misunderstood the act; declaring, that *Macneal* had offended only against the letter of the act, and not against its spirit. Indeed, said his lordship, it is in general beyond sea, in our plantations, that the laws of navigation are broke through and evaded; added to which, the application of them is left for a time with governors, collectors of the customs, and other persons not sufficiently conversant with legal matters, who contribute to aggravate such mischiefs by misconstruction and false interpretations of the law (a).

PART III.
PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

THIS is all the information of a judicial nature that is to be found on this act. To this I can only add some queries and doubts that have arisen upon parts of the act, and which may become subjects of future discussion.

FIRST, as to the description of British-built ships; the act excludes from that privilege all ships *built or rebuilt on a foreign-made keel or bottom in the manner heretofore practised and allowed*. This gave rise to the following case: An American-built ship was sold at Whitehaven: she was then taken to pieces; and this operation of separating all the parts of

(a) 25 March 1790.

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PART III.
 PEACE 1783;
 TO A. D. 1792.
 BRITISH
 SHIPS.

her was carried so far, that the keel, which was composed of two pieces of timber riveted in the middle, was unriveted, and separated. After this, the materials were shewn to the custom-house officers. The workmen then scarfed and new-modelled the two pieces of timber composing the former keel, and laid them down in a very different manner from that in which they had been for the keel of the former vessel, and proceeded to build another vessel with the other timbers. Could this be said to be a rebuilding on a foreign-made keel, or was the keel made of the timber so separated an entire new keel?

AGAIN, a British-built ship is no longer to enjoy her privilege, if she is repaired in a foreign port to an amount exceeding fifteen shillings for every ton of her burthen, unless such repairs are necessary. A ship had undergone repairs to that amount, and they were reported by the custom-house officer, not to be necessary. This ship therefore, by the terms of the act, ceased to be deemed a British-built ship.

WITH regard to both of these ships, it may be asked, If they are not British-built ships, in what class or denomination of ships can they be reckoned? They cannot come under the

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the consideration of foreign-built ships British property, because they were not foreign-built, but actually built here, and because they come under none of the circumstances of the act which are to belong to ships of that sort.

PART III.
PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

BEING excluded from both classes of registry, is such a ship, owned and used in trade by a British subject, to pass as an alien ship under the last clause of stat. 27. *Geo.* 3. c. 19. or is she to be forfeited under sect. 32. of stat. 26. *Geo.* 3. c. 60. or can she be registered generally, without reference to the two classes of registry specified in the act? In short, can a British subject legally own and use in trade a ship which does not come within one or other of those two classes of registry, and is neither British-built, nor foreign-built British-owned, according to the circumstances and requisites specified in the 26. *Geo.* 3. c. 60. and stat. 27. *Geo.* c. 3. 19.

AGAIN, an American ship built or owned in the United States during the continuance of the prohibitory acts may not be *registered*, nor have any of the privileges of a British-built ship. If this is construed in the full extent of these words, these ships are put into a worse situation than French or Spanish

PART III.
 PEACE 1783,
 TO A. D. 1792.
 BRITISH
 SHIPS.

Spanish ships, which, though built or owned in France or Spain during the war, may be registered as foreign-built British property, if they come under the special circumstances required by the act. Is the meaning of this merely to deprive those ships of the privilege that would otherwise belong to them as built in British colonies? or to proscribe and stigmatize the property of rebellious subjects, by putting it in a worse situation than that of foreigners?

THESE are little difficulties that may arise in the detail of any great regulation like the present, but vanish from the mind when the advantages resulting from the policy of this act are considered. Many of these have been already noticed; such as the prevention of frauds either to the underwriters or to the revenue, and the securing in future to this country the building and equipping of all the ships that are to carry on its foreign and domestic trade. Besides these, a very considerable utility arises from the documents that are formed in the execution of this plan of regulation. The registry of shipping, which is made up to the 30 Sept. in every year, contains facts of importance that may be made a ground for reflections both of a political and commercial nature.

nature. In this register is seen, how many ships and vessels belong to every distinct port, their tonnage and size, and the number of men employed in navigating them. It is now accurately known, where to look for the most abundant supply of seamen, when the public service demands them; it is known, at what ports to look for ships of a particular tonnage, whether they are wanted by the government for transports, or by the merchant for freight.

PART III.
PEACE 1783,
TO A. D. 1794.
BRITISH
SHIPS.

THE sum and result of these particulars present us with a fact, which will give a better idea than any reasoning of the importance as well as magnitude of the trade and shipping of Great Britain. It appears by the last register, that England and Scotland possessed 1,365,000 tons of mercantile shipping; which estimated at eight guineas *per* ton, including the rigging and stores, may be valued at 11,466,000*l.*; and that 80,000 seamen are employed in navigating these ships. The keeping up of this stock of shipping, reckoning the wear and tear at 12*l.* *per cent.* causes the annual sum of 1,375,920*l.* to be expended among ship-builders, sail-makers, and the numerous artificers employed about ships; after which a clear profit of 687,960*l.* remains in the pockets of the owners of those ships

PART III.
PEACE 1783,
TO A. D. 1792.
BRITISH
SHIPS.

every year, reckoning such profit at 6l. *per cent.* of the sum employed; the whole profit upon mercantile shipping being reckoned at 18l. *per cent.*

It further appears, that this great capital has been increasing every year since these registers have been kept.

THESE are facts of great importance to be known, but were never brought forward and authenticated before the general register of shipping was made under this act.

C O N C L U S I O N.

HAVING thus traced the history of the changes in laws and opinions that took place in different periods, we will now look back ; and separating such matter as is repealed, or become obsolete, we will endeavour to extract as much as constitutes the law of the present day ; not indeed the whole of it, for that would be an unwarrantable repetition, but the outline and leading features, which may easily be filled up by reference to what has been before delivered. To assist in bringing the reader's mind home to the present state of the Law of Shipping and Navigation, I will condense its governing principles into certain *Rules*, and the *Exceptions* to them, following the distribution that has all along been made of the subject ; and to each *Rule* and *Exception* shall be subjoined the grounds and reasons on which it is founded. To begin with the *Plantation Trade*.

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R U L E

R U L E I.

Plantation
Trade.

“ No goods or commodities may be
“ imported into, or exported out of, any
“ colony or plantation to his majesty,
“ in Asia, Africa, or America, belonging,
“ or in his possession, but in British-built
“ ships, owned by British subjects, and na-
“ vigated by a master and three-fourths at
“ least of the mariners British subjects.”

THIS Rule is founded on stat. 7. & 8.
Will. 3. c. 22. (a).

EXCEPT *such goods and commodities as may be imported into, and exported from, the Free Ports in the Islands of Jamaica, Grenada, Dominica, and New Providence, by foreign ships, owned and navigated by the subjects of some foreign European sovereign or state, or by persons inhabiting any country under the dominion of some foreign European sovereign or state on the continent of America ; and except salt which may be exported from Turk's Islands in ships belonging to any of the United States.*

(a) Vid. ant. 82.

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THESE Exceptions are made by stat. 27. *Geo.* 3. c. 27. stat. 30. *Geo.* 3. c. 29. and stat. 31. *Geo.* 3. c. 39. for establishing Free Ports (*a*) ; and stat. 28. *Geo.* 3. c. 6. f. 9. respecting Turk's Islands (*b*).

R U L E II.

“Nofugar, tobacco, cotton-wool, indigo,
 “ginger, fustic, or other dyeing woods,
 “rice, molasses, copper-ore, coffee, pi-
 “mento, cocoa-nuts, whale-fins, raw-filk,
 “hides or skins, pot or pearl ashes, iron
 “or lumber, of the growth, production, or
 “manufacture, of any British plantation in
 “Asia, Africa, or America, may be trans-
 “ported to any place whatsoever, other
 “than to some British plantation, or to Great
 “Britain, or to Ireland.

THIS prohibition was begun by the eighteenth section of the Act of Navigation ; several of these goods are there enumerated, the rest were added by other statutes (*c*). Ireland was excepted by force of stat. 20. *Geo.* 3. c. 29. (*d*).

(*a*) Vid. ant. 373.

(*b*) Vid. ant. 355.

(*c*) Vid. ant. 61. 91. 92. 101.

(*d*) Vid. ant. 112.

EXCEPT *sugars, which may be carried from the sugar colonies to any port in Europe, in a ship clearing out from Great Britain, and having a licence from the commissioners of the customs for that purpose ; and lumber, which may be carried from any British colony or plantation to the Madeiras, or the Western Islands called Azores, or to any part of Europe to the southward of Cape Finisterre.*

THIS depends on stat. 12. Geo. 2. c. 30. and stat. 5. Geo. 3. c. 45. (a). By an act of this session, the liberty to carry sugar is suspended during the time that sugars are at a certain price in London.

R U L E III.

“ ALL other goods and commodities, not
 “ so enumerated, being the growth, pro-
 “ duction, or manufacture, of any British
 “ colony or plantation in Asia, Africa, or
 “ America, may be transported to any place
 “ whatsoever.”

BECAUSE what is not prohibited or restricted by any statute is open and free.

(a) Vid. ant. 95. 103.

EXCEPT

EXCEPT hops to Ireland, rum, and other spirits, to the Isle of Man, rum to Guernsey and Jersey, and East India goods, which must be brought to the port of London.

By stat. 5. Geo. 2. c. 9. for Ireland (*a*) ;
stat. 5. Geo. 3. c. 39. for the Isle of Man (*b*) ;
stat. 9. Geo. 3. c. 28. for Guernsey and Jersey (*c*) ; and stat. 7. Geo. 1. ft. 1. c. 21.
for the East India Company's goods (*d*).

R U L E IV.

“ No goods or commodities of the growth,
“ production, or manufacture, of Europe,
“ may be imported into any land, island,
“ plantation, colony, territory, or place, to
“ his majesty belonging, or in his possession,
“ in Asia, Africa, or America, but such as
“ shall be shipped in Great Britain or Ire-
“ land.”

THIS prohibition is founded upon stat.
15. Car. 2. c. 7. f. 6. and stat. 20. Geo. 3.
c. 10. (*e*).

(*a*) Vid. ant. 95:

(*d*) Vid. ant. 152.

(*b*) Vid. ant. 104.

(*c*) Vid. ant. 63. 113.

(*e*) Vid. ant. 108, 109.

EXCEPT salt for the fisheries of Newfoundland, and wines from the Madeiras, and from the Western Islands of Azores; and craft, clothing, or other goods, the growth, production, or manufacture, of Great Britain, Guernsey, or Jersey, or food or victuals the growth, production, or manufacture, of Great Britain, Ireland, Guernsey, or Jersey, from Guernsey or Jersey to Newfoundland, or any other British colony where the fishery is carried on, for the use of the fishery.

THESE Exceptions are derived from the seventh section of stat. 15. Car. 2. c. 7. as to salt and Madeira wines (a); and stat. 9. Geo. 3. c. 28. as to Guernsey and Jersey (b).

R U L E V.

“ LANDS, islands, territories, or places,
 “ to his majesty belonging, in Asia,
 “ Africa, or America, not being colonies or plantations, are not included in
 “ any of the foregoing prohibitions or restrictions, other than the prohibition contained in the Fourth Rule, and the restriction that all goods and commodities

(a) Vid. ant. 64.

(b) Vid. ant. 108.

“ must

“ must be imported into and exported out
 “ of them in British-built ships, or in
 “ British ships owned by his majesty’s sub-
 “ jects, and navigated by a master and
 “ three-fourths at least of the mariners
 “ British subjects.”

If the beforementioned prohibitions and restrictions are confined, by the statutes enacting them, to *colonies* and *plantations*, then all *lands, islands, territories, or places*, that are judged not to be colonies or plantations (if there are any such) are not within the meaning of them; and such lands, islands, territories, and places, are only included in the first section of the Act of Navigation, and the sixth section of stat. 15. Car. 2. c. 7. where they are so named, and not in the second section of the Act of Navigation concerning the enumerated goods, where colonies and plantations only are named; nor in stat. 7. & 8. Will. 3. c. 22. which confines the import and export of the colonies and plantations to British-built ships (a).

Thus far we have considered the general trade with the foreign dominions of his ma-

(a) Vid. ant. 134, 135, 136, 137.

jefty in Asia, Africa, or America. We come now to state the law respecting the trade of the colonies in the West Indies and on the continent of America with the territories of the *United States*. First, of the West Indies.

R U L E VI.

“ SUGAR, molasses, coffee, cocoa-nuts,
 “ ginger, and pimento, and all goods and
 “ commodities which were not prohibited
 “ in the year 1788 to be exported to any
 “ foreign country in Europe, may be ex-
 “ ported from the West India Islands to the
 “ United States.”

SUCH is the provision of stat. 28, *Geo.* 3.
 c. 6. f. 3. (*a*).

R U L E VII.

“ No goods or commodities may be im-
 “ ported from the United States into the
 “ West India Islands, except tobacco, pitch,
 “ tar, turpentine, hemp, flax, masts, yards,
 “ bowsprits, staves, heading-boards, tim-
 “ ber, shingles, and lumber of any sort ;

(*a*) Vid. ant. 354.

“ horses,

“ horses, neat-cattle, sheep, hogs, poultry,
 “ and live-stock of any sort; bread, biscuit,
 “ flour, peas, beans, potatoes, wheat, rice,
 “ oats, barley, and grain of any sort, being
 “ the growth or production of any of the
 “ territories of the United States.”

THIS is under the first section of the same act (*a*).

R U L E VIII.

“ No goods or commodities may be im-
 “ ported from the United States by sea or
 “ coastwise into the province of Quebec,
 “ or the countries or islands within that
 “ government, or up the river St. Lawrence,
 “ nor at all into the provinces of Nova
 “ Scotia or New Brunswick, the Islands of
 “ Cape Breton, St. John's, or Newfoundland,
 “ or any country or island within their re-
 “ spective governments.”

THIS is under the fourteenth and twelfth sections of the same act (*b*).

EXCEPT *that the governors of Nova Scotia, New Brunswick, the Islands of Cape Breton and*

(*a*) Vid. ant. 353.

(*b*) Vid. ant. 358.

St. John's, may, in cases of public emergency and distress, authorize the importation of scantling, planks, staves, heading-boards, shingles, hoops, or squared timber of any sort; horses, neat-cattle, sheep, hogs, poultry, or live-stock of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, for a limited time; and the governor of Newfoundland, being impowered by order of his majesty in council, may authorise, in case of necessity, the importation of bread, flour, Indian-corn, and live-stock, for the then ensuing season only.

THIS is under the thirteenth section of the same act (a) : and these make the leading points of the law respecting the trade of the British plantations. We come next to the *intercourse* between this kingdom and the *United States*, which in the body of this work has been considered as a branch of the plantation-trade.

R U L E IX.

“ GOODS and merchandize being the
 “ growth or production of any of the terri-
 “ tories of the United States of America,

(a) Vid. ant. 357.

“ may

" may be imported directly from thence in
 " British-built ships, owned by British sub-
 " jects, and navigated according to law, or
 " in ships built in the countries belonging
 " to the United States, owned by such sub-
 " jects, and navigated with a master and
 " three-fourths of the mariners of those
 " countries ; namely, unmanufactured
 " goods and merchandize (except fish-oil,
 " blubber, whale-fins, and spermaceti) ;
 " and also tobacco, pig-iron, bar-iron, pitch,
 " tar, turpentine, rosin, pot-ash, pearl-ash,
 " indigo, masts, yards, and bowsprits,
 " upon the same duties as if they came from
 " any British island or plantation in America.
 " Secondly, Fish-oil, blubber, whale-fins,
 " spermaceti, and all other goods and mer-
 " chandize (except snuff), upon the lowest
 " of the duties imposed by law upon those
 " articles, if they came from countries not
 " under the British dominion. Thirdly,
 " Snuff upon the same duties as if it was
 " the product and manufacture of Europe."

THIS stands upon the order of council of
 1 April 1792, made by virtue of stat. 23.
Geo. 3. c. 39. continued by an act of the
 present session. The duties to be taken on
 the second class of goods and merchandize
 are

are those contained in the tables and schedules A. D. and F. of the Consolidation Act, 27. *Geo.* 3. c. 13. and those enacted by any law passed subsequent touching the duties in those schedules. Snuff is further to be subject to the regulations of stat. 29. *Geo.* 3. c. 68. (a). We now come to the *Trade with Asia, Africa, and America.*

R U L E X.

Trade with
Asia, Africa,
and America.

“No goods or commodities of the growth,
“ production, or manufacture, of Asia,
“ Africa, or America, may be imported into
“ Great Britain, in any other than in British-
“ built ships, or in British ships owned by
“ his majesty’s subjects, and navigated by a
“ master and three-fourths at least of the
“ mariners British subjects.”

THIS prohibition is grounded on the third section of the Act of Navigation (b).

EXCEPT *such goods and commodities of the growth or production of the United States, as are permitted by the beforementioned order in council to be imported in ships belonging to the United States, as is stated in the Ninth Rule.*

(a) Vid. ant. 372.

(b) Vid. ant. 139.

THIS

THIS is the only direct Exception ; but some of the instances which are given as Exceptions to the subsequent Rule are Exceptions also to this, as far as they relate to ships.

R U L E XI.

“ No goods or commodities of the growth,
 “ production, or manufacture, of Asia,
 “ Africa, or America, may be shipped or
 “ brought from any other place or country
 “ but only from those of their growth, pro-
 “ duction, or manufacture, or from those
 “ ports where they can only, or are, or
 “ usually have been, first shipped for trans-
 “ portation.”

THIS restriction applies as well to the trade with the plantations as the general trade with Asia, Africa, and America ; and is founded on the construction of the fourth section of the Act of Navigation (a).

EXCEPT *the commodities of the Streights or Levant Seas, from the usual ports for lading them within the Streights or Levant Seas ; East*

(a) Vid. ant. 140.

India

CONCLUSION.

India commodities, from the usual ports for lading them to the southward and eastward of the Cape of Good Hope ; the goods of the Spanish or Portuguese plantations, or dominions, from the ports of Spain or Portugal, or the Western Isles commonly called Azores, or the Madeira or Canary Islands ; all bullion and prize-goods, from any port, in any sort of ships ; jesuits bark, sarsaparilla, balsam of Peru and Tolu, and all drugs the produce of America, from the British plantations ; raw silks, or other goods of Persia, from any place belonging to the emperor of Russia, in British-built ships ; cochineal and indigo, from any port, in British ships, or ships of a State in amity ; gum senega, coarse printed callicoes, cowries, arangoes, and other East-India goods, prohibited to be worn here, from any port in Europe, in British ships ; cotton-wool, and goat-skins, raw or undressed, from any place, in British-built ships ; and goods the merchandise of the dominions of the emperor of Morocco, from Gibraltar, in British ships.

THESE Exceptions are founded on the following acts : The goods of the Streights and Levant on the twelfth section, those of the East Indies on the thirteenth section, those of the Spanish and Portuguese colonies on the fourteenth section, and bullion and prize-goods

CONCLUSION.

529

goods on the fifteenth section, of the Act of Navigation (*a*) ; jesuit's bark, &c. stat. 7. *Ann.* c. 8. (*b*) ; Persian silks, stat. 14. *Geo.* 2. c. 36. (*c*) ; cochineal, stat. 13. *Geo.* 1. c. 15. (*d*) ; indigo, stat. 7. *Geo.* 2. c. 18. (*e*) ; gum senega, stat. 25. *Geo.* 2. c. 32. (*f*) ; coarse printed callicoes, &c. stat. 5. *Geo.* 3. c. 30. (*g*) ; cotton-wool, stat. 16. *Geo.* 3. c. 52. (*h*) ; goat-skins, stat. 15. *Geo.* 3. c. 35. (*i*) ; goods of Morocco, stat. 27. *Geo.* 3. c. 19. (*k*).

We come now to the *European Trade*.

R U L E X I I .

“ No goods or commodities of the growth,
 “ production, or manufacture, of Europe, The European
Trade.
 “ hereinafter enumerated and described,
 “ namely, no goods or commodities the
 “ growth, production, or manufacture, of
 “ Muscovy, or of any territories belonging,
 “ to the emperor of Russia ; nor any sort of

(*a*) Vid. ant. 142, 143.

(*b*) Vid. ant. 145

(*c*) Vid. ant. 148.

(*d*) Vid. ant. 147.

(*e*) Vid. ant. 147.

(*f*) Vid. ant. 149.

(*g*) Vid. ant. 149.

(*h*) Vid. ant. 149.

(*i*) Vid. ant. 149.

(*k*) Vid. ant. 378.

M m

“ masts,

“ masts, timber, or boards ; no foreign salt,
 “ pitch, tar, rosin, hemp, or flax ; raisins,
 “ figs, pruens, olive-oils ; no sorts of corn
 “ or grain, fugar, pot-ashes, wines, vinegar,
 “ or spirits called aqua-vitæ, or brandy wine ;
 “ may be imported but in British-built
 “ ships, or in British ships owned by his
 “ majesty’s subjects, and navigated by a
 “ master and three-fourths at least of the
 “ mariners British subjects ; nor any cur-
 “ rants, or commodities of the growth,
 “ production, or manufacture, of any coun-
 “ try belonging to the Turkish empire,
 “ may be imported but in British-built ships,
 “ owned by British subjects ; and navigated
 “ by a master and three-fourths at least of
 “ the mariners British subjects ; or in ships
 “ of the built of any country or place in
 “ Europe under the dominion of the sove-
 “ reign or state in Europe of which such
 “ goods are the growth, production, or
 “ manufacture ; or of the built of such port
 “ where the said goods can only be, or most
 “ usually are, first shipped for transportation ;
 “ and navigated by a master and three-
 “ fourths at least of the mariners of that
 “ country, place, or port.”

THIS

THIS Rule is founded on the eighth section of the Act of Navigation, amended by stat. 27. Geo. 3. c. 19. f. 10. (a).

R U L E XIII.

“ No sort of wines (other than Rhenish),
 “ no sort of spicery, grocery, tobacco, pot-
 “ ashes, pitch, tar, salt, rosin, deal-boards,
 “ fir-timber, or olive-oil, may be imported
 “ from the Netherlands or Germany, upon
 “ any pretence, in any sort of ships or vessels
 “ whatsoever.”

THIS prohibition is made by the twenty-third section of stat. 13. & 14. Car. 2. c. 11. (b). Afterwards the following Exception was made to this prohibition :

EXCEPT timber, fir-planks, masts, and deal-boards, the production of Germany, from any port or place in Germany, by British subjects, in British-built ships ; and wines, the growth or production of Hungary, the Austrian dominions, or any part of Germany, from the Austrian Netherlands, or any port or place belonging to the emperor of Germany, or the house of Austria,

(a) Vid. ant. 197. 382, 383. (b) Vid. ant. 204.

in any such ships as are described in the Twelfth Rule.

THIS is founded on stat. 6. *Geo.* 1. c. 16. f. 2. as to the first-mentioned articles (a); and as to wines, on stat. 22. *Geo.* 3. c. 78. f. 2. amended by stat. 27. *Geo.* 3. c. 19. f. 10. (b).

R U L E XIV.

“BULLION and prize-goods, and all
“other goods and commodities, of the
“growth, production, or manufacture, of
“Europe (not prohibited absolutely to be
“imported), may be imported from any
“country, place, or port, in any sort of
“ships, owned and navigated in any sort of
“manner.”

BECAUSE bullion and prize-goods are excepted, by the fifteenth section, out of all the provisions of the Act of Navigation; and because, as was before said with regard to plantation goods, what is not prohibited or restricted by any statute is open and free. We now proceed to *the Coasting Trade*.

(a) Vid. ant. 208. (b) Vid. ant. 218. 382, 383.

R U L E

R U L E X V.

“ No person may lade or carry on board
 “ any ship or vessel, other than a British-
 “ built ship, or a British ship owned by
 “ British subjects, and navigated by a master
 “ and three-fourths at least of the mariners
 “ British subjects, any commodities or things,
 “ of what kind soever, from one port or
 “ creek of Great Britain or Ireland, or of
 “ the islands of Guernsey or Jersey, to ano-
 “ ther port or creek of the same, or any of
 “ them.”

The Coasting
Trade.

THIS is grounded on the sixth section of
 the Act of Navigation.

R U L E X V I.

“ EVERY foreign-built ship or vessel
 “ bought and brought into Great Britain,
 “ to be employed in carrying goods and
 “ merchandize from port to port, is to pay
 “ at the port of delivery, for every voyage,
 “ five shillings *per* ton, over and above all
 “ other duties.”

THIS is under stat. 1. *Jac.* 2. c. 18.—
We come next to the last employment for
ships, *The Fisheries.*

R U L E XVII.

The Fisheries.

“ FRESH fish of every kind, caught by
“ the crew of any British-built ship or vessel,
“ owned by British subjects usually residing
“ in Great Britain, Ireland, Guernsey, Jersey,
“ or Man, and navigated by a master and
“ three-fourths at least of the mariners
“ British subjects, may be imported in such
“ ships free of duty.”

THIS is by the thirty-second section of
27. *Geo.* 3. c. 13.

R U L E XVIII.

“ No sort of fish whatever of foreign
“ fishing (except eels, stock-fish, anchovies,
“ sturgeon, botargo or caveare, turbot,
“ lobsters, and oysters) may be imported
“ into Great Britain.”

THIS depends on stat. 10. & 11. *Will.* 3.
c. 24. (a); stat. 1. *Geo.* 1. st. 2. c. 18. en-

(a) Vid. ant. 285.

forced

forced by stat. 9. *Geo.* 2. c. 33. (a); and stat. 26. *Geo.* 3. c. 81. f. 43, 44. (b). Oysters are not specially excepted in any statute, but there is a duty on them in the Consolidation Act, which not being leviable on British-caught fish, must be construed as a permission to import foreign-caught oysters.

R U L E XIX.

“ PERPETUAL BOUNTIES are payable on
 “ the export of pilchards or shads, cod-fish,
 “ ling, or hake; whether wet or dried,
 “ salmon, white-herrings, red-herrings, and
 “ dried red-sprats, being of British fishing
 “ and curing.”

THIS depends on stat. 5. *Geo.* 1. c. 18. f. 6. and stat. 26. *Geo.* 3. c. 81. f. 16. (c).

R U L E XX.

“ TEMPORARY BOUNTIES are payable on
 “ the tonnage of ships carrying on the
 “ British and the Greenland fisheries; on
 “ the quantity of fish taken in the British

(a) Vid. ant. 287, 288.

(b) Vid. ant. 405.

(c) Vid. ant. 456. 465.

“ and the Newfoundland fisheries ; on the
 “ quantity of oil, head-matter, blubber,
 “ and whale-fins, taken in the Southern
 “ whale-fishery ; and on the export of pil-
 “ chards. Seal-skins, head-matter, blubber,
 “ and whale-fins, taken in the Newfound-
 “ land, Greenland, and Southern whale-
 “ fisheries, may be imported free of duty,
 “ provided British-built ships are employed,
 “ owned by British subjects usually residing
 “ in the king’s European dominions, and
 “ navigated by a master and three-fourths
 “ at least of the mariners usually residing in
 “ the king’s European dominions.”

THESE temporary bounties all depend on statutes passed in 26. *Geo.* 3. *viz.* c. 81. (*a*) ; c. 26. (*b*), c. 41. (*c*), c. 50. (*d*) ; and such statutes as were made afterwards for amending or continuing them.

LASTLY, we shall see what is the present state of the law as to the requisites which constitute a British-built ship, or a *British* ship, and what regards the registry and certificate of such ships. These points depend on stat. 26. *Geo.* 3. c. 60. and may be

(*a*) Vid. ant. 402.

(*c*) Vid. ant. 390.

(*b*) Vid. ant. 387.

(*d*) Vid. ant. 394.

stated

stated in Rules, without need of qualifying them by Exceptions, or recurring to other acts for explanation or amendment of them.

R U L E X X I.

“ A BRITISH-BUILT ship is such as has British Ships,
 “ been built in Great Britain or Ireland,
 “ Guernsey, Jersey, or the Isle of Man, or
 “ in some of the colonies, plantations,
 “ islands, or territories, in Asia, Africa, or
 “ America, which at the time of building
 “ the ship belonged to, or were in the possession of, his majesty ; or any ship whatsoever which has been taken and condemned as lawful prize.”

EXCEPT such British-built ships as shall be rebuilt or repaired in any foreign port or place, to an amount exceeding fifteen shillings per ton, unless such repairs shall be proved to have been necessary to enable the ship to perform her voyage.

THIS Rule and Exception are contained in the first and second sections of the act (a).

(a) Vid. ant. 453, 454.

R U L E

R U L E XXII.

“ A BRITISH ship is, FIRST, Such as is
 “ foreign-built, and which before 1 May
 “ 1786 belonged wholly to any of the people
 “ of Great Britain or Ireland, Guernsey,
 “ Jersey, or the Isle of Man, or of any
 “ colony, plantation, island, or territory, in
 “ Asia, Africa, or America, in possession of
 “ his majesty.

“ SECONDLY, Such as has been built or
 “ rebuilt on a foreign-made keel or bottom,
 “ and registered before 1 May 1786 as a
 “ British ship.

“ THIRDLY, Such as had begun to be
 “ repaired or rebuilt on a foreign-made
 “ keel or bottom before 1 May 1786, and
 “ has been since registered by order of the
 “ commissioners of the customs in England
 “ or in Scotland.”

R U L E XXIII.

“ EVERY ship or vessel having a deck,
 “ or being of the burthen of fifteen tons,
 “ and belonging to a subject in Great Britain
 “ or

“ or Ireland, Guernsey, Jersey, or the Isle
 “ of Man, or any colony, plantation, island, or
 “ territory, to his majesty belonging, must be
 “ registered by the person claiming property
 “ therein, who is to obtain a certificate of
 “ such registry in the port to which the ship
 “ or vessel properly belongs : and the cer-
 “ tificate is to distinguish the ship or vessel
 “ under one of these two classes : CERTI-
 “ FICATES OF BRITISH PLANTATION
 “ REGISTRY ; OR, CERTIFICATES OF
 “ FOREIGN SHIPS REGISTRY FOR THE
 “ EUROPEAN TRADE, BRITISH PROPERTY.”

THIS is by the third and twenty-eighth
 sections (a).

R U L E XXIV.

“ No ship is to be permitted to clear out
 “ as a British-built ship, or a British ship,
 “ nor to be intitled to the privileges of a
 “ British-built ship, or a British ship, unless
 “ the owner has obtained a certificate of
 “ registry ; and any ship departing from
 “ port without being so registered, and ob-
 “ taining such a certificate, shall be for-
 “ feited (b).”

(a) Vid. ant. 456. 465.

(b) Sect 32.

R U L E

CONCLUSION.

R U L E XXV.

“ ALL ships not intitled to the privileges
“ of a British-built ship, or a British ship,
“ and all ships not registered as aforesaid,
“ are deemed, although they may belong
“ to British subjects, to all intents and pur-
“ poses, alien or foreign ships (a).”

R U L E XXVI.

“ As often as the master of a ship is
“ changed, a memorandum thereof is to be
“ indorsed on the certificate by the proper
“ officer of the customs.”

R U L E XXVII.

“ THE owner is to cause the name by
“ which a ship is registered to be painted
“ in a conspicuous part of the stern; and
“ such name is not to be changed (b).”

R U L E XXVIII.

“ IF a certificate of registry is lost or
“ mislaid, or if a ship shall be altered in

(a) Stat. 27. *Geo.* 3. c. 29. s. 13. vid. ant. 511.

(b) Sect. 19. vid. ant. 462.

“ form

“ form or burthen, or from any denomina-
 “ tion of vessel to another, by rigging or
 “ fitting, she must be registered *de novo*,
 “ and a new certificate granted (c).”

R U L E XXIX.

“ MASTERS of ships are, on demand, to
 “ produce their certificates to the principal
 “ officer in any port within the king’s do-
 “ minions, or to the British consul or chief
 “ officer in any foreign port (b).”

SUCH is the present state of the laws which the Legislature has seen fit to provide for the encouragement and increase of British shipping and navigation. It is a series of restrictions and prohibitions, and it tends to the establishing of monopoly ; but it is a plan of regulation which our ancestors, who were more versed in the practical philosophy of life than the speculative one of the closet, thought necessary for the welfare and safety of the kingdom. Reasoning from the self-preservation of an individual to the self-preservation of a people, they considered the defence of this island from foreign invasion

(c) Sect. 22, 23. vid. ant. 463.

(b) Sect. 34. vid. ant. 469.

CONCLUSION.

as the first law in the national policy ; and judging that the dominion of the land could not be preserved without possessing that of the sea, they made every effort to procure to the nation a maritime power of its own. They wished that the merchants should own as many ships, and employ as many native mariners, as possible. To induce, and sometimes to force, them to this application of their capital, restrictions and prohibitions were devised. These affected not only foreigners but natives ; the interests of commerce were often sacrificed to this object. Trade was considered principally as the means for promoting the employment of ships, and was encouraged chiefly as it conducted to the one great national object, the naval strength of the country.

THIS policy was pursued by those who came after them in directing the public councils ; and in the last century, when many institutions of our ancestors fell a sacrifice to the rage of reformation, the wisdom of the navigation-system was respected : measures were even taken for rendering it more narrow and restrictive. The foreign war which those measures then brought upon us, and the odium which they have
never

never ceased to cause, to the present day, among neighbouring nations, have not induced the Legislature to give up any one of its main principles.

EXPERIENCE has shewn the advantage of adhering to this maritime policy. The inducement and obligation to employ British ships had the effect of increasing their number. The increase of their number became a spur to seek out employment for them. Foreign trade and the fisheries were, by various expedients, made subservient to advance the interests of shipping. Trade and shipping thus reciprocally contributed to advance each other ; and thus combined they constituted very considerable sources of national wealth. Having been at first encouraged for the sake of the navy, they were afterwards encouraged for their own. From being subordinate and auxiliary to another object, they are now become principal objects themselves in the national policy ; and, in the mean time, the naval power of the country is sure of supply and support, without being directly in contemplation.

THIS action and re-action between shipping and trade has even been promoted by
the

the effects of naval armaments. It has been found, that after the conclusion of a war there has constantly been a great increase of mercantile shipping. This has been caused, first, by the government having employed, during the war, a number of transports, which has induced the merchants to invest their money in the building of ships for that service. Secondly, The privateers which were fitted out during hostilities have no employment at the peace but the merchants' service. Transports and privateers fall into foreign trades or the fisheries ; and in this manner does the service of the navy pay back to trade and navigation the obligations it had before received.

If the wisdom of any scheme of policy is to be measured by its effects and consequences, our navigation-system is intitled to the praise of having attained the end for which it was designed. Whether we regard the primary or inferior objects in this system ; whether it is the increase of shipping, the extension of our foreign trade, or the strength of our navy, they have all advanced to a degree of consideration unexampled ; and they owe that advancement to this system.

WITH

WITH regard to our shipping, it is well known, that we enjoy a greater share in what may be properly called our own navigation, that is, in the navigation by which our own trade is carried on, than any other nation in Europe ; and that after we have furnished these demands of our own commerce, we are able to supply with ships the trade of foreign nations. This extensive employment has gradually increased the mercantile shipping of Great Britain to upwards of 1,365,000 tons, which is valued at the sum of 11,466,000*l*.

THAT this increase in our shipping is to be ascribed to our navigation-system may be made appear from recent experience, in the application of it to the trade of the United States. When those countries were part of our plantations, a great portion of their produce was transported to Great Britain and our West-India Islands in American bottoms ; they had a share in the freight of sugars from those islands to Great Britain : they built annually more than one hundred ships, which were employed in the carrying-trade of Great Britain. But since the Independence of those States, since their ships

have been excluded from our plantations, and that trade is wholly confined to British-built ships, we have gained that share of our carrying-trade from which they are now excluded ; and we moreover enjoy a considerable proportion in the carriage of the produce of the United States.

THE increase of our trade and naval strength has kept pace with that of our shipping and navigation. We can reflect with pride, that our foreign trade, combined with our manufactures and domestic industry, enables us to raise annually sixteen millions of money with more ease, than four millions were raised during the reign of king William ; and this upon a people, who, in their different ranks, enjoy more riches, more competency, and more comfort, than any people in Europe ; and who are more industrious, because they are better protected by a constitution, which has been progressively improving, both in the theory and practice of it, to the present time.

It was chiefly owing to the effects of this wise system of navigation, that during the late war we were enabled, notwithstanding the defection of our colonies, to maintain an
arduous

arduous contest against France, Spain, and Holland, till in the end the fleets of this country might be said to have triumphed over the naval powers of Europe.

AFTER this experience, no one can doubt but that it is the policy of Great Britain to give her principal attention to maritime affairs ; to carry on her own trade, in her own ships, directly to all parts of the world ; and to encourage her fisheries in every sea : and from these sources she may always hope to obtain a naval force adequate to guard her shores from hostile invasion, and to secure her domestic felicity, both public and private, firm and unshaken as the foundations of the island.

Σοὶ δὲ μέλοι, Σκηπίῳχε Διοτρεφές, ἔργα θαλάσσης·
 Σοὶ δ' αἰεὶ νῆες μὲν ἀπήμονες ἰθύνονται,
 Περπνόμεναι λιανοῖσι καὶ ἰθυόροισιν ἀήταις,
 Αἰεὶ δ' ἰχθυόεσσα περιπλήθοιτο θάλασσα·
 Γαίης δ' ἀτυφέλικτα Ποσειδάων ἐρύοιτο
 Ασφάλιος ῥιζῶχα θεμείλια νέρθε Φυλάσσω.

OPPIANI HALIEUT. *in Fin.*

APPENDIX.

A P P E N D I X.

- I. AMERICAN ORDER OF COUNCIL.
- II. FORM OF OATH IN STAT. 7 & 8. WILL. 3.
- III. CERTIFICATE OF REGISTER UNDER STAT.
7. & 8. WILL. 3.
- IV. CERTIFICATE OF FREEDOM UNDER STAT.
7. & 8. WILL. 3.
- V. FORM OF OATH IN STAT. 15. GEO. 2.
- VI. FORM OF OATH IN STAT. 26. GEO. 3.
- VII. FORM OF CERTIFICATE OF REGISTRY IN
STAT. 26. GEO. 3.
- VIII. FORM OF A MEDITERRANEAN PASS.
- IX. FORM OF THE BOND ON GRANTING A
MEDITERRANEAN PASS.

No. I.

THE ANNUAL ORDER OF COUNCIL for the
INTERCOURSE with the UNITED STATES, dated
1 APRIL 1792.

WHEREAS by an act made in the 23d year of the reign of his present majesty, intituled, *An Act for preventing certain instruments from being required from ships belonging to the United States of America; and to give to his majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his majesty's dominions and the inhabitants of the said United States*; which said act has been continued by several subsequent acts until the 5th day of April 1792: AND WHEREAS by an act made in the 24th year of his present majesty's reign, intituled, *An Act to extend the Powers of an act made in the 23d year of the reign of his present majesty, for giving his majesty certain powers for the better carrying on trade and commerce between the subjects of his majesty's dominions and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned*, the powers given by the said recited act were extended to the trade and intercourse between this kingdom and the British colonies and plantations in America, so far as the same might relate to iron, hemp, and sail-cloth, and other articles of the produce of any place bordering on the Baltic, which might be exported from this kingdom; which last mentioned act has also, by several subsequent acts, been continued until the said 5th day of April 1792.

AND WHEREAS, by another act passed in this present session of parliament, intituled, *An Act to continue the laws now in force for regulating the trade between the subjects of his majesty's dominions and the inhabitants of the territories belonging to the United States of America, so far as the same relate to the trade and commerce carried on between this kingdom and the inhabitants of the countries belonging to the said United States*—it is declared to be expedient, that the said act of the 23d year of his present

A P P E N D I X.

majesty's reign, so far only as the same extends to the trade and commerce carried on between this kingdom and the people and territories belonging to the United States of America, and also, that the said act of the 24th year of his present majesty's reign, should be further continued and be in force; and it is thereby enacted, that the said acts shall continue and be in force until the 5th day of April 1793: His majesty doth thereupon, by and with the advice of his privy council, hereby order and declare, that any unmanufactured goods and merchandizes, the importation of which into this kingdom is not prohibited by law (except tobacco, for which provision is herein after made, and except oil made from fish or creatures living in the sea, and blubber, whale-fins and spermaceti), and any pig-iron, bar-iron, pitch, tar, turpentine, rosin, pot-ash, pearl-ash, indigo, masts, yards and bowsprits, being the growth or production of any of the territories of the United States of America, may be imported directly from thence into any of the ports of this kingdom, either in British-built ships owned by his majesty's subjects, and navigated according to law, or in ships built in the countries belonging to the United States of America, or any of them, and owned by the subjects of the said United States, or any of them, and whereof the master and three-fourths of the mariners at least are subjects of the said United States, or any of them; and may be entered and landed in any port of this kingdom, upon payment of such duties as the like sorts of goods or merchandize are or may be subject and liable to, if imported in British-built ships owned by his majesty's subjects, and navigated according to law, from any British island or plantation in America, notwithstanding such goods or merchandize, or the ships in which the same may be brought, may not be accompanied with the certificates or other documents heretofore required by law.

AND it is further ordered, that all other goods and merchandize not herein before enumerated or described, the importation of which into this kingdom is not prohibited by law (except snuff, for which provision is herein-
after

A P P E N D I X.

after made) and also oil made from fish, or creatures living in the sea, and blubber, whale-fins and spermaceti, being the growth, production, or manufacture of any of the territories of the said United States of America, may be imported from thence into this kingdom, in British or American ships, owned and navigated as herein before required, upon payment of such duties of customs and excise as are payable on the like goods or merchandize, upon their importation into this kingdom from countries not under the dominion of his majesty, according to the schedule and tables marked A. D. and F. annexed to an act passed in the 27th year of his present majesty's reign, intituled, *An Act for repealing the several duties of customs and excise, and granting other duties in lieu thereof, and for applying the said duties, together with the other duties composing the public revenue; for permitting the importation of certain goods, wares, and merchandize, the produce or manufacture of the European dominions of the French king, into this kingdom; and for applying certain unclaimed monies remaining in the exchequer for the payment of annuities or lives to the reduction of the National debt; or by any other laws in force, passed subsequent to the said act, touching the duties contained in the said schedule and tables marked A. D. and F; and in cases where different duties are imposed upon the like goods imported from different countries not under the dominion of his majesty, then that such goods shall be imported upon the lowest duties which by the said schedule and tables marked A. D. and F. are required to be paid on the importation of any such goods from any European country not under the dominion of his majesty.*

And his majesty is hereby further pleased to order, that all such goods and merchandize shall be entitled to the same drawbacks as are allowed upon the exportation of the like goods and merchandize when exported from this kingdom, according to the said schedule and tables marked A. D. and F. annexed to the beforementioned act, passed in the 27th year of his present majesty's reign; or according to any other law in force, passed subsequent to the said act, touching drawbacks. And it is hereby further ordered, that there shall be allowed and paid

A P P E N D I X.

paid the same drawbacks and bounties on goods and merchandize exported from this kingdom to the territories of the said United States, or any of them, as are, or may hereafter be allowed by law, upon the exportation of the like goods or merchandize to any of the islands, plantations, or colonies, belonging to the crown of Great Britain in America. And it is hereby further ordered, that there shall be allowed and paid the same drawbacks upon the exportation of any sort of foreign hemp, or foreign iron, exported from this kingdom into any British colony or plantation in America, or into the territories of the United States of America, or any of them, as are, or may hereafter be allowed by law, upon the exportation of the like sort of hemp or iron to other foreign parts; and all such drawbacks and bounties respectively shall be allowed and paid in the same manner, and under the same rules, regulations, restrictions, and forfeitures, in all respects, as such drawbacks and bounties are allowed and paid, or are subject and liable to by law.

AND his majesty is hereby further pleased to order, that any tobacco, being the growth or production of any of the territories of the said United States of America, may be imported in British or American ships, owned and navigated as herein before required, upon payment of the same duties as tobacco imported by British subjects from any British colony or plantation, is, or may hereafter be subject to; and that any snuff, being the production or manufacture of any of the said territories, may be imported in manner beforementioned, upon payment of such duties as snuff, being the production or manufacture of Europe, imported from Europe, is, or hereafter may be, subject to, and may be warehoused and again exported; subject respectively, nevertheless, to all and singular the regulations of an act made and passed in the 29th year of the reign of his present majesty, intituled, *An Act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof* (a); and another act, passed in the 30th year of his present majesty's reign, intituled, *An Act to explain and amend an Act made in the last session of parliament, intituled,*

A P P E N D I X.

An Act for repealing the duties on tobacco and snuff, and for granting new duties in lieu thereof (a).

AND his majesty is hereby further pleased to order, that any rice, being the growth or production of any of the territories of the United States of America, which shall be imported directly from thence into any of the ports of this kingdom, in manner abovementioned, may, upon the importer paying down, in ready money, the duty of eightpence the hundred weight, being part of the duties now payable upon the importation of rice, be landed and warehoused (except as herein after excepted) under his majesty's locks, in such warehouses as shall be approved of for that purpose by the commissioners of his majesty's customs, or any four or more of them, upon the importer's own bond for payment of the remainder of the duties due and payable for such rice, within eighteen months, according to the nett weight and quantity of such rice at the time it shall be so landed; but it is his majesty's pleasure, nevertheless, that upon the importation of any such rice into the ports of London, Bristol, Portsmouth, Cowes, Liverpool, Lancaster, Falmouth, Poole, Whitehaven, Hull, Greenock, and Port Glasgow, or either of them, in the manner herein before expressed, the importer shall be at liberty to enter and land the same without payment of any duty whatever; in which case such rice shall be warehoused under the joint locks of his majesty and the proprietors, in such warehouse or warehouses as shall be approved of for that purpose by the commissioners of his majesty's customs, or any four or more of them, in that part of Great-Britain called England; and any three or more of them in that part of Great-Britain called Scotland; every expence attending which warehousing shall be borne by the said proprietors; and that such proprietor or proprietors, or his or their known agent, shall from time to time, at all seasonable hours, as occasion may require, have free access to such warehouses, in the presence of some proper officer of the customs, for the purpose of skreening and shifting the rice, to prevent its receiving damage. And that if any rice which shall be so imported from the territories of the said United States

(a) Chap. 40.

into

A P P E N D I X,

into any of the ports above mentioned respectively, and warehoused as aforesaid, shall be taken out of the warehouses wherein the same shall be secured under the joint locks of his majesty and the proprietors, as aforesaid, for home consumption, the full duties due and payable by law upon the importation of such rice into this kingdom for home consumption shall, previously to its being taken out of such warehouses, be paid to the collector of his majesty's customs at the ports where such rice shall be so warehoused; but that such proprietor, if he intends to export such rice, shall have liberty to export the same from such warehouses respectively, under the usual regulations, without payment of any duty whatever: and that if any rice which shall have been imported into any port of this kingdom not hereinbefore specially named, and shall have been warehoused upon the importer's bond, in manner aforesaid, shall, within the time hereinbeforementioned, be taken out of the warehouse wherein it shall have been so secured, to be exported directly from thence, the bond entered into for the payment of the said duties thereon, shall be discharged and cancelled by debenture or debentures made out and passed in the usual manner, for the quantity or quantities of rice duly exported: And if any rice imported into any port of this kingdom not hereinbefore specially named, and warehoused in manner aforesaid, shall be taken out of any such warehouse for home consumption, the remainder of the duties due and payable by law, shall, previously to its being taken out of such warehouse, be paid to the collector of his majesty's customs at the port where such rice shall be so warehoused.

And the right honourable the lords commissioners of his majesty's treasury, and the lords commissioners of the admiralty, are to give the necessary directions herein, as to them may respectively appertain,

A P P E N D I X.

No. II.

FORM of OATH which was directed by Stat.
7. & 8. Will. 3. to be taken before a REGISTER
was granted.

JURAT' A. B. That the ship [name]
of [port] whereof [mas-
ter's name] is at present master, being a
[kind of built] of [burthen] tons, was
built at [place where] in the year
[time when] and that [owner's name]
of and of, &c.
are at present owners thereof; and that no foreigner,
directly or indirectly, hath any share or part or in-
terest therein.

No. III.

A CERTIFICATE of the REGISTER for a
BRITISH SHIP, which used to be made in
Pursuance of Stat. 7. & 8. Will. 3.

IN pursuance of an act made in the seventh and eighth
years of the reign of king William the Third, in-
titled, *An Act for preventing Frauds, and regulating*
Abuses in the Plantation Trade, William Strong, of
London, merchant, maketh oath, That the ship the
Mary of London, whereof James Smith is at present
master, being a square-sterned brigantine of one hundred
and twenty-five tons or thereabouts, was built at Bristol in
the year one thousand seven hundred and eighty-five;
and that James Green, of Bristol, James Smith, and
William Strong, abovementioned, of London, in Great
Britain, are at present owners thereof; and that no fo-
reigner,

(L. S.).
Wm. Bates,
Deputy Col-
lector.

(L. S.)
J. Heard,
Deputy Comp
troller.

A P P E N D I X.

reigner, directly or indirectly, hath any share, or part, or interest therein. Dated at the Custom-house, London, the third day of October 1785.

WILLIAM STRONG.

Sworn before me,

E. Meller, D. Collr.

RECEIVED OF THE
CUSTOMS
OF THE REVENUE

No. IV.

A CERTIFICATE OF FREEDOM, which used to be made in Pursuance of Stat. 7. & 8. Will. 3. and other Statutes.

TO ALL TO WHOM this present writing shall come, Edward Louisa Mann, Esq. collector of his majesty's customs inwards in the port of London, sendeth greeting: WHEREAS by an act of parliament, intituled, "*An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs,*" it is, among other things, therein enacted, that no foreign-built ship should enjoy the privilege of a ship belonging to England or Ireland, although owned and manned by English (except such ships only as should be taken at sea by letters of mart or reprisal, and condemnation made in a court of admiralty as lawful prize); but all such ships should be deemed as aliens ships, and be liable to all duties that aliens ships are liable unto by virtue of another act of parliament, intituled, "*An Act for increasing and encouraging of Shipping and Navigation:*" And by two several acts passed in the 20th and 29th years of his majesty king George the Second, it is further enacted, That all prize ships or vessels which shall be legally condemned, shall to all intents and purposes whatsoever be considered as British-built ships or vessels, and be deemed and taken as such: NOW KNOW YE, That the ship or vessel formerly called *Le Marquis de Sordiz*, and now called *The Scattergood*, whercof John Marfham is at present master, French-built, of the burthen of 160 tons or thereabouts,

A P P E N D I X.

abouts, square-sterned, having two decks and two masts, was a prize taken from the French king's subjects, and legally condemned in a court of vice-admiralty held at the town of St. Jago della Vega, 23d November 1756, as by sentence of condemnation doth appear: AND John Marsham, of London, mariner, hath made oath, That the said ship or vessel is still in being, and the same which was taken and condemned, as abovesaid, by the name of Le Marquis de Sordiz, and is now called The Scattergood, and the same for which this certificate is granted; That no foreigner or alien directly or indirectly hath any part, share, or interest therein; but that he the said deponent, together with Isaac Kemp, Anth. Facer Kemp, Charles Childs, John Grant, and Thos. Gill, all his majesty's native subjects, are now the only owners; as also, that no former certificate hath been taken out for making free the said ship or vessel, by this or any other name or names whatsoever: And John Marsham did on the 18th January 1758 pay his majesty's customs for the said ship; her tackle, apparel, and furniture, being valued on oath at 310l.—Certified 20th January 1758.

IN WITNESS whereof, Benjamin Scott, Esq. deputy to Edward Louisa Mann, Esq. collector of his majesty's customs inwards in the port of London, hath hereunto set his hand, and caused the seal of the office to be affixed, dated the 4th day of October 1759, in the 33d year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth. Collector.

Certified and entered fo. 497.
in the General Register for
Prize Ships.

C. R. p. Coll^r.

(A Copy)

No.

A P P E N D I X,

No. V.

FORM of OATH which is directed by Stat. 15. Geo. 2. c. 31. to be taken of a CERTIFICATE of REGISTER being lost or mislaid, in order to have the SHIP registered *de novo*.

A. B. being master (or having the charge) of the ship or vessel called the _____, does swear (or solemnly affirm), That the said ship or vessel has been, as he verily believes, registered according to law, to qualify her to trade to, from, and in his majesty's plantations in *America*, and that he had a certificate thereof granted at the port of _____, but that the same is lost or mislaid, and that he cannot find the same, and does not know where the same is, or what is become thereof; and that the same hath not been, nor shall be, with his privity or knowledge, sold or disposed of to any person or persons whatsoever: and that he this deponent (or affirmant) and three-fourths of the mariners navigating the said ship or vessel are his majesty's *British* subjects, and the said ship or vessel does now, as he believes, belong wholly to his majesty's *British* subjects, and that no foreigner has, to his knowledge or belief, any share, property, or interest therein.

No. VI.

FORM of OATH directed by Stat. 26. Geo. 3. c. 60. to be taken, in order to making a REGISTRY, and granting a CERTIFICATE thereof.

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 present master, being [kind

A P P E N D I X.

[*kind of built, burthen, etcetera, as described in the certificate of the surveying officer*] was [*when and where built; or if prize, capture 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 parts, or in any foreign town or city, being an agent for, or partner in any house or co-partnership 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 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 capitulation, 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*] and prior to the passing of an Act in the twenty-sixth year of the reign of king George the Third (intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*), I have [*or he or they hath or have*] become a subject [*or subjects*] of Great Britain [*either by his Majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively*], or [*as the case may be*] 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 Great Britain, by his Majesty's letters patent, or by an act of parliament passed since the first day of January one thousand seven hundred and eighty-six [*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 or interest in the said ship or vessel.

A P P E N D I X.

No. VII.

FORM of a CERTIFICATE OF REGISTRY directed to be granted by Stat. 26. Geo. 3. c. 60.

IN pursuance of an act passed in the twenty-sixth year of the reign of king George the Third, 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, occupation, and residence of non-subscribing owners], is [or are] sole owner [or owners] of the ship or vessel called *The [ship's name]* of [place to which the vessel belongs], whereof [master's name] is at present master, and that the said ship or vessel was [when and where built, or captured, and date of condemnation]; and [name and employment of the surveying officer] having certified to us that the said ship or vessel is [whether British, foreign, or British-plantation built], has [number of decks] decks, and [number of masts] 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, whether above or below the main wales [number of feet and inches], her height between decks [number of feet and inches, if more than one deck, and if not, then] the depth of the hold [number of feet and inches], and admeasures [burthen] tons, that she is a [kind of vessel, and how built], has [whether any or no gallery] gallery, and [kind of head, if any] head; and the said subscribing owners having consented and agreed to the above description and admeasurement, and having caused sufficient security to be given, as is required by the said Act, the said [kind and name of the vessel] has been duly registered at the port of [name of the port].

Given under our hands and seals of office, at the Custom-house in the said port of [name of the port], this [date] day of [name of the month], in the year [words at length].

No.

A P P E N D I X.

No. VIII.

FORM of a MEDITERRANEAN PASS, as prescribed by an ORDER of COUNCIL dated 28th AUGUST 1776.

BY the commissioners for executing the office of lord high admiral of Great Britain and of Ireland, and of all his majesty's plantations

Suffer the ship

to pass with her company, passengers, goods, and merchandize, without any let, hindrance, seizure, or molestation, the said ship appearing to us by good testimony to belong to the subjects of his majesty, and to no foreigner. Given under our hands and seals at the office of admiralty.

To all persons	(L. S.)
whom these may concern.	(L. S.)
By command of their Lordships.	(L. S.)

No. IX.

FORM of a BOND to be given at any of the PORTS of GREAT BRITAIN or IRELAND before a MEDITERRANEAN PASS be delivered for any SHIP or VESSEL built in those Kingdoms, or in any of HIS MAJESTY'S Foreign GOVERNMENTS or PLANTATIONS, or for any Foreign SHIP or VESSEL made free, and qualified to have such PASS granted, as the same is prescribed by an ORDER of COUNCIL dated 28th AUGUST 1776.

KNOW ALL MEN by these presents, That we ^{are} holden and firmly bound to our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. ⁱⁿ

A P P E N D I X.

No. VII.

FORM of a CERTIFICATE OF REGISTRY directed to be granted by Stat. 26. Geo. 3. c. 60.

IN pursuance of an act passed in the twenty-sixth year of the reign of king George the Third, 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, occupation, and residence of non-subscribing owners], is [or are] sole owner [or owners] of the ship or vessel called *The [ship's name]* of [place to which the vessel belongs], whereof [master's name] is at present master, and that the said ship or vessel was [when and where built, or captured, and date of condemnation]; and [name and employment of the surveying officer] having certified to us that the said ship or vessel is [whether British, foreign, or British-plantation built], has [number of decks] decks, and [number of masts] 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, whether above or below the main wales [number of feet and inches], her height between decks [number of feet and inches, if more than one deck, and if not, then] the depth of the hold [number of feet and inches], and admeasures [burthen] tons, that she is a [kind of vessel, and how built], has [whether any or no gallery] gallery, and [kind of head, if any] head; and the said subscribing owners having consented and agreed to the above description and admeasurement, and having caused sufficient security to be given, as is required by the said Act, the said [kind and name of the vessel] has been duly registered at the port of [name of the port].

Given under our hands and seals of office, at the Custom-house in the said port of [name of the port], this [date] day of [name of the month], in the year [words at length].

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Suffer the ship

to pass with her company, passengers, goods, and merchandize, without any let, hindrance, seizure, or molestation, the said ship appearing to us by good testimony to belong to the subjects of his majesty, and to no foreigner. Given under our hands and seals at the office of admiralty.

To all persons	(L. S.)
whom these may concern.	(L. S.)
By command of their Lordships.	(L. S.)

No. IX.

FORM of a BOND to be given at any of the PORTS of GREAT BRITAIN or IRELAND before a MEDITERRANEAN PASS be delivered for any SHIP or VESSEL built in those Kingdoms, or in any of HIS MAJESTY'S Foreign GOVERNMENTS or PLANTATIONS, or for any Foreign SHIP or VESSEL made free, and qualified to have such PASS granted, as the same is prescribed by an ORDER of COUNCIL dated 28th AUGUST 1776.

KNOW ALL MEN by these presents, That we ^{are} holden and firmly bound to our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c.

A P P E N D I X.

in pounds of good and lawful money of Great Britain, to be paid to our said lord the king, his heirs, and successors: to which certain payment well and truly to be made we bind ourselves, and each of us for the whole, our and each of our heirs, executors, and administrators,* firmly by these presents. SEALED with our seals, DATED the day of , in the year of the reign of our said lord the king, and in the year of Our Lord 17

THE CONDITION of this obligation is such, That
WHEREAS the above bounden hath
received a pass, purporting to be a Mediterranean pass,
signed by the right honourable the commissioners for ex-
ecuting the office of lord high admiral of Great Britain
and so forth, for the

whereof he the said _____ is actually master, bearing date the _____
Now if the said _____, or, in case of his death or inability, the person who shall succeed him as master of the said _____ shall deliver, or cause the said pass to be delivered, into the admiralty office upon her return from her present intended voyage into the port of London, or to the proper officers of the customs at any other port of Great Britain or Ireland, where she shall come in order to her unloading: Or in case the said _____ shall not return to Great Britain or Ireland, within the term of three years from the date hereof, and during all that term shall remain, and be the property of his majesty's subjects; then if the master of the said _____ for the time being, do at the expiration of the said term of three years deliver, or cause the said pass to be delivered, unto the governor or commander in chief of one of his majesty's foreign governments or plantations, or unto one of his majesty's consuls in the Mediterranean or elsewhere, in order to its being by such governor or commander in chief, or consul, returned and transmitted to the commissioners for executing the office of lord high admiral of Great Britain: AND ALSO, if the said master for the time being do and shall, when and as often as the said _____ shall go into any foreign port or place within the reach or district of any of his majesty's consuls, deliver or cause the said pass

A P P E N D I X.

pass to be delivered unto such respective consul or consuls, or his or their deputy or deputies, upon his or their demanding the same in writing, in order to the said pass's being retained in the possession of such respective consul or consuls, or his or their deputy or deputies, until the said shall have received the usual clearances, and be ready to depart from such port or place, at which time the said pass is to be returned for the use of the said ship: Or in case the said shall happen to be taken by an enemy or pirates, or to be cast away and shipwrecked, by means whereof the said pass shall be inevitably lost or destroyed; *THEN* the above obligation to be void and of none effect. But if the said master for the time being shall neglect to deliver, or cause the said pass to be delivered into the admiralty office upon her return from her present intended voyage into the port of London, or to the proper officers of the customs at any other port of Great Britain or Ireland, where she shall come within the said term of three years, in order to her unloading; or in case the said ship shall not return to England within the said term, then unto the governor or commander in chief of one of his majesty's foreign governments or plantations, or unto one of his majesty's consuls in the Mediterranean or elsewhere before the expiration of that term: Or if the said master for the time being shall neglect or refuse to deliver the said pass to any of his majesty's consuls or their deputies abroad, upon demand in writing being made thereof in manner above-mentioned (to prove which demand and refusal or neglect a certificate thereof in writing under the hand of the respective consul or his deputy is to be deemed a sufficient evidence): Or if the said pass shall be sold, lent, or otherwise disposed of, to any person whatsoever, so as that the same shall not be actually and constantly made use of for the service of the said called the for which it is granted, so long as the master thereof for the time being shall be a British subject; *THEN* the above obligation shall be and remain in full force, virtue, and effect.

THERE is some difference in the time for delivering up passes in different trades.

A P P E N D I X.

Thus, for ships trading to the ports of France, Portugal, and Spain, on this side the Streights' mouth, the condition is for delivering up the pass within twelve months, either to the admiralty, or the custom-house officer at the port of unloading in Great-Britain or Ireland.

IN bonds given in the Plantations, the condition is for delivering up the pass within twelve months to the governor of that plantation.

For ships in the East India trade, the condition is for delivering it up at the return from the voyage, without any limitation of time.

PASSES for ships belonging to Gibraltar are different from all others in the wording, and in the ornament at the top; and they are granted by the commissioners for executing the office of lord-high-admiral at that place. The condition of the bond given on obtaining such passes, is for delivering them up to such commissioners within twelve months, or at the end of the voyage, if the ship return sooner.

I N D E X.

I N D E X.

A.

AFRICAN Company, 155. 379
Asia, Africa, and America, Trade
 with, regulated, 139. 159. 378
 Allowance on salted fish, 289
 Attorney Generals, their opinions, 9
Azores, Isles of, 64

B.

Baltic, Goods from, exported to the
 Plantations, 348
Berkeley, Sir William, his letter, 75
 Bill of Sale of a Ship, 461. 490
 Bounties in the Fishery, 289. 293.
 295
Breda, Treaty of, 206

C.

Calicoes, coarse, 149
Canaries, Produce of the, 143
 Carrying Trade, 15. 46. 143. 202,
 203
Case of Idle v. Vanneck, 262
 ————Macneal, 501
 ————Mitchell v. Torup, 265
 ————Rolleston v. Hibbert 490
 ————Scott v. D'Achez, 229. 234.
 246

Case of Scott v. Schwartz, 226
 Certificate of Registry, 456
 ————Indorsement on, 461
 ————Lost, or mislaid, 318.
 421. 463

Coasting Trade, 27. 33. 278. 385
 Colony, or Plantation, what, 68.
 123. 134

Committee of Council for Trade
 and Plantations, 342. 450.
 Contraband Trade in the Planta-
 tions, 69. 80. 99. 106. 203

Cotton Wool, 149
 Country, or place, where foreign
 ships built, 238. 244

———of foreign mariners, 245

Customs, Commissioners of, 434

———Report of, on Registering.
 436

———Ships in the
 Eastland Trade, 478

D.

Decisions of Courts, 4
 Direct importation, 140. 146. 171
 Drugs from America, 143
 ———Hungary, or Germany, 218
Dunkirk, whether part of the Ne-
therlands, 223
Dutch-Carrying Trade, 46. 143. 203
 Duty, easement in, for goods in
 British ships, 20. 85
 Duty,

I N D E X.

Duty, Aliens, for goods in foreign
ships, 25. 479
—on coasting vessels foreign-
built, 279
—on exports from the Planta-
tions, 79. 85

E.

East Frizeland ships, 242
East India Company, 149. 150
Eastland Company, 209
—Trade, ships in 477
Enumerated goods from the Plan-
tations, 60. 88. 91. 92. 95. 101.
103
—in the European
Trade, 197
European Trade regulated, 159.
197. 380
—, ships employed in,
224. 238. 244. 381
—, how navigated, 245

F.

Fir-timber from Germany, 208
Fishes encouraged, 27. 280. 285.
287. 386. 407
Fishery, Deep Sea, 404
—Herring, 282. 299. 402
—Greenland, 284. 289. 297. 394
—Newfoundland, 30. 285. 293.
387
—Americans pro-
hibited from, 300
—Pilchard, 406
—Southern Whale, 295. 394
—Whale, 291. 293
—British, 402
—The Society of the Free
Brit sh, 289
Fish foreign-caught prohibited, 285.
287
Foreign ships British-manned, 126
—Masters, their country, 245
—in British ships, 324
Forfeiture, laws of, 265
France, Commercial Treaty with,
380.

Free Ports established, 106. 373
Freight of ships regulated, 20

G.

Gascony wines, 11. 17. 23
Germany. Vide Netherlands.
Gibraltar, Morocco goods from, 378
Governors of Plantations, 60. 65. 83.
88. 90. 471
—Circular letter to, 80
Guadaloupe, whether a British Co-
lony, 130
Guernsey and Jersey, European
goods from, to the Fisheries, 102
Gum senega, 148

H.

Hamburgh Company, 214
—, sugars sent to, 92
—, Hungary wines from, 207
Holland, whether a part of Germany,
221
Honduras, whether a Colony, 126
Hovering, 103. 260
Hudson's Bay Company, 155
Hungary Wines, 207. 218
—Drugs, 218

I.

Importation, what, 255. 256
Intercourse with America restrain-
ed and prohibited, 119
—permitted, 343
—regulated, 352
—annual or-
ders in Council for, 359. 374
Iron to the Madeiras, 103
Ireland deprived of the Plantation
Trade, 66
—Plantation Trade from and
to enlarged, 92. 94. 109. 110. 112.
115
Isle of Man, 104. 405. 321.
Italian Merchants, 16
Jesuits,

I N D E X.

J.

Jesuit's Bark from America, 145

L.

Labrador Fishery on the coast of, 193

Lubec, city of, 201

Lumber to the Madeiras, 103

M.

Manufacture, what, 144. 162

Mediterranean duty, 281

—Pais, 423

Morocco, goods of, 378

N.

Names of ships, 415. 462

Naturalization, 245. 336

Navigation encouraged, 12. 13. 22.

—A&T of, A. D. 1651, 36

—12. Car. 2. 54. 58.

—139. 196. 278. 280. 302

—enforced, 72

—complained of, 57. 200

—dispensed with, 77. 200. 271

—A&T passed in Scotland, 57

Netherlands and Germany, goods

from prohibited, 202. 215

—Germany, goods from

permitted, 207

—Austrian, goods from per-

mitted, 18

—French, goods from per-

mitted, 380

New Englanders evade the Acts of

Navigation, 73

Newfoundland, whether a Colony, 123

—Supply Bill, 350

—Vide Fishery.

O.

Opinions of Law Officers, 9

Orders in Council respecting the

American Interchange, 359. 370

P.

Pais, Mediterranean, 423

Persian Goods, 248

Plantation, what, - 68. 123. 134

—Trade regulated, 36. 40.

—42. 44. 58. 81. 89. 101. 344.

—European Goods sent

to, 63. 94. 108.

—Goods to Foreign Eu-

rope forbid, 68

—Goods to Foreign Eu-

rope permitted, 93

—Bonds, 41. 61. 67. 78.

—86. 104

—Interchange with forbid,

43. 119

—with per-

mitted, - 345

—with and

the United States, 352

—Spanish and Portuguese,

produce of, 80. 106.

—143. 146

Portuguese. Vide Plantations.

Ports. Vide Usual Ports.

Prize Goods, 253

—Ships, 230. 335

—Ships made free, - 422. 464

Prohibition of Goods from the Ne-

therlands and Germany, 202. 209.

—215. 380

R.

Registering of British Ships, - 307

—313. 411. 455. 465. 501

—de novo,

318. 421. 463

—Frauds in,

411

—Defects in,

418

—intended

Amendments in, - 428

—consider-

ed by the Committee of Council

for Trade, - 433

—Report of

the

I N D E X.

the Commissioners of the Customs on,	436
Registering of British Ships, Proposals of the Commissioners for amending the Law of,	447
Prize Ships,	422. 464
Returned Goods,	188
Rice to Europe,	93. 95
Russia Trade,	197
Russia Company,	211
Rum to the Isle of Man,	104

S.

Salt from Europe,	64. 94
Scotland, Union of,	316
Seamen, foreign, employed,	323
Shipping, British, encouraged,	11
----- for the Trade with Asia, Africa, and America,	186
----- for the European Trade,	224. 244. 382
Ships, British, what,	306. 309. 321, 322, 323. 453. 472.
----- to be British-built,	309
----- how navigated,	310.
-----	323. 336.
----- to be registered,	307.
-----	313. 411. 455
----- built, sold to Foreigners,	231
-----, building large,	311
-----, Prize,	321. 334
-----, foreign, made free by Patent,	325
----- by Parliament,	326
----- by Commissioners of the Customs,	329
----- British, foreign-owned,	272.
-----	322
----- foreign, British manned,	226
----- foreign, British-owned,	307
----- foreign, country or place where built,	238. 244
----- foreign, wrecked or stranded,	418
Silk, organzine,	218
----- Persian,	147

Silk, raw,	146
----- thrown,	144
Smuggling,	413. 415
South-Sea Company,	153
Spanish Plantations,	80. 106

STATUTES.

17. <i>Edw.</i> 3. c. 19.	
Forfeitures,	263. 268
31. <i>Edw.</i> 3. ft. 2. c. 1.	
Fisheries,	28
31. <i>Edw.</i> 3. ft. 3.	
Ditto,	ibid.
35. <i>Edw.</i> 3. ft. 1.	
Ditto,	ibid.
38. <i>Edw.</i> 3. c. 8.	
Forfeitures,	263. 267
42. <i>Edw.</i> 3. c. 8.	
Ships of Gascony,	11
5. <i>Rich.</i> 2. ft. 1. c. 3.	
English Ships,	12
6. <i>Ric.</i> 2. c. 8.	
Ditto,	13
6. <i>Rich.</i> 2. c. 10, 11.	
Fisheries,	28
14. <i>Rich.</i> 2. c. 6.	
English Ships,	11
3. <i>Edw.</i> 4. c. 1.	
Foreign Ships,	14
1. <i>Hen.</i> 7. c. 8.	
Gascony Wine,	23
4. <i>Hen.</i> 7. c. 10.	
Thoulouse Wood,	11
7. <i>Hen.</i> 8. c. 2.	
Licences declared void,	19
23. <i>Hen.</i> 8. c. 7.	
To continue 5. <i>Rich.</i> 2.	20
25. <i>Hen.</i> 8. c. 4.	
Fisheries,	28
32. <i>Hen.</i> 8. c. 14.	
Price of Freight,	24
33. <i>Hen.</i> 8. c. 2.	
Fisheries,	28
2. & 3. <i>Edw.</i> 6. c. 6.	
Ditto,	25
5. & 6. <i>Edw.</i> 6. c. 18.	
Wines of France,	22
1. <i>Eliz.</i> c. 13.	
Repeals 5. <i>Rich.</i> 2. and 4. <i>Hen.</i> 7.	24
5. <i>Eliz.</i> c. 13.	
Export of Corn,	31
5. <i>Eliz.</i>	

I N D E X.

5. <i>Eliz.</i> c. 5.	1	Constitutions for the Navy, -	26. 33	Rice and Molasses,	3. & 4. <i>Ann.</i> c. 5.	97
13. <i>Eliz.</i> c. 11.				3. & 4. <i>Ann.</i> c. 8.		97
Fisheries,			31	Irish Linens,	5. <i>Ann.</i> c. 8.	92
13. <i>Eliz.</i> c. 15.				Act of Union,	6. <i>Ann.</i> c. 37.	91. 316
English Hovs,			27	Manning of British Ships,	7. <i>Ann.</i> c. 8.	323
23. <i>Eliz.</i> c. 7.				Jesuit's Bark,	9. <i>Ann.</i> c. 22.	145
Engrossing Fish,			31	South-Sea Company,	1. <i>Geo.</i> 1. ft. 2. c. 18.	153
27. <i>Eliz.</i> c. 15.				Fish bought of Foreigners,	5. <i>Geo.</i> 1. c. 18.	267
Ditto,			32	Salt Fish exported,	5. <i>Geo.</i> 1. c. 21.	289
39. <i>Eliz.</i> c. 10.				East India Company,	6. <i>Geo.</i> 1. c. 14.	151
Ditto,			ibid.	Raw Silk and Mohair,	6. <i>Geo.</i> 1. c. 15.	146
1. <i>Jac.</i> 1. c. 23.				Timber from Germany,	7. <i>Geo.</i> 1. ft. 1. c. 21.	208
Pilchard Fishery,			33	East India Company,	8. <i>Geo.</i> 1. c. 12.	152
3. <i>Jac.</i> 1. c. 12.				Coffee and other Enumerated Goods,	8. <i>Geo.</i> 1. c. 18.	101
Ditto,			ibid.	Copper Ore,	11. <i>Geo.</i> 1. c. 30.	92
12. <i>Car.</i> 2. c. 18.				Tea from Hindia,	13. <i>Geo.</i> 1. c. 5.	194
Act of Navigation, -	54. 58. 86. 139			Salt to Pennsylvania,	13. <i>Geo.</i> 1. c. 15.	94
12. <i>Car.</i> 2. c. 34.				Cochineal,	3. <i>Geo.</i> 2. c. 12.	147
Planting Tobacco,			70	Salt to New York,	3. <i>Geo.</i> 2. c. 28.	94
13. & 14. <i>Car.</i> 2. c. 11.				Rice,	4. <i>Geo.</i> 2. c. 15.	93
Act of Frauds,			85. 202. 281	Non-enumerated Goods to Ireland,	4. <i>Geo.</i> 2. c. 18.	94
15. <i>Car.</i> 2. c. 7.				Mediterranean Passes,	5. <i>Geo.</i> 2. c. 9.	427
Act of Trade,			63. 282	Hops from Plantations to Ireland,	6. <i>Geo.</i> 2. c. 33.	95
18. <i>Car.</i> 2. c. 2.				Greenland,	7. <i>Geo.</i> 2. c. 18.	290
Herring, Cod, &c.			283	Indigo,	8. <i>Geo.</i> 2. c. 19.	147
22. & 23. <i>Car.</i> 2. c. 26.				Rice,	9. <i>Geo.</i>	95
Ireland, Tobacco, -	66. 71. 86					
25. <i>Car.</i> 2. c. 6.						
Export of Fish,			283			
26. <i>Car.</i> 1. c. 7.						
Plantation Goods, &c.	69. 209. 284					
32. <i>Car.</i> 2. c. 2.						
Stock-Fish and Eggs,			283			
1. <i>Jac.</i> 2. c. 18.						
Coasting-Vessels,			279. 312			
2. <i>Will. & Mary.</i> ft. 1. c. 9.						
Thrown Silk,			144			
7. & 8. <i>Will.</i> 3. c. 22.						
Plantation Trade and Registering,			81. 313			
9. & 10. <i>Will.</i> 3. c. 26.						
African Trade,			156			
9. & 10. <i>Will.</i> 3. c. 44.						
East India Company,			150			
10. & 11. <i>Will.</i> 3. c. 6.						
Russia Company,			212			
10. & 11. <i>Will.</i> 3. c. 24.						
Fish in foreign Ships,			285			
10. & 11. <i>Will.</i> 3. c. 25.						
Newfoundland,			285			
1. <i>Ann.</i> ft. 1. c. 12.						
Hungary Wines,			207			

I N D E X.

9. Geo. 2. c. 33.	-	282	5. Geo. 3. c. 45.	-	95. 103
Mediterranean Duty,	-		American Act,	-	
9. Geo. 2. c. 35.	-	103	6. Geo. 3. c. 49.	-	106
Hovering,	-		Free Ports,	-	
12. Geo. 2. c. 30.	-	96	6. Geo. 3. c. 52.	-	104. 109
Sugars to Europe,	-		Plantation Bonds,	-	
13. Geo. 2. c. 3.	-	324	7. Geo. 3. c. 2.	-	106
Foreign Seamen,	-		Plantations, Ireland,	-	
14. Geo. 2. c. 36.	-	148	7. Geo. 3. c. 45.	-	321
Persian Silks,	-		Isle of Man,	-	321
15. Geo. 2. c. 31.	-	317	9. Geo. 3. c. 28.	-	
Registering of Ships,	-		European Goods to the Plantations,	-	108
15. Geo. 2. c. 31.	-	99	11. Geo. 3. c. 31.	-	299
Plantation Bonds,	-		British Fishery,	-	
15. Geo. 2. c. 33.	-	98	11. Geo. 3. c. 38.	-	291
Sugars to Europe,	-		Whale Fishery,	-	
17. Geo. 2. c. 36.	-	273	13. Geo. 3. c. 26.	-	322
Foreign-owned Ships,	-		British Ships,	-	
20. Geo. 2. c. 45.	-	321	13. Geo. 3. c. 72.	-	292
Prize Ships,	-		Salt Fish,	-	
22. Geo. 2. c. 45.	-	290	14. Geo. 3. c. 19.	-	119
Greenland,	-		Boston Harbour,	-	
23. Geo. 2. c. 24.	-	289	15. Geo. 3. c. 10.	-	119. 300
British Fisheries,	-		Restraining Act,	-	
23. Geo. 2. c. 31.	-	156	15. Geo. 3. c. 18.	-	121
African Trade,	-		Ditto,	-	
25. Geo. 2. c. 32.	-	149	15. Geo. 3. c. 31.	-	293
Gum Senega,	-		Newfoundland,	-	
25. Geo. 2. c. 40.	-	157	16. Geo. 3. c. 5.	-	121
African Trade,	-		Prohibitory Act,	-	
26. Geo. 2. c. 18.	-	213	16. Geo. 3. c. 47.	-	295
Turkey Company,	-		Southern Whale Fishery,	-	
28. Geo. 2. c. 14.	-	299	17. Geo. 3. c. 7.	-	122
British Fishery,	-		Letters of Marque,	-	
30. Geo. 2. c. 30.	-	ibid.	18. Geo. 3. c. 55.	-	109. 297
Ditto,	-		Ireland, Plantations,	-	
2. Geo. 3. c. 24.	-	94	18. Geo. 3. c. 56.	-	323
Salt to Nova Scotia,	-		Irish Shipping,	-	
4. Geo. 3. c. 15.	-	99	19. Geo. 3. c. 9.	-	274
American Act,	-		Organzined Silk,	-	
4. Geo. 3. c. 20.	-	157	19. Geo. 3. c. 48.	-	170
African Trade,	-		Of Manufacturing,	-	
4. Geo. 3. c. 27.	-	95	20. Geo. 3. c. 10.	-	112
Rice,	-		Ireland, Plantations,	-	
5. Geo. 3. c. 30.	-	149	20. Geo. 3. c. 45.	-	274
Coarse Calicoes,	-		Foreign own'd Ships,	-	
5. Geo. 3. c. 35.	-	149	20. Geo. 3. c. 60.	-	296
Cotton-Wool,	-		Greenland,	-	
5. Geo. 3. c. 39.	-	104	21. Geo. 3. c. 19.	-	276
Isle of Man,	-		Flax Seed,	-	
5. Geo. 3. c. 44.	-	157	21. Geo. 3. c. 27.	-	276
African Trade,	-		Jesuit's Bark,	-	21. Geo.

I N D E X.

21. <i>Geo.</i> 3. c. 62.			27. <i>Geo.</i> 3. c. 19.	
Orchilla weed, -	276		Morocco Goods, Registering, &c.	
22. <i>Geo.</i> 3. c. 19.			- - - 378. 381. 472. 473	
Greenland, -	297		27. <i>Geo.</i> 3. c. 17.	
22. <i>Geo.</i> 3. c. 78.			Free Port Act, -	373
Austrian Netherlands, -	218		28. <i>Geo.</i> 3. c. 20.	
23. <i>Geo.</i> 3. c. 1.			Southern Whale Fishery, -	399
Corn and Grain, -	276		28. <i>Geo.</i> 3. c. 5.	
23. <i>Geo.</i> 3. c. 9.			Intercourse with America, -	349
Indian-Corn, -	276		28. <i>Geo.</i> 3. c. 6.	
23. <i>Geo.</i> 3. c. 26.			Intercourse between the Colonies	
Repeal of the Prohibitory Acts, 345			and America, -	352
23. <i>Geo.</i> 3. c. 39.			28. <i>Geo.</i> 3. c. 35.	
Intercourse with America, -	346		Newfoundland Fishery, -	390
23. <i>Geo.</i> 3. c. 65.			29. <i>Geo.</i> 3. c. 53.	
African Company, -	379		Newfoundland, Greenland, and	
24. <i>Geo.</i> 3. c. 10.			Southern Whale Fishery, 389.	
Aliens' Duty, -	479		393. 402	
24. <i>Geo.</i> 3. c. 45.			Stettin, City of, -	242
Intercourse with America, -	348		Stranded Goods, -	259
25. <i>Geo.</i> 3. c. 1.			Sugars to Europe, -	95
Newfoundland Supply, -	350		Surat, whether a Colony, -	127
25. <i>Geo.</i> 3. c. 58.				
Pilchard Fishery, -	406		T.	
25. <i>Geo.</i> 3. c. 65.				
Herring Fisheries, -	402		Tangier not a Plantation, -	68
26. <i>Geo.</i> 3. c. 76.			Toulouse Wood, -	18
Newfoundland Fishery, -	387		Tobacco, Disputes concerning, 37	
26. <i>Geo.</i> 3. c. 41.			----- forbid to be planted, 70	
Greenland Fishery, -	390		Turkey Trade, -	198
26. <i>Geo.</i> 3. c. 45.			----- Company, -	213
Pilchard Fishery, -	406		Turks Islands, Trade of Salt at, 353	
26. <i>Geo.</i> 3. c. 50.				
Southern Whale Fishery, -	394		U.	
26. <i>Geo.</i> 3. c. 60.				
Registering Act, - 451 490 501			Underwriters Opinion on Ships and	
26. <i>Geo.</i> 3. c. 81.			Registering, -	417. 451
Herring Fishery, -	403		Usual Ports, 141, 142, 145, 146, 147,	
27. <i>Geo.</i> 3. c. 7.			148, 149, 171, 182	
Intercourse with America, -	349		W.	
27. <i>Geo.</i> 3. c. 10.				
Herring Fishery, -	406		Westmore Fishery,	
27. <i>Geo.</i> 3. c. 13.				
Consolidation Act, -	380. 487			

T H E E N D.

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